

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014

**CODE OF THE
TOWN OF GEDDES
NEW YORK, v17**

Updated 05-01-2014

**OFFICIALS
OF THE
TOWN OF GEDDES**

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2014

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Town Clerk

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Town Attorney

PAUL CURTIN, ESQ.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / HISTORY

HISTORY

An Act to divide the Town of Salina and erect the Town of Geddes in the County of Onondaga was passed by the State Legislature on March 18, 1848. It has an estimated population of 18,000 people, and an approximate size of 12.7 miles. It is located on the west side of Onondaga Lake. The main route of travel is State Route 690. It is divided into three communities, Lakeland, Solvay and Westvale. In 1793, a school teacher from Pennsylvania named James Geddes came to this location and a year later started his salt works industry. After 1820, when the Erie Canal connected Buffalo, Geddes and Rome, industries grew and so did the local population. In 1881, the now famous Solvay Process was built, and was responsible for much of the area's growth. In the late 1800's, Geddes was mainly a farming community supported by close to 60 farms. Residents enjoyed Onondaga Lake for its many resorts, and received boat transportation from the Geddes pier to and from these resorts. The government of New York selected Geddes as the permanent site of the New York State Fair, now known as the Empire Expo Center.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PREFACE

PREFACE

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

Contents of Code

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

Division of Code

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

Grouping of Legislation and Arrangement of Chapters

The various items of legislation are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more items of legislation dealing with the same subject, they are combined into a single chapter. Thus, for example, all legislation pertaining to the regulation of streets and sidewalks may be found in Part II, in the chapter entitled "Streets and Sidewalks." In such chapters, use of article or part designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the alphabetical arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more items of legislation have been combined by the editor into a single chapter, titles of the several articles are listed beneath the chapter title in order to facilitate the location of the individual item of legislation.

Reserved Chapters

Space has been provided in the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters entitled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 53 on page 5301, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within that chapter. Thus, the first section of Chapter 6 is § 6-1, while the fourth section of Chapter 53 is § 53-4. New sections can then be added between existing sections using a decimal system. Thus, for example, if two sections were to be added between §§ 53-4 and 53-5, they would be numbered as §§ 53-4.1 and 53-4.2.

Scheme

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

Histories

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

Codification Amendments and Revisions

New chapters adopted during the process of codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions," where the legislation adopting this Code

and making such revisions will appear after final enactment. Sections amended or revised are indicated in the text by means of Editor's Notes referring to the chapter cited above.

General References; Editor's Notes

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

Appendix

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

Disposition List

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

Index

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

Instructions for Amending the Code

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

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

§ 65-5.1).

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

Adding new articles. New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of "A" articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g., if the new Article XVIA contains six sections and existing Article XVI ends with § 166-30 and Article XVII begins with § 166-31, Article XVIA should contain §§ 166-30.1 through 166-30.6). **NOTE:** In chapters where articles appear on the Table of Contents, simply add new articles to the end of the chapter since they are not arranged by subject matter.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

Acknowledgment

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION**

**PART I
ADMINISTRATIVE LEGISLATION**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS**

Chapter 1, GENERAL PROVISIONS

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE
I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001]**

ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE
I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-1. Legislative
intent; amendment of Code.**

§ 1-1. Legislative intent; amendment of Code.

A. By Local Law No. 1 of the year 1974 the Town Board of the Town of Geddes (hereinafter "Town Board") compiled all then-existing local laws, ordinances and resolutions of the Town of Geddes (hereinafter "town") into the "Code of the Town of Geddes." That Code of the Town of Geddes, as same has been amended from time to time, shall be referred to herein as the "Old Code." It is the intent of the Town Board, by the enactment of this local law, to reformat, amend, replace and supersede the Old Code with a new document also entitled

"Code of the Town of Geddes."

- B. In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the Old Code is hereby reformatted, amended, replaced and superseded, in its entirety, with the document entitled "Code of the Town of Geddes," a copy of which is attached hereto and shall be referred to herein as the "Code."

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-2. Continuation of existing provisions.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution and all such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Board of the Town of Geddes, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code; provided, however, to the extent that the Code amends, changes or modifies any earlier existing local laws, ordinances or resolutions or part thereof, including but not limited to the Old Code, these amendments, changes and modifications shall become effective on the effective date of this local law. Any provisions of former local laws and ordinances, including, without limitation, the Old Code, as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, subject to the provisions of § 1-4 below.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-3. Repeal of enactments not included in Code.

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

Subject to the provisions of § 1-4 below, all local laws and ordinances of general and permanent nature of the Town of Geddes, including but not limited to the Old Code, in force on the date of the adoption of this local law and not contained in the Code being enacted by this local law, or

recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this local law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-4. Enactments saved from repeal; matters not affected.

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

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Geddes 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 provisions of the Town of Geddes (including but not limited to the Old Code) or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Town of Geddes.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Geddes.
- E. Any local law or ordinance of the Town of Geddes providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Geddes or any portion thereof.
- F. Any local law or ordinance of the Town of Geddes appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Geddes or other instruments or evidence of the town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map of the Town of Geddes.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for municipal employees or relating to any service award program for volunteers.
- M. All personnel policies.
- N. The fee for any license, permit or service obtained from the town, as such fee has been established by local law or ordinance or portion of a local law or ordinance, but such fee amount may hereafter be changed as provided in the Code.
- O. Any local law establishing or extending any moratorium, including but not limited to the moratorium described in Local Law No. 2 of the year 2000.
- P. Any local law enacted subsequent to July 11, 2000.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-5. Severability.

§ 1-5. Severability.

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

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-6. Copy of Code on file.

§ 1-6. Copy of Code on file.

A copy of the Code has been filed in the office of the Town Clerk of the Town of Geddes 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 enacted, such copy shall be certified by the Town Clerk of the Town of Geddes by impressing thereon the Seal of the Town of Geddes, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-7. Amendments to Code.

§ 1-7. Amendments to Code.

Any and all future additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions now set forth in the Code or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and included in the Code as amendments and supplements thereto.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-8. Code book to be kept up-to-date.

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

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

until such changes, local laws or resolutions are printed as supplements to said Code book at which time such supplements shall be inserted therein.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-9. Sale of Code book; supplementation.

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

Copies of the Code may be purchased from the Town Clerk of the Town of Geddes, or authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-10. Penalties for tampering with Code.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Board, changes or amends, by additions or deletions, any part or portion of the Code or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Geddes to be misrepresented thereby shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-11. Changes in previously adopted or enacted legislation; new provisions.

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

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Geddes, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In

addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be enacted as a part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

- B. The amendments and/or additions as set forth in Schedule A,^{EN(1)} attached hereto and made a part hereof, are intended to describe the amendments, additions and changes being made to the Old Code and shall become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code).

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-12. Incorporation of provisions into Code.

§ 1-12. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Geddes, 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.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 1-19-2001 by L.L. No. 1-2001] / § 1-13. When effective.

§ 1-13. When effective.

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

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, DEFENSE AND INDEMNIFICATION

Chapter 10, DEFENSE AND INDEMNIFICATION

[HISTORY: Adopted by the Town Board of the Town of Geddes at time of adoption of Code

(see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 10, DEFENSE AND INDEMNIFICATION
/ § 10-1. Purpose.**

§ 10-1. Purpose.

The purpose of this chapter is to provide for the defense and indemnification of town employees pursuant to § 18 of the Public Officers Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 10, DEFENSE AND INDEMNIFICATION
/ § 10-2. Definitions.**

§ 10-2. Definitions.

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

TOWN EMPLOYEE -- Any commissioner, member of a public board or commission, trustees, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program or any other person holding a position by election, appointment or employment in the service of the Town of Geddes, whether or not compensated. The term "town employee" shall not include an independent contractor. The term "town employee" shall include a former employee, the employee's estate or a judicially appointed personal representative.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 10, DEFENSE AND INDEMNIFICATION
/ § 10-3. Defense.**

§ 10-3. Defense.

The Town of Geddes hereby confers the benefits of § 18 of the Public Officers Law upon its employees, subject to the limitations set forth in said § 18.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 10, DEFENSE AND INDEMNIFICATION
/ § 10-4. Indemnification.**

§ 10-4. Indemnification.

The Town of Geddes hereby agrees to be held liable for the costs incurred under § 18 of the Public Officers Law, subject to the limitations set forth in said § 18.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS**

Chapter 15, ETHICS

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of
Ethics [Adopted 7-12-1982]**

ARTICLE I, Code of Ethics [Adopted 7-12-1982]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of
Ethics [Adopted 7-12-1982] / § 15-1. Purpose.**

§ 15-1. Purpose.

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of
Ethics [Adopted 7-12-1982] / § 15-2. Definitions. EN**

§ 15-2. Definitions. EN(2)

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

INTEREST -- A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this chapter, a municipal officer or employee shall be deemed to have an "interest" in the contract of:

- A. His spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves.
- B. A firm, partnership or association of which such officer or employee is a member or employee.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled directly or indirectly by such officer or employee.

MUNICIPAL OFFICER OR EMPLOYEE -- An officer or employee of the Town of Geddes, 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 Fire Chief or Assistant Fire Chief.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of
Ethics [Adopted 7-12-1982] / § 15-3. Standards of conduct.**

§ 15-3. Standards of conduct.

Every officer or employee of the Town of Geddes shall be subject to and abide by the following standards of conduct:

- A. Gifts. He shall not directly or indirectly solicit any gifts having a value of \$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.^{EN(3)}

- 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 Town Board and any officer or employee of the Town of Geddes, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- F. Investments in conflict with official duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his 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 Town of Geddes 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.

Ethics [Adopted 7-12-1982] / § 15-4. Filing of claims against town.

§ 15-4. Filing of claims against town.

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 Town of Geddes, 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.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of Ethics [Adopted 7-12-1982] / § 15-5. Distribution of Code of Ethics. EN

§ 15-5. Distribution of Code of Ethics. EN(4)

The Supervisor of the Town of Geddes shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Town of Geddes within 15 days after the effective date of this article. 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 provisions thereof.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE I, Code of Ethics [Adopted 7-12-1982] / § 15-6. Penalties.

§ 15-6. Penalties.

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 may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE II, Board of Ethics [Adopted 3-12-1996]

ARTICLE II, Board of Ethics [Adopted 3-12-1996]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 15, ETHICS / ARTICLE II, Board of
Ethics [Adopted 3-12-1996] / § 15-7. Establishment. EN**

§ 15-7. Establishment. EN(5)

The Town Board of the Town of Geddes establishes a Board of Ethics pursuant Article 18 of § 808 of the General Municipal Law, which states that at least three persons be appointed by the Town Board, the majority of whom are not officers or employees of the town, but one of whom is an officer or employee of the town.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 28, MUTUAL AID**

Chapter 28, MUTUAL AID

[HISTORY: Adopted by the Town Board of the Town of Geddes 2-8-2005 by L.L. No. 2-2005. EN(6) Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 28, MUTUAL AID / § 28-1. Purpose.**

§ 28-1. Purpose.

It is the purpose of this chapter to facilitate the process by which the Town of Geddes may grant or request police assistance to or from another municipality as authorized by New York General Municipal Law § 209-m.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 28, MUTUAL AID / § 28-2.
Authorization to request assistance.**

§ 28-2. Authorization to request assistance.

The Chief of Police of the Town of Geddes, whenever he deems it to be in the public interest, may request the chief executive officer, or chief of police if so designated by local law, of any other local government to detail, assign or make available for duty and use in the Town of Geddes any part of the forces, equipment and/or supplies of its police department or police force.

The Chief of Police will notify the Town Supervisor or, in his/her absence, the Deputy Supervisor of said request for assistance as expeditiously as possible.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 28, MUTUAL AID / § 28-3.
Authorization to provide assistance.**

§ 28-3. Authorization to provide assistance.

The Chief of Police of the Town of Geddes is hereby authorized to provide the assistance of the regularly employed law enforcement officers, equipment and/or supplies of the Town of Geddes Police Department to any municipality requesting such assistance from the Town of Geddes, to aid in coping with situations where there exists in such other municipality a need for the service of additional law enforcement officers, equipment and/or supplies to protect the health, life and property of such other municipality, its inhabitants and the visitors thereto. The Chief of Police will notify the Town Supervisor or, in his/her absence, the Deputy Supervisor of said provision of assistance as expeditiously as possible.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 28, MUTUAL AID / § 28-4. Statutory
authority.**

§ 28-4. Statutory authority.

The request for assistance and assistance offered by the Town of Geddes shall be in accordance with the provisions of § 209-m of the General Municipal Law of the State of New York. Any term not otherwise defined herein shall have the same meaning and effect as set forth in said state law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 31, PLANNING BOARD**

Chapter 31, PLANNING BOARD

[HISTORY: Adopted by the Town Board of the Town of Geddes 3-8-2011 by L.L. No. 1-2011. Amendments noted where applicable.]

GENERAL REFERENCES

**Town Board -- See Ch. 50.
Subdivision of land -- See Ch. 190.
Zoning -- See Ch. 240.**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 31, PLANNING BOARD / § 31-1.
Membership.**

§ 31-1. Membership.

In accordance with Article 16 of the Town Law of the State of New York, the Town of Geddes Planning Board, referred to herein as the "Planning Board," shall consist of five members appointed by the Town Board to serve terms in accordance with the Town Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 31, PLANNING BOARD / § 31-2.
Powers and duties.**

§ 31-2. Powers and duties.

The Planning Board shall have all powers and duties as delegated and assigned by the Code of the Town of Geddes; such powers and duties shall include acting as an advisory board at the behest of the Town Board on any matter that the Town Board shall designate. This advisory function shall be exercised on a case-by-case basis.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND
ASSESSMENT**

Chapter 33, RECEIVER OF TAXES AND ASSESSMENT

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

GENERAL REFERENCES

Taxation -- See Ch. 200.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND**

ASSESSMENT / ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN]

ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN(7)]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND ASSESSMENT / ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN] / § 33-1. Purpose.

§ 33-1. Purpose.

The purpose of this article is to abolish the office of Receiver of Taxes and Assessments in the Town of Geddes, New York.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND ASSESSMENT / ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN] / § 33-2. Abolition; transfer of powers and duties.

§ 33-2. Abolition; transfer of powers and duties.

The office of Receiver of Taxes and Assessments in the Town of Geddes, New York, is hereby abolished. The powers and duties of that office shall be transferred to the office of the Town Clerk of the Town of Geddes, New York.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND ASSESSMENT / ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN] / § 33-3. Mandatory referendum.

§ 33-3. Mandatory referendum.

This article shall be subject to a mandatory referendum.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 33, RECEIVER OF TAXES AND

ASSESSMENT / ARTICLE I, Abolishment of Position [Adopted 12-14-2010 by L.L. No. 5-2010EN] / § 33-4. Authority and statutory provisions superseded.

§ 33-4. Authority and statutory provisions superseded.

This article is hereby enacted under the authority of the Municipal Home Rule Law, §§ 10, 22 and 23. The Town hereby expressly states its intention that this article shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law §§ 20, 30 and 37.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS

Chapter 35, RECORDS

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

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-1. Purpose.

§ 35-1. Purpose.

The purpose of this article is to set forth the methods and procedures governing the availability, location and nature of those records of the Town of Geddes subject to the provisions of Article 6 of the Public Officers Law, known as the "Freedom of Information Law."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public
Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art.
I)] / § 35-2. Designation of records access officer.**

§ 35-2. Designation of records access officer.

- A. The Town Board is responsible for ensuring compliance with the regulations herein and designates the following person as records access officer: the Town Clerk, Town of Geddes, New York.
- B. The records access officer is responsible for ensuring appropriate agency response to public request for access to records pursuant to the provisions of the Freedom of Information Law. 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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public
Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art.
I)] / § 35-3. Location of records.**

§ 35-3. Location of records.

Records shall be available for public inspection and copying at the town offices, Town of Geddes, New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public
Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art.
I)] / § 35-4. Hours for public inspection.**

§ 35-4. Hours for public inspection.

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

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I

ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-5. Requests for access to records.

§ 35-5. Requests 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 business days of the 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 records sought within five business days of receipt of a request, he or she shall furnish a written acknowledgment of the receipt of the request and a statement of the approximate date when the request will be granted or denied.
- E. If the request is granted, the records access officer shall provide a copy of such record to the person requesting the same upon payment of the fee prescribed therefor and shall certify to the correctness of such copy if requested to do so. Alternatively, the records access officer shall certify that he or she does not have possession of such record or that such record cannot be located after a diligent search.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-6. Fees.

§ 35-6. Fees.

The fee for copies of records shall be \$0.25 per page not exceeding nine inches by 14 inches in size or the maximum fee permitted under the Freedom of Information Law as it may from time to time be amended. The fees for other types of copies or transcripts and for certificates shall be the reasonable amounts as the records access officer shall establish. The fees charged by the records access officer for records shall not exceed the actual cost of reproducing such record, except when a different fee is otherwise prescribed by law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-7. Grant or denial of access to records.

§ 35-7. Grant or denial of access to records.

The records access officer shall, in accordance with this article, make available for public inspection and copying all records, except that the records access officer may deny access to records or portions thereof which are not subject to disclosure in accordance with the provisions of Subdivision 2 of § 87 of the Public Officers Law or any other applicable state or federal statute or unless the public access officer determines that to grant the application would adversely affect the public interest.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE I, Public Access [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-8. Denial of access to records; appeals.

§ 35-8. Denial of access to records; appeals.

- A. Denial of access to records shall be in writing.
- B. Within 30 days after the written denial of access, any person denied access to a record may appeal, in writing, such denial to the Mayor, who shall hear such appeals under the Freedom of Information Law.
- C. Within 10 business days of the receipt of such appeal, the Mayor shall explain, in writing, to the person requesting the record the reasons for further denial or provide access to the record sought.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE II, Retention and Disposition [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

ARTICLE II, Retention and Disposition [Adopted at time of adoption of Code (see

Ch. 1, General Provisions, Art. I]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE II, Retention and Disposition [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 35-9. Adoption of schedule.

§ 35-9. Adoption of schedule.

In accordance with Article 57-A of the Arts and Cultural Affairs Law:

- A. Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention period prescribed therein.
- B. Only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established time periods.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE III, Processing of Correspondence [Adopted 4-9-1996 by L.L. No. 2-1996]

ARTICLE III, Processing of Correspondence [Adopted 4-9-1996 by L.L. No. 2-1996]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE III, Processing of Correspondence [Adopted 4-9-1996 by L.L. No. 2-1996] / § 35-10. Findings; purpose.

§ 35-10. Findings; purpose.

The Town Board is desirous to fulfill its duties and responsibilities to the people of the town in accordance with its oath of office and the statutory powers and duties. To do so this Board needs to be informed of issues, problems, actions, transactions and other matters affecting the town and its government and operations. Further, this Board is also desirous of keeping the people of the town informed, as an informed citizen is in a better position to contribute to effective town government administration. In order for the Town Board members to discharge their obligations

responsibly and effectively, it is necessary that any information, letter, memorandum or other printed or written communication commonly referred to or described as correspondence relating to town government operations and functions be made available to members of this Town Board. Further, to facilitate the Town Clerk and Records Management Officer in maintaining town records and to assure access to town records under the Freedom of Information Law, it is necessary to record all such correspondence addressed to the Town Board and the town.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE III, Processing of Correspondence [Adopted 4-9-1996 by L.L. No. 2-1996] / § 35-11. Processing.

§ 35-11. Processing.

All necessary correspondence addressed to the Town of Geddes, the Town Board or the Town Board members, including the Supervisor, in their official or representative capacity, shall be processed in the following manner:

- A. Such correspondence shall be routed to the Town Clerk's office, opened, date stamped and logged in an incoming letter register and have a file number assigned.
- B. A copy of such correspondence shall be routed to each of the councilpersons and the original routed to the Supervisor within two days of its arrival in the Town Clerk's office.
- C. Correspondence addressed to any member of the Town Board by name with his/her official title shall be processed in the manner specified in Subsections A and B above.
- D. Correspondence addressed to any Town Board member (including the Supervisor) by name and stamped, marked or printed as personal or confidential shall be logged as provided in Subsection A and shall be routed to the addressee without being opened, as soon as reasonably possible.
- E. Correspondence addressed to a specific town department, such as Highway Department, Assessor, Receiver of Taxes, etc., shall not be opened but shall be logged and routed to such departments as soon as reasonably possible.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 35, RECORDS / ARTICLE III, Processing of Correspondence [Adopted 4-9-1996 by L.L. No. 2-1996] / § 35-12. Correspondence not covered.

§ 35-12. Correspondence not covered.

Correspondence intended for filing in the Town Clerk's office shall not be covered by this article.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 38, RESIDENCY REQUIREMENTS**

Chapter 38, RESIDENCY REQUIREMENTS

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 38, RESIDENCY REQUIREMENTS /
ARTICLE I, Town Comptroller [Adopted 5-8-2012 by L.L. No. 2-2012]**

ARTICLE I, Town Comptroller [Adopted 5-8-2012 by L.L. No. 2-2012]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 38, RESIDENCY REQUIREMENTS /
ARTICLE I, Town Comptroller [Adopted 5-8-2012 by L.L. No. 2-2012] / § 38-1.
Legislative authority.**

§ 38-1. Legislative authority.

This article is enacted pursuant to the authority contained in § 10-1(i), and to the extent this article supersedes the Town Law, § 10-1(ii)d(3) of the New York Municipal Home Rule Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 38, RESIDENCY REQUIREMENTS /
ARTICLE I, Town Comptroller [Adopted 5-8-2012 by L.L. No. 2-2012] / § 38-2.
Waiver of requirements.**

§ 38-2. Waiver of requirements.

No person appointed to the office of Town Comptroller or who is performing the functions of

Town Comptroller shall be required to be an elector or resident of the Town of Geddes at the time of appointment or throughout the term of office, provided that such person is, at the time of appointment and throughout the term of office, a resident of Onondaga County or an adjoining county.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 38, RESIDENCY REQUIREMENTS / ARTICLE I, Town Comptroller [Adopted 5-8-2012 by L.L. No. 2-2012] / § 38-3. Supersession of state law.

§ 38-3. Supersession of state law.

This article is intended to supersede, in part, the provisions of §§ 3 and 30 of the New York Public Officers Law and § 23 of the New York Town Law, and any other rule, policy or regulation of the Town of Geddes which would otherwise require a Town Comptroller to be a resident and an elector of the Town of Geddes at the time of appointment and during the term of office.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 45, SMOKING

Chapter 45, SMOKING

[HISTORY: Adopted by the Town Board of the Town of Geddes 3-13-1990. Amendments noted where applicable.]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I ADMINISTRATIVE LEGISLATION / Chapter 45, SMOKING / § 45-1. Smoking prohibited. EN

§ 45-1. Smoking prohibited. EN⁽⁸⁾

The Town Board authorizes that in compliance with Public Health Law § 1399-o, effective April 1, 1990, the following no smoking rules will be enforced in all town buildings in the Town of Geddes:

- A. No smoking in the workplace.
- B. The no smoking prohibition includes meeting areas and hallways.

C. Smoking will be banned in the courtroom when court is in session, day or night.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 50, TOWN BOARD**

Chapter 50, TOWN BOARD

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 50, TOWN BOARD / ARTICLE I,
Meetings [Adopted 4-8-1974 as Ch. 15, Art. I, of the 1974 Code]**

ARTICLE I, Meetings [Adopted 4-8-1974 as Ch. 15, Art. I, of the 1974 Code]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 50, TOWN BOARD / ARTICLE I,
Meetings [Adopted 4-8-1974 as Ch. 15, Art. I, of the 1974 Code] / § 50-1. Time of
regular meeting. EN**

§ 50-1. Time of regular meeting. EN⁽⁹⁾

There shall be a regular meeting of the Town Board on the second Tuesday of every month at 6:00 p.m. at the Town Hall.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART I
ADMINISTRATIVE LEGISLATION / Chapter 50, TOWN BOARD / ARTICLE I,
Meetings [Adopted 4-8-1974 as Ch. 15, Art. I, of the 1974 Code] / § 50-2.
Department and bureau heads to attend.**

§ 50-2. Department and bureau heads to attend.

The head of each department and bureau of the town government shall be in attendance at said meeting.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION**

**PART II
GENERAL LEGISLATION**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES**

Chapter 55, ALCOHOLIC BEVERAGES

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)]**

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)] / § 55-1. Purpose.**

§ 55-1. Purpose.

The purpose of this article is to regulate consumption of alcoholic beverages on public lands and the possession of open containers of alcoholic beverages on public lands in the Town of Geddes, County of Onondaga, State of New York. This article is being enacted to preserve the public peace and good order and to exercise the police power of the town to promote the general health, safety and welfare of the residents of the town by enacting this article since it is the finding of the Town Board that the possession of open containers of alcoholic beverages by persons on public

lands, streets and sidewalks and the consumption of alcoholic beverages on public lands should be regulated, except under controlled conditions, as such is detrimental to the health, safety and welfare of the residents of the Town of Geddes, in that such possession and consumption contributes to the development of unsanitary conditions and the creation of a nuisance. It is further the intent of the Town Board that this article shall not be considered as a traffic regulation insofar as it relates to motor vehicles or to the operation thereof.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)] / § 55-2. Definitions.**

§ 55-2. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them. All other words shall have the meanings normally ascribed to them in regular usage.

ALCOHOLIC BEVERAGES -- Includes all beverages as defined in the Alcoholic Beverage Control Law of the State of New York.

CONTAINER -- Any bottle, can, glass, cup or similar receptacle suitable for or used to hold any liquid.

INTENT TO CONSUME -- Includes any of the following:

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstances evidencing an intent to ultimately consume on any public lands.

OPEN CONTAINER -- The condition of the container, containing liquor, beer, wine or other alcoholic beverage, as the same is defined by the Alcoholic Beverage Control Law of the State of New York, whose cap, cork, top or other closing device has been removed or the condition of a can which is punctured or pulled open so as to break its seal.

POSSESSION -- Exercise of dominion over the container or beverage.

PUBLIC LANDS -- Any highway, street, sidewalk, park, playground, parking lot, shopping center, school grounds, lands owned by the town or in possession of said town or any other place to which the public has access, including a public parking lot or driveway for one or more

vehicles used by patrons of any commercial, industrial or professional place of business, but excluding those public places wherein the use and consumption of alcoholic beverages is authorized pursuant to a license or permit issued under the Alcoholic Beverage Control Law of the State of New York.

TOWN -- The Town of Geddes, New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)] / § 55-3. Open containers on public lands prohibited.**

§ 55-3. Open containers on public lands prohibited.

No person shall possess, carry or transport any alcoholic beverage with the intent to consume the same in any open or unsealed container on any public lands as defined as aforesaid or in any motor vehicle as defined by the Vehicle and Traffic Law of the State of New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)] / § 55-4. Special permission.**

§ 55-4. Special permission.

The provisions of this article shall not apply in the event of a picnic or community gathering for which special permission has been granted by the Town Board of the Town of Geddes or its duly designated agent.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 55, ALCOHOLIC BEVERAGES / ARTICLE I,
Public Consumption [Adopted at time of adoption of Code (see Ch. 1, General
Provisions, Art. I)] / § 55-5. Penalties for offenses.**

§ 55-5. Penalties for offenses.

Each violation of this article shall be punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both, for each offense. A conviction of an offense against this

article shall constitute a violation. Each such violation shall constitute a separate violation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS**

Chapter 60, AMUSEMENTS

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 19 of the 1974 Code. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-1. License required.
EN**

§ 60-1. License required. EN⁽¹⁰⁾

No person, class of persons, firms, corporations or partnerships shall exhibit, manage, conduct or operate any circuses, theaters, motion-picture houses, shows or other exhibitions or performances, the keeping of billiard or pool rooms, bowling alleys, shooting galleries, skating rinks, amusement parks or other similar places of amusement, for money or for hire, or the giving of exhibitions, performances or entertainment in any place in the Town of Geddes without first being granted a license by the Town Clerk of Geddes, New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-2. Application for
license.**

§ 60-2. Application for license.

A license may be granted only on a written application on forms prescribed by the Town Board and duly filed with the Town Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-3. License fee.**

§ 60-3. License fee.

There shall be a license fee for such a license, and the amount of the fee for such a license shall

be fixed by the Town Board at such an amount as it deems proper, not exceeding the sum of \$150 for a single exhibition or single operation of a race track, park, hall or rink, and such a license shall be signed and issued by the Town Clerk upon payment to him of the fee prescribed by the Town Board subject to the provisions of § 137 of the Town Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-4. Information
required on license.**

§ 60-4. Information required on license.

The license shall specify the object and length of time for which it has been granted.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-5. Duty of licensee
to keep order.**

§ 60-5. Duty of licensee to keep order.

It shall be the duty of the person or corporation so licensed to keep good order in and about his place of exhibition or amusement, and for that purpose to keep, at his own expense, a sufficient police force.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-6. Events exempt
from license.**

§ 60-6. Events exempt from license.

No license shall be required, however, for dancing parties or balls given for purposes of charity, nor for musical parties, concerts, theatrical performances or exhibitions of painting or statuary given or made by citizens of the town, who shall not make such exhibitions, musical parties, concerts or theatrical representations for a business or profession.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-7. Exit regulations.**

§ 60-7. Exit regulations.

It shall be the duty of the person, firm or corporation giving any exhibit hereinbefore described, in any hall, theater or assembly hall, to provide necessary exits therefrom, to keep such exits unlocked during performances and the passageway and stairs from such exits to the streets adequately lighted.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-8. Parades.**

§ 60-8. Parades.

Any person, firm or corporation exhibiting a circus or similar show within the limits of the town and paying a license fee therefor, as provided in this chapter, shall not be required to pay a fee for any permit for any parade upon the streets of the town incidental to such circus or similar show, but in case such circus or similar show is not exhibited within the limits of the town and no license fee paid therefor, then the person, firm or corporation obtaining such permit for a parade upon the streets of the town shall pay, upon obtaining same, a fee therefor, the amount of which shall be fixed by the Town Board, and such permit shall be signed and issued by the Town Clerk and signed by the Supervisor.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-9. Lewd or indecent
activities prohibited. EN**

§ 60-9. Lewd or indecent activities prohibited. EN(11)

No person shall, within the town, appear in a state of nudity or in dress not belonging to his or her sex or in indecent or lewd dress, or shall make an indecent exposure of his or her person, or shall sell or offer for sale any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent or immoral play or other representation, or shall exhibit or cause or permit to be exhibited on any billboard, window or in any public place in the town any lewd or obscene picture or illustrated paper containing a lewd or obscene picture or printed matter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-10. Exhibitions
prohibited.**

§ 60-10. Exhibitions prohibited.

- A. No undertaker or other person shall exhibit any coffin, shroud or other habiliment of the grace upon any sidewalk, in any show window or other place where the same may be observed by anyone passing upon any street or sidewalk of the town.
- B. No undertaker or other person or persons shall exhibit, in any public place or in any building where the same shall be visible from any street, square or alley, the remains of any person who has died by accident or otherwise.^{EN(12)}

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 60, AMUSEMENTS / § 60-11. Penalties for
offenses. EN**

§ 60-11. Penalties for offenses.^{EN(13)}

Any person found guilty of a violation of the provisions of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS**

Chapter 65, ANIMALS

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)]**

ARTICLE I, Dog Control [Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control**

[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-1. Title.

§ 65-1. Title.

This article shall be known as "An Ordinance of the Town of Geddes Regulating the Running at Large of Dogs in the Town of Geddes, New York."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-2. Purpose.
[Amended 1-9-2001 by L.L. No. 1-2001]**

§ 65-2. Purpose. [Amended 1-9-2001 by L.L. No. 1-2001]

It is the purpose of this article to protect the health, safety and general welfare of the inhabitants of the Town of Geddes by regulating the running at large of dogs in the Town of Geddes, New York, so as to afford consistent protection with the rights and privileges of owners of dogs and the rights and privileges of other citizens in the Town of Geddes, New York. This article is enacted pursuant to the authority conferred upon the Town Board pursuant to § 130, Subdivision 9, of the Town Law and Article 7 of the Agriculture and Markets Law of the State of New York and other applicable statutes pertaining thereto; and this article is for the purpose of regulating the running at large of dogs, whether licensed or not.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-3. Definitions.
[Amended 12-14-2010 by L.L. No. 4-2010]**

§ 65-3. Definitions. [Amended 12-14-2010 by L.L. No. 4-2010]

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

ADOPTION -- The delivery to any natural person 18 years of age or older, for the limited purpose of harboring a pet, of any dog seized or surrendered.

DOG -- Any member of the species *canis familiaris*.

DOG CONTROL OFFICER -- Any individual appointed by the Town of Geddes to assist in the enforcement of this chapter and Article 7 of the New York State Agriculture and Markets Law or

any authorized officer, agent or employee of an incorporated humane society or similar incorporated dog protective association under contract with the Town of Geddes to assist in the enforcement of this chapter.

GUIDE DOG -- Any dog that is trained to aid a person who is blind and is actually used for such purpose, or any dog owned by a recognized guide dog training center located with the state during the period such dog is being trained or bred for such purpose.

HARBOR -- To provide food or shelter to any dog.

IDENTIFICATION TAG -- A tag which sets forth an official identification number, as required by the provisions of this chapter.

IDENTIFIED DOG -- Any dog carrying an identification tag, as provided in Article 7 of the Agriculture and Markets Law.

OFFICIAL IDENTIFICATION NUMBER -- A series or combination of letters, numbers or symbols approved and furnished by the Town of Geddes.

OWNER -- Any person who keeps, harbors, or is in lawful custody, of any dog.

OWNER OF RECORD -- The person in whose name any dog was last licensed pursuant to this chapter and/or Article 7 of the Agriculture and Markets Law, except that if any license is issued on application of a person under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

PERSON -- Any individual, corporation, partnership, association or other organized group of persons, municipality, or other legal entity.

RECOGNIZED REGISTRY ASSOCIATION -- Any registry association that operates on a nationwide basis, issues numbered registration certificates and keeps such records as maybe required by the Commissioner of the Department of Agriculture and Markets.

RUNNING AT LARGE -- Running, walking or otherwise roaming about without being restricted or restrained by a leash, cord, or chain not longer than six feet in length held by a person of sufficient size, strength and ability to effectively control and restrict the movements of such dog.

TOWN CLERK -- Town of Geddes Town Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-4. Regulation of**

dogs.

§ 65-4. Regulation of dogs.

- A. It shall be unlawful for any dog to run at large, whether licensed or not, within the Town of Geddes, except as follows:
- (1) Within the owner's property, where said dog must be contained within property limits by an adequate fence or chain attached to a fixed object.
 - (2) Upon premises owned or controlled by any other person, firm or corporation with the consent of such person, firm or corporation.
- B. It shall be unlawful for any dog to be allowed to enter any town park whether at large or on a leash, carried or crated, except dogs used for training puppies with approval of the Geddes Town Board or dogs used as guide dogs or dogs used to assist the handicapped. [Added 7-6-1999 by L.L. No. 5-1999]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-5. Noisy dogs.
[Added 11-5-1986; amended 4-13-2004 by L.L. No. 2-2004]**

§ 65-5. Noisy dogs. [Added 11-5-1986; amended 4-13-2004 by L.L. No. 2-2004]

No owner shall keep or permit a dog to bark, whine or make other noise for a period of at least 15 minutes within any one-hour period, which barking, whining or other noise can be heard from a location outside of the owner's premises and would disturb a reasonable person of normal sensitivities.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-6. Penalties for
offenses; redemption of impounded dogs.**

§ 65-6. Penalties for offenses; redemption of impounded dogs.

- A. The fact that a dog runs at large within the Town of Geddes shall be presumptive evidence that the owner permitted the dog to run at large in violation of this article. Except as otherwise provided in § 119 of the Agriculture and Markets Law, any violation of this article

shall be an offense punishable, upon conviction thereof, for the first offense by a fine of not more than \$25, for the second offense by a fine of not more than \$50, and for the third violation and all subsequent violations occurring within six months of the first violation by a fine of not more than \$100. [Amended 10-2-1984; 1-9-2001 by L.L. No. 1-2001]

- B. In addition to the payment of any penalty prescribed by this article, the owner or persons having custody of the seized dog shall pay a redemption fee equal to a daily boarding fee as set forth in the most current agreement between the Town of Geddes and the Society for the Prevention of Cruelty to Animals or other necessary agency or individual (see § 65-9, below). [Amended 2-11-1980]
- C. The owner of any dog impounded by the Dog Control Office shall be entitled to redeem such dog within five business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof that the dog is licensed and identified and pays a fee, the amount of which shall be established by resolution of the Town Board and is on file with the Town Clerk. Such fees may thereafter be amended by resolution of the Town Board. [Added 12-14-2010 by L.L. No. 4-2010]
- D. All impoundment fees shall be the property of the Town of Geddes and shall be collected by the Town Clerk. The Town Clerk shall remit all impoundment fees to the Town Supervisor on or before the fifth day of each month. [Added 12-14-2010 by L.L. No. 4-2010]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE I, Dog Control
[Adopted 8-18-1975 (Ch. 26, Art. I, of the 1974 Code)] / § 65-7. Powers of peace
officer, Dog Control Officer and designated representatives. [Amended 2-9-1976;
1-9-2001 by L.L. No. 1-2001]**

**§ 65-7. Powers of peace officer, Dog Control Officer and designated representatives.
[Amended 2-9-1976; 1-9-2001 by L.L. No. 1-2001]**

- A. Peace officers, Dog Control Officers or designated representatives of the Commissioner of Agriculture and Markets duly authorized to act as such within the Town of Geddes shall seize any dog running at large in violation of this article or Article 7 of the Agriculture and Markets Law. No such Dog Control Officer, peace officer or authorized representative shall be required to enforce the provisions of this article, except upon a written complaint signed by the person making the complaint and filed with the Dog Control Officers, peace officer or authorized representative, or unless he personally witnesses the violation. All dogs seized pursuant to these regulations, both identified and unidentified, shall be held, impounded, redeemed and adopted or euthanized pursuant to the provisions of § 118 of the Agriculture

and Markets Law of the State of New York. Promptly upon seizure of any identified dog, notice shall be given by such peace officer, Dog Control Officer or representative to the owner or person having custody of the dog personally or by certified mail, return receipt requested, and in accordance with § 118 of the Agriculture and Markets Law. All seized dogs shall be kept in a kennel or building or place provided by the Town of Geddes and shall be properly fed and cared for.

- B. The Dog Control Officer, peace officer or other designated representative, having reasonable cause to believe a violation of this article has been committed in his presence, shall issue and serve an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by this Board, by resolution, in accordance with the provisions of Article 7 of the Agriculture and Markets Law and this article. An answer to such appearance ticket shall be made within five days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance on the return date at the time and court specified in the appearance ticket, in accordance with the provisions of Article 7 of the Agriculture and Markets Law and this article. The form of an appearance ticket will be as follows. (The appearance ticket is on file and available in the Town Clerk's office.)

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010]**

**ARTICLE II, Licensing and Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art.
II, of the 1974 Code); amended 12-14-2010 by L.L. No. 4-2010]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-8. Licensing of dogs; rabies
vaccination requirement. EN**

§ 65-8. Licensing of dogs; rabies vaccination requirement. EN⁽¹⁴⁾

A. Licensing of dogs.

- (1) The owner of any dog reaching the age of four months shall immediately make application to the Town Clerk for a dog license pursuant to Article 7 of the Agriculture

and Markets Law.

- (2) The application shall state the sex, age, breed, color, official identification number, and identification marks, if any, of the dog and the name, address and telephone number of the owner.
- (3) The application shall be accompanied by a fee, as set forth in § 65-9 of this article, and a certificate of rabies vaccination or statement in lieu thereof, as required by Article 7 of the Agriculture and Markets Law. An application for a spayed or neutered dog shall be accompanied by either a certificate, executed by a licensed veterinarian, or an affidavit by the owner, verifying that such dog has been spayed or neutered; a certificate or affidavit shall not be required if the same is already on file with the Town Clerk. In lieu thereof, an owner may submit a statement, certified by a licensed veterinarian, verifying that an examination of the dog reveals that spaying or neutering will endanger the life of the dog. In such a circumstance, the license fee for the dog shall be the same as for a spayed or neutered dog, as set forth in Article 7 of the Agriculture and Markets Law.
- (4) Upon validation by the Town Clerk, the application shall become the license for the dog described therein. Once an application has been validated, no refund shall be forthcoming.
- (5) The Town Clerk shall provide a copy of the license to the owner. If the application or renewal for a dog license is made by mail and a validated copy is requested, the owner shall provide a stamped, self-addressed envelope for that purpose.
- (6) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license.
- (7) Licenses shall be renewed on an annual basis during the original licensing month.

B. Relocation/relicensing.

- (1) The owner of any dog that is currently licensed in another municipality must, upon harboring such dog in the Town of Geddes, obtain a Town of Geddes dog license within 30 days.
- (2) Any dog adopted from an animal shelter must be licensed in the Town of Geddes prior to being released from such shelter.

C. Vaccination. The Town Clerk shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that the administration of vaccine will endanger the life of the dog. The Town Clerk shall make, or cause to be made from such statement, a record of such information and shall file such record with a copy of

the license.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-9. License fees.**

§ 65-9. License fees.

- A. A fee schedule shall be established by resolution of the Town Board of the Town of Geddes and shall be on file with the Town Clerk. Such fee schedule may thereafter be amended by resolution of the Town Board. Fees shall be charged and collected prior to the issuance of a license.
- B. There shall be no fee for any license issued for any guide dog. Each copy of any license for such dogs shall be conspicuously marked "Guide Dog" by the Town Clerk.
- C. In addition to any other applicable fee, any person applying for a dog license for a dog identified as unlicensed during an enumeration conducted pursuant to Article 7 of the Agriculture and Markets Law shall pay a fee as established by resolution of the Town Board and on file with the Town Clerk. Such additional fee, the amount of which may be amended from time to time by resolution of the Town Board, shall be the property of the Town of Geddes and shall be used to pay the expenses incurred by the Town of Geddes in conducting the enumeration. In the event the additional fees collected exceed the expenses incurred by the Town of Geddes in conducting an enumeration in any year, such excess fees may be used by the Town of Geddes for any other lawful purpose.
- D. On or before the fifth day of each month, the Town Clerk shall remit all license fees to the Town Supervisor.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-10. Identification of dogs.**

§ 65-10. Identification of dogs.

- A. Each dog licensed pursuant to this article shall be assigned, at the time of first licensing, a permanent official identification number which shall be featured on an identification tag affixed to a collar on the dog at all times, provided that a dog participating in a dog show

shall be exempt from this requirement during such participation.

- B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes in ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.
- C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Should an official Town of Geddes dog identification tag be lost, a new tag will be issued at a fee prescribed by the Town Board of the Town of Geddes.
- D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the one to which that number is assigned.
- E. The size, shape and form of imprints on identification tags shall be prescribed by resolution of the Town Board of Town of Geddes. Any tag bearing an imprint other than that prescribed shall not constitute valid identification for purposes of this section.
- F. Fees received pursuant to this section shall be remitted by the Town Clerk to the Town Supervisor by the fifth day of each month.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-11. Change of ownership; lost or
stolen dog.**

§ 65-11. Change of ownership; lost or stolen dog.

- A. In the event of a change in the ownership of any dog which has been assigned an official identification number by the Town Clerk, or a change in the address of the owner of record of any such dog, the owner of record shall, within 10 days of such change, file with the Town Clerk a written report of such change. Such owner or record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.
- B. If any dog which has been assigned an official identification number is lost or stolen, the owner of record shall, within 10 days of the discovery of such loss or theft, file with the Town Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article or Article 7 of the Agriculture and Markets Law committed after such report is filed.
- C. In the case of a dog's death, the owner of record shall so notify the Town Clerk, in writing,

either prior to renewal of licensure or upon the time of such renewal as set forth in § 65-8 of this local law. Failure to so notify the Town Clerk shall constitute a violation and the owner of record shall be held liable.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-12. Seizure of dogs; redemption
periods; impoundment fees.**

§ 65-12. Seizure of dogs; redemption periods; impoundment fees.

- A. The owner of any dog impounded by the Town of Geddes shall be entitled to redeem that dog within five business days, excluding the day the dog is impounded, from the day the dog is impounded, provided that the owner produces proof the dog is licensed and identified and pays a fee as established, and amended from time-to-time, by resolution of the Town Board and on file with the Town Clerk.
- B. A fee of \$3 for each additional twenty-four-hour period shall be assessed for the second, third, and each subsequent impoundment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-13. Violations.**

§ 65-13. Violations.

- A. It shall be a violation, punishable as provided in Subsection B of this section, for:
 - (1) Any owner to fail to license any dog;
 - (2) Any owner to fail to have any dog identified as required by this article;
 - (3) Any person to knowingly affix to any dog any false or improper identification tag or special identification tag;
 - (4) Any person to furnish any false or misleading information on any form required to be filed with the Town pursuant to the provisions of this article or the rules and regulations promulgated thereto; and

- (5) Any owner of a dog to fail to notify the Town of any change of ownership or address as required by § 65-11 of this article.
- B. The Town of Geddes may elect to either prosecute such action as a violation under the Penal Law or commence an action to recover a civil penalty. A violation of this article shall be punishable, subject to such an election, either:
 - (1) Where prosecuted pursuant to the Penal Law, by a fine of not more than \$25, except that:
 - (a) Where the person was found to have violated this article within the preceding five years, the fine may not be more than \$50, and
 - (b) Where the person was found to have committed two or more violations within the preceding five years, it shall be punishable by a fine of not more than \$100 or imprisonment for not more than 15 days, or both; or
 - (2) Where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than \$25, except that
 - (a) Where the person was found to have violated this article within the preceding five years, the civil penalty may not be more than \$50, and
 - (b) Where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may not be more than \$100.
- C. Each day that failure continues shall constitute a separate violation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 65, ANIMALS / ARTICLE II, Licensing and
Identification of Dogs [Adopted 9-25-1979 (Ch. 26, Art. II, of the 1974 Code);
amended 12-14-2010 by L.L. No. 4-2010] / § 65-14. Severability.**

§ 65-14. Severability.

Each separate provision of this chapter shall be deemed independent of all other provisions herein, and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 75, BICYCLES**

Chapter 75, BICYCLES

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 21 of the 1974 Code. Amendments noted where applicable.]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 75, BICYCLES / § 75-1. Safety equipment required. EN

§ 75-1. Safety equipment required. EN⁽¹⁵⁾

Safety equipment required for riding shall be pursuant to Article 34 of the Vehicle and Traffic Law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 75, BICYCLES / § 75-2. Carrying passengers and riding on sidewalks prohibited.

§ 75-2. Carrying passengers and riding on sidewalks prohibited.

The operator of a bicycle shall not carry another person thereon, nor shall such operator or driver operate such bicycle on any sidewalk in the Town of Geddes.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 75, BICYCLES / § 75-3. Riding of bicycles permitted on right-hand side of road only.

§ 75-3. Riding of bicycles permitted on right-hand side of road only.

The operator or driver of a bicycle shall operate the same only on the extreme right-hand side of any street, alley or public highway of the town.^{EN(16)}

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 75, BICYCLES / § 75-4. Penalties for offenses.

§ 75-4. Penalties for offenses.

Violation of any of the provisions of this chapter shall be punishable by the suspension and prohibition of the use of such bicycle upon any of the streets, alleys or public highways of the Town of Geddes for a period not to exceed 30 days.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 80, BINGO**

Chapter 80, BINGO

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 22 of the 1974 Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Games of chance -- See Ch. 120.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 80, BINGO / § 80-1. Authorization.**

§ 80-1. Authorization.

It shall be lawful for any authorized organization, as defined in § 476 of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Geddes, subject to the provisions of this chapter, Article 14-H of the General Municipal Law and Article 19-B of the Executive Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 80, BINGO / § 80-2. Sunday games.**

§ 80-2. Sunday games.

Any game of bingo conducted within the town pursuant to a license issued in accordance with this chapter and the applicable statutes may be operated by authorized organizations on the first day of the week, commonly known as "Sunday."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS**

Chapter 85, BRUSH, GRASS AND WEEDS

[HISTORY: Adopted by the Town Board of the Town of Geddes 7-15-1986 by L.L. No. 1-1986 (Ch. 23 of the 1974 Code). Amendments noted where applicable.]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-1. Definitions.

§ 85-1. Definitions.

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

PERSON -- Includes one or more natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-2. Excessive growth prohibited.

§ 85-2. Excessive growth prohibited.

It shall be unlawful for any person having control or ownership of any type of tenancy of occupied or unoccupied land or any part thereof in the Town of Geddes, New York, to permit or maintain on any such land or portion thereof or along the street, road, sidewalk or alley adjacent to the land or portion thereof between the property line and the pavement of the road or middle of an alley any growth of weeds, grass or other rank vegetation to a greater height than 12 inches on the average or any accumulation of dead weeds, grass or brush.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-3. Duty of owner or occupant.

§ 85-3. Duty of owner or occupant.

It shall be the duty of every owner, occupant, tenant or person in control of land or any portion thereof in the Town of Geddes, New York, to cut and remove or cause to be cut or removed from said property all weeds, grass or other rank, poisonous or noxious vegetation as often as may be

necessary to comply with the provisions of § 85-2.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-4.
Inspection; removal by town.**

§ 85-4. Inspection; removal by town.

Within 15 days after the certified mailing of written notice, the Town Code Enforcement Officer shall make an inspection and shall cause weeds, grass and other vegetation on such lands or portion thereof to be cut and removed. The actual cost of cutting and removal, plus a twenty-percent fee for inspection and administrative overhead therewith, shall be certified by the Town Code Enforcement Officer to the Town Clerk and shall thereupon become and be a lien upon the property on which said weeds, grass and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes levied and assessed against such property.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-5.
Exceptions. EN**

§ 85-5. Exceptions. EN(17)

The provisions of this chapter shall not apply to land being used for agrarian purposes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 85, BRUSH, GRASS AND WEEDS / § 85-6.
Penalties for offenses. EN**

§ 85-6. Penalties for offenses. EN(18)

Any such person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the removing of weeds, grass and other vegetation shall, upon conviction thereof, be subject to a fine of not less than \$250, imprisonment for not to exceed 15 days, or both, and each day on which such violation continues shall constitute a separate offense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION**

Chapter 90, BUILDING CONSTRUCTION AND FIRE PREVENTION

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

GENERAL REFERENCES

Unsafe buildings -- See Ch. 95.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE I, General Provisions**

ARTICLE I, General Provisions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE I, General Provisions / § 90-1. Title.**

§ 90-1. Title.

This chapter shall be known as and may be cited as the "Building Construction and Fire Prevention Law for the Town of Geddes, New York."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE I, General Provisions / § 90-2. Adoption of standards.**

§ 90-2. Adoption of standards.

The construction of all new and the alteration of all existing structures shall be performed in accordance with the New York State Uniform Fire Prevention and Building Code, as published

and as subsequently amended.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE I, General Provisions / § 90-3. Building permit required.**

§ 90-3. Building permit required.

No construction shall be started nor any building or structure or the alteration of any existing building started without first obtaining a building permit. Nothing in this chapter shall require a permit to perform ordinary maintenance or to make internal rearrangements which do not involve structural change or changes in water and drainage lines or installation of new electric circuits.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration**

ARTICLE II, Enforcement; Administration

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-4. Application for
permit.**

§ 90-4. Application for permit.

- A. No person, firm or corporation shall commence the erection, construction, enlargement, alteration or improvement or cause the same to be done without first obtaining a separate building permit from the Code Enforcement Officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs or rearrangement which are not structural in nature.
- B. Application for a building permit shall be made to the Code Enforcement Officer on forms provided by him and shall contain the following information:
 - (1) A certificate of compliance with Chapter 240, Zoning.
 - (2) The name and address of the owner.

- (3) A brief description of the work.
 - (4) An approximate evaluation of the work to be performed.
 - (5) A statement that the applicant consents to permit the Code Enforcement Officer, any building inspector and any officer or employee of the Building Department to enter upon the premises without a search warrant during reasonable hours.
 - (6) Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations.
- C. The application shall be made by the owner or by the agent, architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application; and the affidavit shall contain a statement that the owner authorizes the applicant to consent to permit the Code Enforcement Officer, any building inspector and any officer or employee of the Building Department to enter upon the premises during reasonable hours.
- D. Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site; the nature and character of the work to be performed and the materials to be incorporated; distance from lot lines; the relationship of structures on adjoining property; widths and grades of adjoining streets, walks and alleys; and, where required by the Code Enforcement Officer, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by §§ 7202 and 7302, as amended, of Articles 145 and 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer. The Code Enforcement Officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.
- E. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Officer and approval received from the Code Enforcement Officer prior to the commencement of such change of work.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-5. Building
permit fees.**

§ 90-5. Building permit fees.

Building permit fees shall be as set by resolution of the Board of Trustees from time to time.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-6. Approval or
disapproval of applications.**

§ 90-6. Approval or disapproval of applications.

- A. The Code Enforcement Officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within 30 days from the date of submission of the application.
- B. If the permit is refused as in the case of noncompliance with the existing laws, the Code Enforcement Officer shall return the forms and specifications together with a formal statement of specific objections. The applicant may then resubmit the plans after having satisfied the objections. A resubmitted application shall entail no additional fee.
- C. Upon approval of the application, both sets of plans and specifications shall be endorsed with the word "approved." One set of such approved plans and specifications shall be retained in the files of the Building Department and the other set shall be returned to the applicant, together with the building permit, and shall be kept by the applicant at the building site open to inspection by the Code Enforcement Officer or his authorized representative at all reasonable times.
- D. Issuance of a permit or certificate of occupancy shall not constitute assurance to anyone as to the method or quality of construction and is made for municipal purposes and information only.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-7. Performance
of work under building permit.**

§ 90-7. Performance of work under building permit.

- A. A building permit shall be effective to authorize the commencing of work for a period of six

months after the date of its issuance. For good cause, the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each. All work shall conform to the approved application, plans and specifications and shall be in accordance with applicable building laws, ordinances, rules and regulations.

- B. Building permits shall be prominently displayed on the job site at all times during the progress of the work so as to be readily seen from adjacent thoroughfares.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-8. Revocation of
building permit.**

§ 90-8. Revocation of building permit.

The Code Enforcement Officer may revoke a building permit theretofore issued in the following instances:

- A. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;
- B. Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or
- C. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Code Enforcement Officer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-9. Stop orders.**

§ 90-9. Stop orders.

Wherever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances, rules or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities, except as may be necessary to protect life and property, until the stop order has been rescinded.

Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and 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 same to him by certified mail at the address set forth in the application for permission for the construction of such building.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-10. Right of
entry.**

§ 90-10. Right of entry.

The Code Enforcement Officer and/or building inspectors, upon showing of proper credentials and in the discharge of their duties, shall have reasonable opportunity to inspect the work for which a permit is requested.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-11. Certificate of
occupancy.**

§ 90-11. Certificate of occupancy.

- A. No building requiring a building permit for construction shall be used or occupied in whole or in part until a proper certificate shall have been issued by the Code Enforcement Officer. A certificate of occupancy will be issued on newly constructed buildings only, and a certificate of compliance will be issued for alterations and additions on existing buildings.
- B. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Code Enforcement Officer.
- C. The owner or his agent shall make application for a certificate of occupancy. If this work is of such extent as to require the services of a registered architect or professional engineer as set forth under § 90-4D, this application shall be accompanied by an affidavit of the registered architect or professional engineer who supervised the construction of the work or of the superintendent of construction who supervised the work and who, by reason of his experience, is qualified to superintend the work for which the certificate of occupancy is sought, that the structure has been erected in accordance with approved plans and as erected

complies with the law governing building construction.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-12. Inspection
prior to issuance of certificate of occupancy.**

§ 90-12. Inspection prior to issuance of certificate of occupancy.

Before issuing a certificate of occupancy, the Code Enforcement Officer shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair or change the use or nature of occupancy, and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the Building Department a record of all such examinations and inspections together with a record of findings of violations of the law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE
PREVENTION / ARTICLE II, Enforcement; Administration / § 90-13. Issuance of
certificate of occupancy.**

§ 90-13. Issuance of certificate of occupancy.

- A. When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable building laws, rules, ordinances and regulations, and also in accordance with the application, plans and specifications filed in connection with the issuance of the building permit, the Code Enforcement Officer shall issue a certificate of occupancy upon the form provided by him. If it is found that the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed in conformity with the building permit and in conformity with the applicable building regulations.
- B. A certificate of occupancy shall be issued, where appropriate, within 30 days after written application therefor is made.
- C. The certificate of occupancy shall certify that the work has been completed and that the proposed use and occupancy is in conformity with the provisions of the applicable building laws, ordinances, rules and regulations and shall specify the use or uses and the extent thereof

to which the building or structure or its several parts may be put.

- D. Issuance of a permit or certificate of occupancy shall not constitute assurance to anyone as to the method or quality of construction and is made for municipal purposes and information only.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE PREVENTION / ARTICLE II, Enforcement; Administration / § 90-14. Temporary certificate of occupancy.

§ 90-14. Temporary certificate of occupancy.

Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided that such portion or portions as have been completed may be occupied safely without endangering life or the public health or welfare. A temporary certificate of occupancy shall remain effective for a period not exceeding three months from its date of issuance. For good cause, the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE PREVENTION / ARTICLE II, Enforcement; Administration / § 90-15. Abatement of violation.

§ 90-15. Abatement of violation.

Appropriate action and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal acts, conduct or business in or about any premises and these remedies shall be in addition to penalties otherwise prescribed by law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 90, BUILDING CONSTRUCTION AND FIRE PREVENTION / ARTICLE II, Enforcement; Administration / § 90-16. Penalties for offenses.

§ 90-16. Penalties for offenses.

In accordance with § 382, Subdivision 2, of the Executive Law of the State of New York:

- A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of law or ordinance or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, or to construct, alter, use or occupy any building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.
- B. Any person who shall fail to comply with a lawful written order of the Code Enforcement Officer, with reasonable time fixed for compliance therewith; and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents; or any other person taking part or assisting in the construction of use of any building who shall knowingly violate any of the applicable provisions of law or any lawful order, notice directive, permit or certificate of the Code Enforcement Officer made thereunder shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than one year, or both. Each day that a violation continues shall be deemed a separate offense.
- C. Except as provided otherwise by law, such a violation shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person found guilty of such an offense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE**

Chapter 95, BUILDINGS, UNSAFE

[HISTORY: Adopted by the Town Board of the Town of Geddes 12-14-1993 by L.L. No. 5-1993 (Ch. 25 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 90.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-1. General
provisions.**

§ 95-1. General provisions.

All buildings or structures which are structurally unsafe, unsanitary or are not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which, in relation to their existing condition or use, constitute a hazard to safety or health by reason of their incomplete construction, inadequate repair or maintenance, dilapidation, obsolescence, unrestricted access or abandonment are, severally, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation, including such measures as may reasonably be necessary to prevent unauthorized access thereto by children and other persons, or by demolition in accordance with the procedures of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-2.
Examination and record.**

§ 95-2. Examination and record.

The Code Enforcement Officer shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-3. Service of
notice.**

§ 95-3. Service of notice.

- A. Whenever the Code Enforcement Officer shall find any building or structure or portion thereof to be an unsafe building, as described in this chapter, he or she shall serve written notice on the owner of said building or on one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same, which said notice shall contain:
- (1) A description of the premises.
 - (2) A statement of the particulars in which said building is unsafe.
 - (3) An order requiring the same to be made safe and secure by repair or otherwise or to be demolished and removed within a specified period of time, and including a date within

which said work shall be commenced.

- (4) Notice of the time and place for a hearing on the matter before the Town Board.
- (5) A statement that, in the event that said building is determined by the Town Board to be unsafe, said building shall be made safe and secure by such repairs or other measures which may reasonably be necessary or shall be demolished and removed by the Town of Geddes, and all costs and expenses incurred by the town shall be charged against the owner of said building or assessed against the land on which said building is located.

B. The aforementioned notice shall be served in the manner provided in § 95-8, and a copy of said notice shall be filed in the Onondaga County Clerk's office in accordance with the applicable provisions of law. In the event that said notice is served by registered mail, a copy of the same shall also be posted upon a conspicuous portion of the building.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-4. Immediate
vacation; posting of notice.**

§ 95-4. Immediate vacation; posting of notice.

If the Code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the Code Enforcement Officer. The Code Enforcement Officer shall cause to be posted at each entrance to such building a notice reading as follows: "This building is unsafe, and its use or occupancy has been prohibited by the Building Department." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without permission of the Code Enforcement Officer or for any person to enter the building except for the purpose of making the repairs or of demolishing the same.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-5. Hearing;
performance of work by town.**

§ 95-5. Hearing; performance of work by town.

In the event that the owner of the unsafe building or, as the case may be, the owner's executor,

legal representative, agent, lessee or other person having a vested or contingent interest in the same fails, neglects or refuses to comply with the written notice, the Town Board shall conduct the hearing at the time and place specified in said notice. At said hearing, the Town Board shall receive testimony and other such evidence as may be presented to it on the issue of whether the building in question is unsafe as described in § 95-1 of this chapter. The owner or other person having interest in the building shall be given full opportunity to be heard at said hearing. If, after hearing the evidence, the Town Board determines that said building is unsafe, it may direct the Code Enforcement Officer to cause said building to be made safe and secure by such repairs or other measures which may reasonably be necessary or to be demolished and removed and the land upon which it is located cleared of debris and all excavations filled and graded.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-6.
Emergencies.**

§ 95-6. Emergencies.

In cases of emergency which, in the opinion of the Code Enforcement Officer, involve imminent danger to human life or health, the Code Enforcement Officer shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, he or she may at once enter such structure or land on which it stands or abutting land or structure, with such assistance and at such cost as may be necessary. He or she may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-7. Costs and
expenses.**

§ 95-7. Costs and expenses.

All costs and expenses incurred by the town under §§ 95-5 and 95-6 shall be initially paid out of town funds and shall be charged to and reimbursed by the owner of the premises involved and collected in the manner provided by law or shall be assessed against the land on which said building is or was located. The remedies set forth in this chapter, including the collection of costs and expenses as provided for in this section, shall be in addition to the remedies and penalties set forth in §§ 95-9 and 95-10 of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-8. Service of
orders.**

§ 95-8. Service of orders.

- A. The service of orders for the correction of violations of this chapter shall be made upon the owner of the building or structure or on one of the owner's executors, legal representatives, agents, lessees, other persons having a vested or contingent interest in the same as shown by the records of the Receiver of Taxes of the Town of Geddes or of the Onondaga County Clerk or other person responsible for the conditions, either by delivering a copy of the same to such person or by sending a copy of the same by certified or registered mail to the owner's last known post office address and delivering the same to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. In the case of joint or multiple ownership, service of said notice on one owner shall be deemed sufficient.
- B. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof, except where the orders require the making of additions to or changes in the premises themselves such as would immediately become real estate and be the property of the owner of the premises. In such cases, the order shall affect the owner and not the occupant, unless it is otherwise agreed between the owner and the occupant.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-9. Abatement
of violations.**

§ 95-9. Abatement of violations.

Appropriate actions and proceedings may be taken by law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to the remedies set forth elsewhere in this chapter and the penalties prescribed in § 95-10 or those prescribed in the State Uniform Fire Prevention and Building Code.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 95, BUILDINGS, UNSAFE / § 95-10. Penalties
for offenses.**

§ 95-10. Penalties for offenses.

Any person who shall fail to comply with a written order as herein provided within the time fixed for compliance therewith shall be deemed to have committed a misdemeanor, punishable by a fine of not more than \$1,000 or imprisonment not exceeding one year in jail, or both. Each day that an offense continues beyond the date fixed in the order to remedy the violation shall be deemed a separate offense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES**

Chapter 100, DEVELOPER FEES

[HISTORY: Adopted by the Town Board of the Town of Geddes 7-11-2000 by L.L. No. 3-2000. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 90.

Subdivision of land -- See Ch. 190.

Zoning -- See Ch. 240.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-1. Legislative
findings, intent and purpose.**

§ 100-1. Legislative findings, intent and purpose.

A. The Town Board hereby finds and determines that in order to protect and safeguard the Town of Geddes, its residents and their property with respect to certain land developments and projects within the town, all buildings and related improvements, highways, drainage facilities, utilities and parks within developments and projects should be designed and constructed in a competent and worker-like manner and in conformity with all applicable governmental codes, rules and regulations and should be dedicated and conveyed to the town in a legally sufficient manner. To assure the forgoing, it is essential for the town to have and

to retain competent engineers and other professional consultants to review and approve plans and designs, make recommendations to the Town Board, Planning Board and Zoning Board of Appeals, inspect the construction of highways, drainage facilities, utilities and parks to be dedicated to the town and to recommend their acceptance by the town and for the town to have and retain competent attorneys to assist in the application review process, to negotiate and draft appropriate agreements with developers, to obtain, review and approve necessary securities, insurance and other legal documents, to review proposed deeds and easements to assure that the town is obtaining good and proper title, to render legal opinions and to generally represent the town with respect to any legal disputes and issues which may arise regarding such developments and projects. The cost of retaining such competent engineers, attorneys and other professional consultants should ultimately be paid by those who seek to benefit from such developments and projects, including variances, site plan approvals, special permits or uses rather than by general town funds which are raised by assessments and/or general taxes paid by taxpayers of the town.

- B. This chapter is enacted by local law under the authority of Municipal Home Rule Law § 10, Subdivision 1(ii)(a)(12) and (d)(3), and the Municipal Home Rule Law § 22. To the extent that Town Law §§ 274-a, 276 and 277 do not authorize the Town Board, Town Planning Board and/or the Town Zoning Board of Appeals to require reimbursement to the town of legal, engineering and other professional consulting fees, expenses and costs incurred by the town in connection with the review and consideration of applications for subdivision approval, for the approval, amendment or extension of a district and for the review and consideration of applications for variances, site plans and special permits under the Code, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, to the extent that such statutes do not authorize the deferral or withholding of such consideration, review, acceptance or approvals in the event that such fees, expenses and costs are not paid to the town, it is the expressed intent of the Town Board to change and supersede Town Law §§ 274-a, 276 and 277 to empower the town to require such payment as a condition to such consideration, review, acceptance or approvals.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-2. Definitions.**

§ 100-2. Definitions.

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

APPLICANT -- Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Geddes Planning Board, Zoning Board of Appeals or Town Board to approve a subdivision and/or to grant an application for a variance, a

site plan or a special permit.

CODE -- The Code of the Town of Geddes.

COMPTROLLER -- The Comptroller of the Town of Geddes.

DEVELOPER -- Any person, firm, partnership, association, corporation, company or organization of any kind who or which constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development with the intent to convey or dedicate the same to the town, or requests the town to create a district, or requests the town to approve an application for a subdivision, variance, site plan or special permit.

DEVELOPMENT -- Includes but is not limited to a subdivision or a district.

DISTRICT -- Any special district under the Town Law.

DRAINAGE FACILITY -- All surface water drainage facilities, including but not limited to detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches and any easements through or over which such facilities may be constructed or installed within or in conjunction with a development.

HIGHWAY -- Includes but is not limited to a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass or underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks within or in conjunction with a development.

PARK -- An area of land located within a development which is open to the public and devoted to active or passive recreation.

PLANNING BOARD -- The Planning Board of the Town of Geddes.

SUBDIVISION -- A subdivision of land as defined in the Code.

TOWN -- The Town of Geddes.

TOWN BOARD -- The Town Board of the Town of Geddes.

UTILITIES -- All water, sanitary sewer, gas, electric, telephone and cable television facilities and any easements through or over which said facilities may be constructed or installed within or in conjunction with a development.

ZONING BOARD OF APPEALS -- The Zoning Board of Appeals of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-3.**

Reimbursement of fees and expenses.

§ 100-3. Reimbursement of fees and expenses.

A. Subdivisions.

- (1) An applicant for approval of a subdivision in the town shall reimburse the town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the town in connection with the review and consideration of such subdivision.
- (2) A developer who constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with an approved subdivision in the town shall reimburse the town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the town in connection with the inspection and acceptance by the town of such highways, drainage facilities, utilities and parks and the dedication of the same to the town.

B. Districts.

- (1) An applicant for approval, amendment or extension of a district in the town, outside the Village of Solvay, shall reimburse the town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the town in connection with the review and consideration of said application.
- (2) A developer who constructs or proposes to construct one or more buildings, highways, drainage facilities, utilities or parks within or in conjunction with a district in the town shall reimburse the town for all reasonable and necessary legal, engineering and other professional consulting fees and expenses incurred by the town in connection with the granting of any building permit and in connection with the inspection and acceptance by the town of such highways, drainage facilities, utilities and parks and the dedication of the same to the town.

- C. Variances, site plans and special permits. An applicant or developer making application for the approval of a site plan or a special permit or seeking approval of an application for a variance shall reimburse the town for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the town in connection with the review and consideration of such application.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-4. Deposit of
funds; payment of fees.**

§ 100-4. Deposit of funds; payment of fees.

- A. Simultaneously with the filing of an application for approval of a development or the filing of an application for approval of a variance, a site plan or a special permit, the applicant or developer, as the case may be, shall deposit with the Town Comptroller a sum of money, as determined in accordance with the schedule of deposits fixed by the Town Board pursuant to this chapter, which sum shall be used to pay the reasonable and necessary fees, expenses and costs incurred by the town for legal, engineering and other professional consulting services as described in this chapter.
- B. Upon receipt of such sums, the Comptroller shall cause such moneys to be placed in a separate non-interest-bearing account in the name of the town and shall keep or cause to be kept a separate record of all such monies so deposited and the name of the applicant or developer and the application and development for which such sums were deposited.
- C. Upon receipt and approval by the Comptroller of itemized vouchers from an attorney, engineer and/or other professional consultant for services rendered on behalf of the town pertaining to the development or the application for a variance, site plan or special permit, the Comptroller shall cause such vouchers to be paid out of the moneys so deposited and shall debit the separate record of such account accordingly. The Comptroller shall furnish copies of such vouchers to the applicant or developer immediately after such vouchers are submitted to the town.
- D. The Comptroller, on behalf of the town and subject to audit and review by the Town Board, shall review and audit all such vouchers and shall approve payment of only such legal, engineering and/or other professional consulting fees, expenses and costs as are reasonable in amount and necessarily incurred by the town in connection with the review, consideration and approval of developments, the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments, and the review, consideration and approval of applications for variances, site plans and special permits. In this regard the town may take into consideration the size, type, value and number of buildings to be constructed, the amount of time to complete the development or project, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations the town may deem relevant. For purposes of the foregoing, a fee, expense or cost, or part thereof, is necessarily incurred if it was charged by the attorney, engineer or other professional consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the town, protect public or private property from damage from uncontrolled surface water runoff and other factors, to assure the proper and timely construction of

highways, drainage facilities, utilities and parks and otherwise to protect the legal interests of the town, including receipt by the town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability and such other interests as the town may deem relevant or to assure the proper and timely review and consideration of an application for a variance, site plan or a special permit.

- E. If at any time during or after the processing of such application or the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks or during or after the processing of an application for a variance, site plan, or special permit there shall be insufficient monies on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Comptroller that such moneys will be insufficient to meet vouchers yet to be submitted, the Comptroller shall cause the applicant or developer to deposit additional sums as the Comptroller deems reasonably necessary or advisable in order to meet such fees, expenses and costs or anticipated fees, expenses and costs.
- F. In the event that the applicant or developer fails to deposit such funds or such additional funds, the Comptroller shall notify the Town Board and, as applicable, the Chair of the Planning Board, the Chair of the Zoning Appeals Board and the town's Code Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy shall be withheld by the appropriate board, officer or employee of the town until such moneys are deposited.
- G. After final approval, acceptance and/or the issuance of a certificate of occupancy relating to any specific development, or any requested variance, site plan or special permit, and after payment of all approved vouchers submitted regarding such development or application, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-5. Deposit
amounts.**

§ 100-5. Deposit amounts.

The amount of the initial deposit for the various developments and/or applications covered by this chapter shall be as set forth in a schedule of deposits established from time to time by the resolution of the Town Board. The schedule shall remain in effect and shall apply to all applicants and developers until amended or revised by subsequent resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 100, DEVELOPER FEES / § 100-6. Application
fees.**

§ 100-6. Application fees.

The deposits required by this chapter shall be in addition to any application fees as may be required by other laws, rules, regulations or ordinances of the town, the County of Onondaga, the State of New York or of any other body having jurisdiction with respect to a development, drainage facility, highway, utility or park or to an application for a variance, site plan or a special permit and shall not be used to defray either the town's general expenses for legal, engineering or other professional consulting fees, expenses or costs for the several boards of the town or its general administration expenses.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW**

Chapter 105, ENVIRONMENTAL QUALITY REVIEW

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

GENERAL REFERENCES

Subdivision of land -- See Ch. 190.

Zoning -- See Ch. 240.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-1. Findings and intent.**

§ 105-1. Findings and intent.

It is hereby declared and found that the maintenance of a quality environment is a matter of vital importance to the health, safety and welfare of the residents of the Town of Geddes; that a quality physical environment contributes to the enhancement of human and community resources; and that the protection and enhancement of the environment should be given appropriate weight by the town and its agencies, together with social and economic considerations, in the formulation of public policy and in modifying decisions. In order to better effectuate and achieve these goals,

the town has determined that it is appropriate and desirable to enact this chapter with respect to applicable procedures for conducting an environmental quality review of actions which may have a significant effect on the environment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-2. Definitions and word usage.**

§ 105-2. Definitions and word usage.

A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meanings as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations (NYCRR).

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

TOWN -- The Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-3. Compliance required; preliminary planning.**

§ 105-3. Compliance required; preliminary planning.

No decision to carry out or approve an action, other than an action listed in § 105-4B hereof or in 6 NYCRR 617 as a Type II action, shall be made by any department, board, commission, officer or employee of the town until there has been full compliance with all requirements of this chapter and 6 NYCRR 617; provided, however, that nothing therein shall be construed as prohibiting:

A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which do not commit the town to approve, commence or engage in such action; or

B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and 6 NYCRR 617 have been fulfilled.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-4. Actions affecting or not affecting environment.**

§ 105-4. Actions affecting or not affecting environment.

- A. Consistent with 6 NYCRR 617 and the criteria therein, those actions listed in 6 NYCRR 617 as Type I actions are likely to have a significant effect on the environment and are hereby declared to be Type I actions.
- B. Consistent with 6 NYCRR 617 and the criteria therein, the following actions, in addition to those listed in 6 NYCRR 617 as Type II actions, are those actions not likely to have a significant effect on the environment and are hereby declared to be Type II actions:
 - (1) The granting of routine permit approvals and renewals including:
 - (a) Demolition permits.
 - (b) Sign permits.
 - (c) Similar use permits.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-5. Written statement of applicant.**

§ 105-5. Written statement of applicant.

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the lead agency setting forth the name of the applicant; the location of the real property affected, if any; a description of the nature of the proposed action; and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect on the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed by the Town Board and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material as may be required by the lead agency.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-6. Time limitations for determination by lead agency.**

§ 105-6. Time limitations for determination by lead agency.

- A. The lead agency shall render a written determination on such application within 20 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the lead agency. The lead agency may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding it in making a determination on the application. The determination shall state whether such proposed action may or will not have a significant effect on the environment.
- B. To the extent practicable, or otherwise required by law, the time limitations provided in this chapter shall be coordinated with other time limitations provided by statute, local law, ordinance or regulation of other applicable agencies.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-7. Determination of type of action.**

§ 105-7. Determination of type of action.

If the lead agency determines that the proposed action is not an action listed in § 105-4A hereof or 6 NYCRR 617 as a Type I action and that it will not have a significant effect on the environment, the lead agency shall prepare, file and circulate such determination as provided in 6 NYCRR 617, and thereafter the proposed action may be processed without further regard to this chapter. If the lead agency determines that the proposed action is not exempt and that the proposed action may have a significant effect on the environment, the lead agency shall prepare, file and circulate such determination as provided in 6 NYCRR 617, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and 6 NYCRR 617.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-8. Draft environmental impact statement.**

§ 105-8. Draft environmental impact statement.

- A. Following a determination that a proposed action may have a significant effect on the environment, the lead agency shall, in accordance with the provisions of 6 NYCRR 617:
 - (1) In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement; or
 - (2) In the case of an action prepared by a governmental agency, require that agency to prepare a draft environmental impact statement.
- B. If the applicant decides not to submit an environmental impact report, the lead agency shall prepare or cause to be prepared the draft environmental impact statement or, in its discretion, notify the applicant that the processing of the application will cease and that no approval will be issued. The lead agency may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing the same if it is prepared by the applicant. Such fees shall be the actual cost to the lead agency for the preparation of the draft environmental impact statement or, if the draft environmental impact statement is prepared by the applicant, the actual cost to the lead agency for a review of the draft environmental impact statement.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-9. Notice of completion of draft environmental impact statement.**

§ 105-9. Notice of completion of draft environmental impact statement.

- A. Upon completion of a draft environmental impact statement prepared by or at the request of the lead agency, a notice of completion containing the information specified in 6 NYCRR 617 shall be prepared, filed and circulated as provided in 6 NYCRR 617. In addition, it may be published in the official newspaper, if any, of the town or, if none, a newspaper having general circulation within the town, and a copy thereof shall be made available at the office of the Clerk of the town. Copies of the draft environmental impact statement and the notice of completion shall be filed, sent and made available as provided in 6 NYCRR 617. The lead agency shall make a determination of whether to hold a public hearing.
- B. If the lead agency determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and must be published in the official newspaper of the town, if any, or, if none,

in a newspaper having general circulation within the town and shall be made available at the office of the Clerk of the town at least 14 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days from the filing of the draft environmental impact statement, except as otherwise provided where the Town Board determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-10. Determination of nonsignificance.**

§ 105-10. Determination of nonsignificance.

If, on the basis of a draft environmental impact statement or a public hearing thereon, the lead agency determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-11. Final environmental impact statement.**

§ 105-11. Final environmental impact statement.

Except as otherwise provided herein, the lead agency shall require the preparation of a final environmental impact statement in accordance with the provisions of 6 NYCRR 617. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the lead agency may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the lead agency in preparing and/or evaluating the same. The fee shall be the actual cost to the lead agency for the preparation of the final environmental impact statement or, if the final environmental impact statement is prepared by the applicant, the actual cost to the lead agency for a review of the final environmental impact statement.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-12. Notice of completion of final environmental impact statement.**

§ 105-12. Notice of completion of final environmental impact statement.

A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in 6 NYCRR 617 herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-13. Approval of action.**

§ 105-13. Approval of action.

No decision to carry out or approve an action which has been the subject of a final environmental impact statement shall be made until after the filing and consideration of the final environmental impact statement.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-14. Findings of fact.**

§ 105-14. Findings of fact.

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

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-15. Public access to files.**

§ 105-15. Public access to files.

For public information purposes, a copy of the determination shall be filed and made available as provided in 6 NYCRR 617.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-16. Inspection of files.**

§ 105-16. Inspection of files.

The Town Clerk shall maintain files open for public inspection of all notices of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the lead agency, including negative and positive declarations.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-17. Involved agencies.**

§ 105-17. Involved agencies.

Where more than one agency is involved in an action, the procedure of 6 NYCRR 617 shall be followed.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-18. Certain prior actions exempt.**

§ 105-18. Certain prior actions exempt.

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and 6 NYCRR 617; provided, however, that if, after such dates, the lead agency modifies an action undertaken or approved prior to that date and

the lead agency determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and 6 NYCRR 617.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 105, ENVIRONMENTAL QUALITY REVIEW / §
105-19. Lead agencies for specific actions.**

§ 105-19. Lead agencies for specific actions.

For the following actions, the lead agency shall be as provided herein:

- A. Adoption, amendment or change in zoning regulations or official map: Town Board.
- B. Conditional use permit: Town Board.
- C. Variances and applications for interpretations of the zoning regulations: Board of Zoning Appeals.
- D. Waiver of off-street parking requirement: Town Board.
- E. Swimming pool and tennis court permits: Town Board.
- F. Architectural control of exterior design and appearance of buildings: Town Board.
- G. Preservation of natural features and landscaping requirements: Town Board.
- H. Permit of compliance: Town Board.
- I. Facade permit: Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES**

Chapter 110, FIREARMS AND EXPLOSIVES

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 29 of the 1974 Code. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-1.
Permission required to possess explosives; exceptions.**

§ 110-1. Permission required to possess explosives; exceptions.

No person, except when on military duty or in case of public celebration with permission of the Supervisor or Town Board, shall have, keep or possess in any building, motor vehicle or carriage or in any other place within the town limits gunpowder, giant powder, nitroglycerin, dynamite or other explosive material in a quantity exceeding one pound without written permission from the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-2.
Definitions. EN**

§ 110-2. Definitions. EN(19)

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

FIREARM -- Includes a shotgun, air gun, air pistol, spring gun or rifle, rifles and pistols of any caliber or any implement which impels with force a pellet or single projectile of any kind (i.e., bow and arrow, slingshot, crossbow, etc.).

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-3.
Storing of gunpowder.**

§ 110-3. Storing of gunpowder.

No person shall keep or store any quantity of gunpowder exceeding six pounds in weight, except as provided for in § 110-4 of this chapter, in any building or place within the limits of the town, which quantity of six pounds hereinbefore mentioned shall be separated in stone jars or canisters, each of which shall contain not to exceed one pound of powder.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-4.
Merchandising gunpowder.**

§ 110-4. Merchandising gunpowder.

It shall be lawful for any merchant or person having a store or fixed place of business, upon

written permission being granted to him for that purpose by the Town Board, to keep for sale at his store or place of business any quantity not exceeding 100 pounds of gunpowder, upon the condition that the same be kept in kegs or in cans or other safe vessels, which, except during business hours, shall be deposited in an iron or wooden box lined or covered with iron or other metal and marked "powder" in plain letters, the form and construction of said box to be approved by the Town Board. No gunpowder shall be sold or exposed for sale except during daylight.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-5.
Transporting gunpowder.**

§ 110-5. Transporting gunpowder.

No person shall convey or carry through any street, lane or alley of the town any gunpowder exceeding six pounds in quantity unless the same is secured in kegs or canisters containing not to exceed 25 pounds each and sufficiently tightly enclosed to prevent any powder escaping therefrom, and said boxes shall be securely covered with canvas or iron so as to prevent the possibility of fire communicating with the powder.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-6.
Permission required to transport by vessel or railroad car.**

§ 110-6. Permission required to transport by vessel or railroad car.

No vessel or car laden in whole or in part with gunpowder or other explosives shall enter any canal or upon any railroad within the limits of the town without the written permission of the Town Board, which permission, when granted, shall designate the place where said vessel or boat shall anchor or car shall be stationed and shall prescribe the time within which said powder shall be transferred or loaded from said vessel, boat or car and the manner of transferring or unloading the same.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-7.
Designating of loading areas.**

§ 110-7. Designating of loading areas.

The Supervisor may from time to time designate certain places outside of the thickly settled portions of the town where gunpowder and other explosives may be unloaded from cars or boats and may also prescribe and determine certain portions of the town within which cars loaded with powder and other explosives may be brought.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-8.
Limiting quantity of explosives.**

§ 110-8. Limiting quantity of explosives.

No person shall, directly or indirectly, leave, keep, store or bring within the limits of the town any gunpowder or other explosives, except as provided in the preceding sections of this chapter, without permission, in writing, from the Supervisor, who shall limit the quantity of explosive articles aforesaid so to be kept and stored with reference exclusively to the accommodation of the local trade of the town and safety of the public.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-9.
Restrictions on discharging firearms and fireworks. [Amended 11-10-1980EN]**

§ 110-9. Restrictions on discharging firearms and fireworks. [Amended 11-10-1980^{EN(20)}]

No person shall discharge any firearms as defined herein or explode or set off any firecrackers or other combustible material anywhere within the boundaries of the town, exclusive of the Village of Solvay, without the permission of the Town Board or written permission of the Supervisor. This section shall not apply to law enforcement officers lawfully engaged in law enforcement duties, or the discharge of weapons in self defense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-10.
Permission required to discharge explosives.**

§ 110-10. Permission required to discharge explosives.

No person shall, without permission from the Town Board or written permission from the Supervisor, discharge any blast of gunpowder or other explosive material in the streets or elsewhere within the boundaries of the town or direct such discharge or be accessory thereto.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 110, FIREARMS AND EXPLOSIVES / § 110-11.
Penalties for offenses. EN**

§ 110-11. Penalties for offenses. EN(21)

Any person found guilty of a violation of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION**

Chapter 115, FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Geddes 5-3-1988 by L.L. No. 1-1988 (Ch. 30B of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 90.

Zoning -- See Ch. 240.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-1.
Findings.**

§ 115-1. Findings.

The Town Board of the Town of Geddes finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Geddes and that such damages may include destruction or loss of private 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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-2.
Purpose.**

§ 115-2. Purpose.

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

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-3.
Objectives.**

§ 115-3. Objectives.

The objectives of this chapter are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard.

- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- G. To provide that developers are notified that property is in an area of special flood hazard.
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-4.
Definitions.**

§ 115-4. Definitions.

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

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

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

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

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

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

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

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

CELLAR -- The same meaning as "basement."

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

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

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

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

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

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

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

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

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

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

FLOODWAY -- The same meaning as "regulatory floodway."

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

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

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

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

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

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

MOBILE HOME -- The same meaning as "manufactured home."

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

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

ONE-HUNDRED-YEAR FLOOD -- The same meaning as "base flood."

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

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 § 115-12B of this chapter.

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

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

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

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to commence when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure or contributing structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-5.
Applicability.**

§ 115-5. Applicability.

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-6.
Basis for establishing areas of special flood hazard.**

§ 115-6. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the Town of Geddes of Onondaga County, New York," dated August 17, 1981, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file in the office of the Town Clerk, Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-7.
Interpretation; conflict with other provisions.**

§ 115-7. Interpretation; conflict with other provisions.

- A. This chapter is adopted in response to revisions to the National Flood Insurance Program effective October 1, 1986, and shall supersede all previous laws adopted for the purpose of establishing and maintaining eligibility for flood insurance.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-8.
Penalties for offenses.**

§ 115-8. Penalties for offenses.

No structure shall hereafter be constructed, located, extended, converted or altered and no land

shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Geddes 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 §§ 115-16 and 115-17 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / § 115-9.
Warning and disclaimer of liability.**

§ 115-9. Warning and disclaimer of liability.

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-10. Designation of local administrator. EN**

§ 115-10. Designation of local administrator. ^{EN(22)}

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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-11. Development permit.**

§ 115-11. Development permit.

A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 115-6. Application for a development permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing.

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

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement or cellar) of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) When required a certificate from a licensed professional engineer or architect that the utility floodproofing will meet the criteria in § 115-13C(1).
- (4) Certificate from a licensed professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in § 115-14.
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the local administrator a certificate of the elevation of the lowest floor, or floodproofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. 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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-12. Duties and responsibilities of local administrator.**

§ 115-12. Duties and responsibilities of local administrator.

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

A. Permit application review.

- (1) Review all development permit applications to determine that the requirements of this chapter have been satisfied.
- (2) Review all development permit applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) Review all development permit applications to determine if the proposed development adversely affects the area of special flood hazard. For the purposes of this chapter, "adversely affects" means physical damage to adjacent properties. An engineering study may be required of the applicant for this purpose.
 - (a) If there is no adverse effect, then the permit shall be granted consistent with the provisions of this chapter.
 - (b) If there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
- (4) Review all development permits for compliance with the provisions of § 115-13E, Encroachments.

B. Use of other base flood and floodway data. When base flood elevation data has not been provided in accordance with § 115-6, Basis for establishing the areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 115-13D(4) in order to administer § 115-14, Specific standards, and § 115-15, Floodways.

C. Information to be obtained and maintained.

- (1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement or cellar, of all new or substantially improved structures, and

whether or not the structure contains a basement or cellar.

- (2) For all new or substantially improved floodproofed structures:
 - (a) Obtain and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed.
 - (b) Maintain the floodproofing certifications required in §§ 115-13 and 115-14.
- (3) Maintain for public inspection all records pertaining to the provisions of this chapter, including variances when granted and certificates of compliance.

D. Alteration of watercourses.

- (1) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Director, Federal Emergency Management Agency, Region II, 26 Federal Plaza, New York, NY 10278.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries.

- (1) The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified area of special flood hazard and actual field conditions.
- (2) Base flood elevation data established pursuant to § 115-6 and/or § 115-12B, when available, shall be used to accurately delineate the area of special flood hazards.
- (3) The local administrator shall use flood information from any other authoritative source, including historical data, to establish the limits of the area of special flood hazards when base flood elevations are not available.

F. Stop-work orders.

- (1) All floodplain development found ongoing without an approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 115-8 of this chapter.
- (2) All floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the local administrator. Disregard of a stop-work order shall be subject to the penalties described in § 115-8 of this chapter.

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

H. Certificate of compliance.

- (1) It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) All other development occurring within the designated flood hazard area will have upon completion a certificate of compliance issued by the local administrator.
- (3) All certifications shall be based upon the inspections conducted subject to Subsection G and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-13. General standards.**

§ 115-13. General standards.

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

A. Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All manufactured homes shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Manufactured homes shall be elevated to or above the base flood elevation or two feet above the highest adjacent grade when no base flood elevation has been determined. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in

addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

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

C. Utilities.

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

D. Subdivision proposals.

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

E. Encroachments.

- (1) All proposed development in riverine situations where no flood elevation data is available (unnumbered A Zones) shall be analyzed to determine the effects on the flood carrying capacity of the area of special flood hazards set forth in § 115-12A(3), Permit

review. This may require the submission of additional technical data to assist in the determination.

- (2) In all areas of special flood hazard in which base flood elevation data is available pursuant to § 115-12B or § 115-13D(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.
- (3) In all areas of the special flood hazard where floodway data is provided or available pursuant to § 115-12B the requirements of § 115-15, Floodways, shall apply.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-14. Specific standards.**

§ 115-14. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 115-6, Basis for establishing the areas of special flood hazards, and § 115-12B, Use of other base flood data, the following standards are required:

- A. Residential construction. New construction and substantial improvements of any resident structure shall:
- (1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation.
 - (2) Have fully enclosed areas below the lowest floor that are subject to flooding designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential construction.

(1) New construction and substantial improvements of any commercial, industrial or other nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above the base flood elevation, or be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

[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.

[2] The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

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

(b) If the structure is to be floodproofed:

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

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

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

C. Construction standards for areas of special flood hazards without base flood elevations. New construction or substantial improvements of structures, including manufactured homes, shall

have the lowest floor, including basement, elevated to or above the base flood elevation as may be determined in § 115-12B or two feet above the highest adjacent grade where no elevation data is available.

- (1) New construction or substantial improvements of structures, including manufactured homes, shall have the lowest floor (including basement) elevated at least two feet above the highest adjacent grade next to the proposed foundation of the structure.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically (without human intervention) allow for the entry and exit of floodwaters for the purpose of equalizing hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a licensed professional engineer or a licensed architect or meet the following criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - (b) The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.
 - (c) Openings may be equipped with louvers, valves, screens or other coverings or openings, provided that they permit the automatic entry and exit of floodwaters.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-15. Floodways.**

§ 115-15. Floodways.

Located within areas of special flood hazard are areas designated as floodways (see definition, § 115-4). The floodway is an extremely hazardous area due to high velocity floodwaters carrying debris and posing additional threats from potential erosion forces. When floodway data is available for a particular site as provided by § 115-6 and § 115-12B, all encroachments, including fill, new construction, substantial improvements and other development are prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-16. Appeals.**

§ 115-16. Appeals.

- A. The Zoning Board of Appeals as established by Town of Geddes shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - (1) The danger that materials may be swept onto other lands to the injury of others.
 - (2) The danger to life and property due to flooding or erosion damage.
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the proposed facility to the community.
 - (5) The necessity to the facility of a waterfront location, where applicable.
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - (7) The compatibility of the proposed use with existing and anticipated development.
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and

facilities such as sewer, gas, electrical and water systems and streets and bridges.

- E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 115, FLOOD DAMAGE PREVENTION / §
115-17. Variances.**

§ 115-17. Variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that § 115-16D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures and contributing structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the contributing structures procedures set forth in the remainder of this section.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections A, D, E and F of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 120, GAMES OF CHANCE**

Chapter 120, GAMES OF CHANCE

[HISTORY: Adopted by the Town Board of the Town of Geddes 6-19-1978, approved at special election 7-10-1978 (Ch. 31 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Amusements -- See Ch. 60.

Bingo -- See Ch. 80.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 120, GAMES OF CHANCE / § 120-1. Authority;
title.**

§ 120-1. Authority; title.

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 120, GAMES OF CHANCE / § 120-2.
Definitions.**

§ 120-2. Definitions.

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

OFFICER -- The chief law enforcement officer of the town.

TOWN -- The Town of Geddes;

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 120, GAMES OF CHANCE / § 120-3. Games of
chance authorized; games on Sundays.**

§ 120-3. Games of chance authorized; games on Sundays.

- A. Games of chance may be conducted in the town by an authorized organization, after obtaining a license therefor, in accordance with the provisions, requirements and limitations of Article 9-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this chapter.
- B. The conduct of games of chance on Sundays is authorized, except as otherwise provided in Article 9-A of the General Municipal Law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 120, GAMES OF CHANCE / § 120-4. When
effective.**

§ 120-4. When effective.

This chapter shall take effect after a special town election to be held on July 10, 1978.^{EN(23)}

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS**

Chapter 130, JUNK DEALERS AND JUNKYARDS

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 34 of the 1974

Code. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-1. Definitions.**

§ 130-1. Definitions.

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

JUNK DEALER -- Any person, corporation, member or members, copartnership or firm buying, selling or dealing in old ropes, rags, old iron, brass, copper, lead, zinc or automobiles or any other article or thing which, from a worn condition, is rendered useless for the purpose for which made.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-2. License required.**

§ 130-2. License required.

No person or persons shall engage in or carry on the business of a junk dealer or junkyard without first obtaining a license so to do under the provisions of this chapter, nor shall he continue any such business after the license may have been revoked.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-3. Issuance of license; expiration date. EN**

§ 130-3. Issuance of license; expiration date. EN⁽²⁴⁾

The Supervisor may grant to any person applying therefor and producing satisfactory evidence of good character, a license to carry on the business of junk dealer, which license shall be signed by the Supervisor and Town Clerk and shall expire June 30 next following the date of issuance.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-4. License fee. EN**

§ 130-4. License fee. EN(25)

The person to whom such license may be issued shall pay therefor a fee which shall be as set from time to time by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-5. Revocation of license.**

§ 130-5. Revocation of license.

The Supervisor shall have power to revoke such license at any time upon request of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-6. Record of purchases required.**

§ 130-6. Record of purchases required.

All junk dealers shall keep a record of every article purchased, showing the name and residence of the person from whom such article was purchased, price paid, and the date of said purchase. Such record shall be open at all times to the inspection of any peace officer, and any article or thing purchased shall be exhibited on demand of such peace officer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-7. Purchase from minors prohibited.**

§ 130-7. Purchase from minors prohibited.

No goods shall be purchased from any minor.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-8. Hours.**

§ 130-8. Hours.

No goods shall be purchased after sunset or before 7:00 a.m. by any junk dealer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-9. Vehicles. EN**

§ 130-9. Vehicles. EN(26)

All vehicles used by junk dealers in the prosecution of such business shall have painted upon each side, in letters and figures not less than 1 1/2 inches in length, the name or names of the owners, their place of business and license number.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-10. Lost or stolen articles. EN**

§ 130-10. Lost or stolen articles. EN(27)

If any junk dealer has in his possession any goods or articles which shall have been advertised as lost or stolen, he shall immediately notify the Police Department or a Justice of the Peace of the fact.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-11. Junk dealer not to hold license as pawnbroker.**

§ 130-11. Junk dealer not to hold license as pawnbroker.

No junk dealer shall receive or hold license as a pawnbroker, or receive any article as a pledge or pawn.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-12. Information required on license.**

§ 130-12. Information required on license.

The place of business of each junk dealer shall be stated on the license, and such license shall not be valid for use in a different location except by written permission of the Supervisor.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 130, JUNK DEALERS AND JUNKYARDS / §
130-13. Penalties for offenses. EN**

§ 130-13. Penalties for offenses. EN(28)

Any person found guilty of a violation of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 135, LITTERING**

Chapter 135, LITTERING

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 37 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste -- See Ch. 180.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 135, LITTERING / § 135-1. Depositing garbage
or other waste. [Amended 11-9-2004 by L.L. No. 6-2004]**

§ 135-1. Depositing garbage or other waste. [Amended 11-9-2004 by L.L. No. 6-2004]

No person shall sweep, throw or deposit, or cause to be swept, thrown or deposited, any ashes, brick, straw, weeds, chips, shavings, tires, garbage or rubbish of any kind, or any slops or foul liquid of any kind onto:

- A. Any street, gutter, public area, park or sidewalk; or
- B. Any private street, land or premises, except where such substance is placed by the property

owner or resident of the premises and kept in watertight covered containers or receptacles, as defined in Article II of Chapter 180 of this Code, to facilitate collection by Town collection authorities.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 135, LITTERING / § 135-2. Litter from vehicles
prohibited. [Amended 1-19-2001 by L.L. No. 1-2001]**

§ 135-2. Litter from vehicles prohibited. [Amended 1-19-2001 by L.L. No. 1-2001]

No person shall haul or transport or cause to be hauled or transported from or through or across any of the streets within the town, any gravel, stone, sand, dirt, iron or scrap iron or other substances in any vehicle which is not so constructed as to prevent the material with which it may be loaded from dropping, sifting through or in any manner being strewn upon any of said streets.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 135, LITTERING / § 135-3. Sprinkling of
sidewalks and crosswalks prohibited.**

§ 135-3. Sprinkling of sidewalks and crosswalks prohibited.

No contractor or employee thereof shall sprinkle sidewalks or crosswalks within the town.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 135, LITTERING / § 135-4. Spilling of certain
liquids prohibited. [Amended 1-19-2001 by L.L. No. 1-2001]**

§ 135-4. Spilling of certain liquids prohibited. [Amended 1-19-2001 by L.L. No. 1-2001]

No person shall pour, spill or permit to drop upon any pavement laid on any street or alley or public place in the Town of Geddes any kerosene, benzene or other similar oil or oily substance or oily liquid, and all oil delivery vehicles or tanks shall have securely fastened under the taps or faucets thereunto attached an absolutely oil- or watertight zinc-lined box or tray, and in filling any measure or other vessel from said tap or faucet such measure or other vessel must be held so that any drop or overflow shall fall into said box or tray.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 135, LITTERING / § 135-5. Penalties for offenses. [Amended 1-19-2001 by L.L. No. 1-2001]

§ 135-5. Penalties for offenses. [Amended 1-19-2001 by L.L. No. 1-2001]

Any person found guilty of a violation of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE**

Chapter 140, NOISE

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 39 of the 1974 Code. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-1. Definition.**

§ 140-1. Definition.

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

PERSON -- Includes one or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-2. Unnecessary noises unlawful.**

§ 140-2. Unnecessary noises unlawful.

It shall be unlawful for any person to make, continue or cause to be made or continued, any unnecessary or unusual noise between the hours of 6:00 a.m. and 8:00 p.m. which either annoys, injures or endangers the comfort, repose, health or safety of others, or to make, continue, or cause to be made or continued, between the hours of 8:00 a.m. and 6:00 a.m. whether in the operation of any machine or the exercise of any trade or calling or otherwise any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and

continuing of the same be necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-3. Unnecessary noises in
public places.**

§ 140-3. Unnecessary noises in public places.

It shall be unlawful for any person to ring any handbell, beat or strike any pan, pail or other like article or sound any gong or blow any whistle or horn or other than musical instruments when used as a part of a band of music except to give necessary signals upon a motorcycle, motor vehicle, bicycle or similar vehicle or to gain passengers for any cab, taxi, hack or other vehicle, or to make, aid, continue, encourage or assist in making any other or unusual noise upon any street or other public place or in close proximity thereto so as to be distinctly and loudly audible upon any such street or place in the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-4. Radio, loudspeakers
and other mechanical, musical or sound devices.**

§ 140-4. Radio, loudspeakers and other mechanical, musical or sound devices.

It shall be unlawful for any person to maintain and operate in any building or on any premises in the Town of Geddes any radio device or mechanical musical instrument, loudspeaker or device of any kind whereby the sound therefrom is cast directly upon the public streets and places where such device is maintained and operated for advertising purposes or for the purpose of attracting the attention of the passing public or amusement of patrons of any business or other place, or which is so placed and operated that the sounds coming therefrom can be heard to the annoyance or inconvenience of travelers upon any public street or public place or of persons in neighboring premises.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-5. Building operations at
night.**

§ 140-5. Building operations at night.

It shall be unlawful for any person, in conducting any building operations between the hours of 10:00 p.m. and 7:00 a.m., to operate or use any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other apparatus, the use of which is attended by loud or unusual noise, except by written permission of the Supervisor and then only in case of emergency.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-6. Noise from steam and
gases.**

§ 140-6. Noise from steam and gases.

It shall be unlawful to permit or cause the emission of steam or other gases if such emission cannot be done without the production of disturbing noises in or from engines, motors, automobiles, stationary engines or other mechanical engine, either steam, gasoline, oil or electric.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-7. Muffling of blowers,
power fans, stationary engines, etc.**

§ 140-7. Muffling of blowers, power fans, stationary engines, etc.

It shall be unlawful to operate or cause to be operated any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noises so that the same shall not cause any annoyance to the public or disturb the rest and quiet of persons residing or occupying property near enough thereto to be annoyed by the unmuffled blower, fan or exhaust of any such engine.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 140, NOISE / § 140-8. Penalties for offenses.
EN**

§ 140-8. Penalties for offenses. EN(29)

Any person found guilty of a violation of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES**

Chapter 142, NUISANCES

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)]**

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-1. Legislative findings; purpose; enforcement.**

§ 142-1. Legislative findings; purpose; enforcement.

- A. Declaration of legislative findings. The Geddes Town Board finds that public nuisances exist in the Town of Geddes in the operation of certain establishments and the use of property in flagrant violation of the penal laws relating to controlled substances, dangerous drugs, prostitution, stolen property and illegal use or possession of weapons, all of which substantially and seriously interfere with the interest of the public in the quality of life and total community environment, commerce in the town, property values and the public health, safety and welfare. The Town Board further finds that the continued occurrence of such activities and violations is detrimental to the health, safety and welfare of the Town of Geddes and the business thereof and the visitors thereto.
- B. It is the purpose of this article to authorize and empower the Chief of Police to impose sanctions and penalties for such public nuisances, and such power may be exercised either in conjunction with or apart from the powers contained in other laws without prejudice to the use of procedures and remedies available under such other laws. The Board further finds that

the sanctions and penalties imposed by the Chief pursuant of this chapter constitute an additional and appropriate method of law enforcement in response to the proliferation of the above-described public nuisances. The sanctions and penalties are reasonable and necessary in order to protect the health and safety of the people of the town and to promote the general welfare.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-2. Definitions.**

§ 142-2. Definitions.

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

BOARD -- The Town Board of the Town of Geddes.

CHIEF -- The Chief of Police of the Town of Geddes.

MORTGAGEE -- The person who is listed as the mortgagee of any unsatisfied otherwise open mortgage on the premises recorded in the Onondaga County Clerk's Office.

OWNER -- The person in whose name the premises affected by the order is recorded as the owner in the Onondaga County Clerk's Office.

PREMISES -- The building, place or property whereon the public nuisance is being conducted or exists.

PUBLIC NUISANCE -- For purposes of this article, is declared to exist when:

- A. A violation of Article 220, 221, 230 or 265 or § 165.40, 165.45, 165.50, 170.65, 170.70 or 175.10 of the New York State Penal Law, or § 415-a of the New York Vehicle and Traffic Law or § 65, 82 or 123 of the Alcoholic Beverage Control Law has resulted in two or more arrests under Article 220, 221, 230 or 265 or § 165.40, 165.45, 165.50, 170.65, 170.70 or 175.10 of the New York State Penal Law, or § 415-a of the New York State Vehicle and Traffic Law or § 65, 82 or 123 of the Alcoholic Beverage Control Law within the twenty-four-month period of time prior to the arrest required in § 142-2B below, where said arrests have been predicated on events, circumstances or activities on the premises; and
- B. Either one of the following:
 - (1) An arrest for a violation of Article 220, 221, 230 or 265, or § 165.40, 165.45, 165.50, 170.65, 170.70 or 175.10 of the New York State Penal Law, or § 415-a of the New York

State Vehicle and Traffic Law or § 65, 82 or 123 of the Alcoholic Beverage Control Law, within 120 days prior to the issuance of notice pursuant to this section, where said arrest has been predicated on events, circumstances or or activities occurring on the premises.

- (2) Discovery by any law enforcement agency, or duly authorized agent thereof on the premises, of an illegal weapon, the possession of which would subject an individual, if prosecuted, to a conviction under Article 265 of the New York State Penal Law, a quantity and quality of drug or substance, the amount of which would subject an individual, if prosecuted, to a conviction of Article 220 or 221 of the New York State Penal Law or stolen property, the possession of which would subject an individual, if prosecuted, to a conviction under § 165.40, 165.45, 165.50, 170.65, 170.70 or 175.10 of the New York State Penal Law or of § 415-a of the New York State Vehicle and Traffic Law, which discovery has not led to an arrest or conviction, within 120 days prior to the issuance of notice pursuant of this section.

TOWN ATTORNEY -- The Town Attorney of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-3. Remedies.**

§ 142-3. Remedies.

In addition to the enforcement procedures established elsewhere in this article, the Chief, after notice and opportunity for a hearing, shall be authorized to:

- A. Order the discontinuance of such activity at the premises where such public nuisance exists; and/or
- B. Order the closing of the premises to the extent necessary to abate the nuisance.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-4. Service of notice.**

§ 142-4. Service of notice.

- A. Prior to the issuance of an order by the Chief, pursuant to this article, the Chief shall give notice and opportunity for a hearing to the owner and any other person directly or indirectly in control of the premises wherein the public nuisance is being conducted, maintained or permitted. Such notice and opportunity to be heard may be given to a mortgagee of the premises. Such notice shall be served upon an owner or any other person directly or indirectly in control of the premises pursuant to Article 3 of the New York Civil Practice Law and Rules, and upon a mortgagee by means of certified mail, return receipt requested, sent to the mortgagee's last known address, provided that any service other than delivery to the person to be served shall be complete immediately upon delivery, mailing or posting without the necessity of filing proof of service with the Clerk of the Court.
- B. Such notice shall:
- (1) Specify the activity creating the nuisance;
 - (2) Provide 30 days for elimination of the nuisance;
 - (3) Inform the person to whom it is directed of their right to apply within 10 days of service of the notice for a hearing before the Chief;
 - (4) Inform the owner or any other person directly or indirectly in control of the premises that upon the expiration of 30 days after service without a hearing before the Chief, or upon noncompliance with any written agreement reached at the hearing, the Chief shall act to obtain compliance as provided by this article; and
 - (5) Inform the owner or any other person directly or indirectly in control of the premises of the obligation to post a copy of the notice within five days, in a conspicuous place, so that all premises occupants and others entering the premises shall have notice that the public nuisance is being conducted, maintained or permitted on the premises and that upon expiration of 30 days after service of the notice, the Chief shall act to obtain compliance as provided in the article, including, but not limited to, closing the premises.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-5. Lack of knowledge not a defense.**

§ 142-5. Lack of knowledge not a defense.

The lack of knowledge of; acquiescence or participation; or responsibility for a public nuisance on the part of the owner, mortgagee or any other person directly or indirectly in control of the premises, or having any interest in the premises or in any property, real or personal, used in

conducting or maintaining the public nuisance, shall not be a defense by such owner, mortgagee or other person.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-6. Issuance of order.**

§ 142-6. Issuance of order.

The Chief shall issue the order provided for in § 142-3 of this article by posting said order on the premises wherein the public nuisance is occurring and mailing a copy by first class mail of said order to the owner, mortgagee or any other person directly or indirectly in control of the premises within one business day of the posting of said order on the premises.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-7. Enforcement of order.**

§ 142-7. Enforcement of order.

- A. No sooner than five business days after the issuance of an order pursuant to §§ 142-3 and 142-6, and upon the directive of the Chief, officers of the Town of Geddes Police Department are authorized to act upon and enforce such order.
- B. Where the Chief closes a premises pursuant to this section, such closing shall be for a period as the Chief may direct, but in no event shall the closing be for a period of greater than one year from the issuance of the order.
- C. Upon receiving a copy of the order issued by the Chief, pursuant to §§ 142-3 and 142-6, the Town Attorney shall maintain a special proceeding to affix a civil penalty in the amount of \$500 and to collect any costs and expenses incurred by the Town of Geddes in commencing the proceeding, closing the premises and in relocating any occupants on the premises. The Town Attorney shall file a notice of pendency of the proceeding in the Onondaga County Clerk's Office.
- D. The judgment in such proceeding, in favor of the Town of Geddes, shall establish the penalty sued for with costs and disbursements as a lien upon the premises, subject only to taxes,

assessment, water rates, mortgages and mechanics' liens as they exist thereon.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-8. Judgment and action by Town Attorney.**

§ 142-8. Judgment and action by Town Attorney.

- A. The Town Attorney shall have the power, on ex parte application to any court of competent jurisdiction, to appoint a receiver of rents and profits of the premises for the purpose of collecting the civil penalty established pursuant to § 142-7 and abating the nuisance. The receiver shall have the powers, duties and rights of a receiver of rents and profits of real estate; provided, however, that the Town Attorney shall act as counsel to the receiver and that the receiver shall not be allowed any expenditure for counsel fees, and the receiver's commissions shall be no greater than 10% of the receiver's collection from the premises, which sum shall be full compensation for the receiver's services and those of any agent or agents whom the receiver may retain. The receivership shall continue until the amount of the Town of Geddes' liens, with interest thereon at the rate of 9%, and the receiver's commission have been fully paid and the nuisance abated; provided, further, that nothing in this § 142-8 shall be construed to prevent any prior lienor from applying to a court in a proper case for a receiver of the premises.
- B. At any time after the entry of any judgment establishing a lien upon the premises, the Town Attorney, on behalf of the Town of Geddes, may apply to a court for leave to sell the premises. Upon such application, the court may order the premises sold at public auction subject to taxes, assessments, water rates, mortgages and mechanics' liens.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance
Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions,
Art. I)] / § 142-9. Closing not possession.**

§ 142-9. Closing not possession.

A closing directed by the Chief, pursuant to this article, shall not constitute an act of possession, ownership or control by the Town of Geddes of the closed premises.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 142-10. Penalties for offenses.

§ 142-10. Penalties for offenses.

- A. It shall be a misdemeanor for any person to use or occupy, or to permit any other person to use or occupy, the premises or any portion thereof ordered closed by the Chief.
- B. Mutilation or removal of a posted order of the Chief shall be punishable by a fine of not more than \$250 or by imprisonment not exceeding 15 days, or both, provided that such order contains therein a notice of such penalty.
- C. Intentional disobedience of or a resistance to any provision of the order issued by the Chief, in addition to any other punishment by law, shall be punishable by a fine of not more than \$500 or by imprisonment not exceeding six days, or both.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 142-11. Promulgation of rules and regulations.

§ 142-11. Promulgation of rules and regulations.

The Chief may promulgate rules and regulations to carry out and give full effect to the provision of this article.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 142, NUISANCES / ARTICLE I, Nuisance Abatement [Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)] / § 142-12. Administrative liability.

§ 142-12. Administrative liability.

Neither the Town of Geddes, nor any officer, agent or employee of the Town of Geddes shall be personally liable for any damage resulting from any official determination, order or action required or permitted by or under this article.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS

Chapter 143, PARK REGULATIONS

[HISTORY: Adopted by the Town Board of the Town of Geddes 6-12-2001 by L.L. No. 8-2001. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages -- See Ch. 55.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-1. Purpose.

§ 143-1. Purpose.

It is the intent, purpose and scope of this chapter to ensure the preservation of outdoor public parklands, outdoor recreation facilities and outdoor playground areas within the Town of Geddes for the enjoyment of the residents of the Town of Geddes, to regulate activities within these areas consistent with the enjoyment of natural settings and park facilities and to prevent any nuisances to the residents of the Town of Geddes in the use of such public parklands, recreation facilities and playground areas or in the enjoyment of private property adjacent to such areas.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-2. Use of grounds and facilities.

§ 143-2. Use of grounds and facilities.

Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted and leave the premises in good order and the facilities in a neat and sanitary condition. Each and every failure to conform to the provisions of this section shall be considered a separate violation of the provisions of this chapter.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-3. Prohibited conduct.

§ 143-3. Prohibited conduct.

- A. It shall be unlawful for any person, firm or corporation using such parks, recreation or playground areas to either perform or permit to be performed any of the following acts:
- (1) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
 - (2) Remove, injure or destroy any tree, flower, shrub, plant or growing thing or any rock or other mineral.
 - (3) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any wild bird or animal within the recreation, park or playground sites.
 - (4) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may result in the pollution of said waters; or dump, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash anywhere within the park and playground sites owned or operated by the Town, but rather make use of proper receptacles where these are provided; where such receptacles are not provided, all such materials shall be carried away from the park by the person responsible for their presence and properly disposed of elsewhere.
 - (5) Commit any act which is defined as criminal conduct under the New York State Penal Law.
- B. Fires may not be built or allowed anywhere in recreation, park or playground areas except in stoves, fireplaces or designated areas provided for that purpose.
- C. It shall be unlawful to bring or cause to be brought any animal into any park, recreation or playground area, except for trained guide dogs for the blind, which are expressly exempt from all provisions of this chapter.
- D. Gambling is prohibited on recreation, park or playground areas.

GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-4. Hours of operation.

§ 143-4. Hours of operation.

Recreation, park and playground areas shall be open daily to the public from sunrise to sunset, except as otherwise posted; and it shall be unlawful for any person, firm or corporation, other than Town personnel conducting Town business therein, to occupy or be present during any hours during which the park is not open to the public. Any section or part of the recreation, park or playground areas may be declared closed to the public at any time and for any interval of time, either temporarily or at regular or stated intervals, in order to serve the public interest as determined by the Director of Recreation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-5. Permits for group activities.**

§ 143-5. Permits for group activities.

Whenever any group, association or organization desires to use the Geddes Athletic Fields, or the pavilion located at Lakeland Park for a particular purpose, such as picnics, meetings, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first be required to apply for and obtain a permit from the Director of Recreation for the specific use desired. The permit will be granted if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application as determined by the Director of Recreation. Fees for such permits shall be set from time to time by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-6. Permits for organized sporting activities.**

§ 143-6. Permits for organized sporting activities.

Whenever any group, association or organization desires to use the park or recreation areas in order to conduct organized sporting activities, including but not limited to Little League or adult league sporting events, said group, association or organization shall first be required to apply for and obtain a permit from the Director of Recreation for the specific use desired. The permit will

be granted if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application as determined by the Director of Recreation, including but not limited to the payment of a reasonable use fee, said fee to be determined and set, from time to time, by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-7.
Possession and consumption of alcoholic beverages.**

§ 143-7. Possession and consumption of alcoholic beverages.

In accordance with Chapter 55 of the Town Code, no person shall possess, carry or transport any alcoholic beverage with the intent to consume the same in any open or unsealed container on any public lands as defined in that chapter, including parks and playgrounds owned by the Town, unless granted special permission by the Town Board of the Town of Geddes or its duly designated agent.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-8. Special
activities; motor vehicles.**

§ 143-8. Special activities; motor vehicles.

- A. Facilities and areas in Town recreation, park or playground sites shall be used only for the purposes designated or implicit in their character. Special activities, including flying model airplanes, and the operation of motor scooters, motorcycles, minibikes, go-carts, snowmobiles and similar vehicles, shall not be permitted.
- B. Licensed motor vehicles shall be permitted only on designated roadways. The speed limit for such vehicles shall be 15 miles per hour on such roadways. Motor scooters, motorcycles, minibikes, go-carts and snowmobiles shall not be permitted on the recreation, park or playground sites or roadways designated for licensed vehicular traffic unless licensed for travel on public roads of New York State. All vehicles shall be parked in areas or places so provided and designated. Parking in places contrary to posted regulations and times is prohibited, and such vehicles may be removed by the Town at the owner's expense. All parking is prohibited after regular closing time. It shall be unlawful to clean, wash, repair or do any work whatsoever on private vehicles within recreation, park and playground areas except for emergency repairs.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-9. Glass
beverage containers.**

§ 143-9. Glass beverage containers.

No person shall carry into and/or have possession of any glass beverages container in any recreation, park or playground site.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-10.
Penalties for offenses.**

§ 143-10. Penalties for offenses.

Any conduct which constitutes a violation of this chapter will be a violation, punishable by up to 15 days in jail and/or a fine of up to \$250. Each such violation shall constitute a separate violation punishable under this section.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 143, PARK REGULATIONS / § 143-11.
Severability.**

§ 143-11. Severability.

If any portion of this chapter should be declared unconstitutional by any court, the remainder of the chapter shall remain in full force and effect.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER**

Chapter 144, PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 41 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Amusements -- See Ch. 60.
Animals -- See Ch. 65.
Bicycles -- See Ch. 75..
Bingo -- See Ch. 80.
Firearms and explosives -- See Ch. 110.
Junk dealers and junkyards -- See Ch. 130.
Littering -- See Ch. 135.
Noise -- See Ch. 140.
Nuisances -- See Ch. 142.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-1.
Improper noises; illegal assembly.**

§ 144-1. Improper noises; illegal assembly.

No person shall make or assist in making any improper noise or any disturbance or loud noises or commit any breach of peace in the streets of the town or elsewhere in the town, and no persons shall collect in bodies or crowds in the streets or on the sidewalks for any unlawful purpose or for any purpose to the annoyance or disturbance of citizens.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-2.
Disturbance of religious meeting.**

§ 144-2. Disturbance of religious meeting.

No person shall disturb any congregation or assembly of people met for religious worship by making a noise or by rude or indecent behavior or profane discourse, within a place of worship or so near the same as to disturb the order and solemnity of the meeting.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-3.
Immodest, lewd or indecent language or acts.**

§ 144-3. Immodest, lewd or indecent language or acts.

No person shall use any scandalous or lewd language to any other person or of or concerning any person in the hearing of others, or shall make any immodest, lewd or otherwise indecent sign or commit any other immodest, lewd or indecent act in the presence of any other person.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-4.
Disorderly conduct.**

§ 144-4. Disorderly conduct.

No person shall conduct himself in a boisterous, rude, insulting or otherwise disorderly manner, by either words or acts, toward any other person with the intent to abuse or annoy such person, or so as to annoy the citizens of the town or any portion thereof and disturb the good order and quiet of the same.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-5.
Soliciting of alms.**

§ 144-5. Soliciting of alms.

No person shall solicit alms in the town for any purpose whatever without permission of the Supervisor.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-6.
Carrying of weapons.**

§ 144-6. Carrying of weapons.

No person shall carry about his or her person any dirk, bowie knife, sword or spear, cane pistol, revolver, jimmy, sling shot, brass knuckles, razor or any weapon, instrument or thing likely to produce grievous bodily harm. No person shall have or carry in or upon the public streets and public places of the town any deadly or dangerous weapon, instrument or thing with intent to do bodily harm therewith to any person.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-7.
Ringing of gongs and bells, crying of auctions.**

§ 144-7. Ringing of gongs and bells, crying of auctions.

No person shall ring any gong or bell, except church or school bell, or cry any auction in any street, lane or alley or upon any sidewalk, or upon any piazza, step or platform immediately adjoining any sidewalk, lane or alley in the town; no tenant or occupant of any dwelling shall suffer any gong or bell to be rung as a call or signal upon any street, lane or alley adjoining any sidewalk in said town.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-8.
Ball playing; kite flying; coasting and sliding.**

§ 144-8. Ball playing; kite flying; coasting and sliding.

No person shall play ball, beat, knock or drive any ball or fly any kite in any public street or square in said town, or coast or slide down any sidewalk or street upon any sled, sleigh or board without permission of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-9.
Nonsupport of family.**

§ 144-9. Nonsupport of family.

No person shall leave his wife and children a burden on the public or neglect to support his wife and children.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-10.
Public intoxication.**

§ 144-10. Public intoxication.

No person shall be in a state of intoxication in any highway, street, alley or public place in the city, or in any private house or place to the annoyance of any person.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-11.
Carrying of advertising boards and placards.**

§ 144-11. Carrying of advertising boards and placards.

No person shall carry advertising boards or placards through the streets of the town without permission from the Supervisor or Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-12.
Throwing or propelling stones, snowballs, etc.**

§ 144-12. Throwing or propelling stones, snowballs, etc.

No person shall fling or throw any stone, pebble, ice or snowball or any hard or hurtful substance or thing by hand or foot or by any air gun or other instrument within the bounds of the town.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-13.
Parades, congregations and assemblies.**

§ 144-13. Parades, congregations and assemblies.

No person, society or organization of any name or nature shall assemble, congregate, parade or march in or through any of the streets of the town, with or without banners, transparencies or other devices, without permission of the Supervisor or the Town Board.^{EN(30)}

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-14.
Expectorating, penalty.**

§ 144-14. Expectorating, penalty.

- A. Expectorating upon the floors of public buildings, street cars, public conveyances and in any public place within the town limits is hereby forbidden.
- B. Any person offending the provisions of this section shall be subject to a fine of not less than \$2 nor more than \$5.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

**GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-15.
Use of or interfering with hydrant.**

§ 144-15. Use of or interfering with hydrant.

No person shall use, open or draw water from or in any manner interfere with any hydrant in the Town of Geddes without permission in writing from the water commissioners of said water district or from the association operating said hydrant or, in the event said line is operated by the Village of Solvay, then and in that event from the Mayor of said Village of Solvay.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-16.
Removing or disturbing warning signal lights.**

§ 144-16. Removing or disturbing warning signal lights.

No person shall extinguish, destroy or remove any signal light placed in or adjacent to any street, park or alley or public grounds of the town as a warning of danger.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-17.
Breaking, injuring, posting utility poles, etc.**

§ 144-17. Breaking, injuring, posting utility poles, etc.

No person shall break, injure, deface or molest any lamp, lamppost, globe burner or any part of a fixture belonging to any gas or oil lamp or electric light belonging to the town or to any company, person or corporation, or shall, without authority, extinguish any street light in any street, lane, alley, public square or park within the town, or fasten any placard, handbill, poster or notice, or sign of any kind, or any article of goods or merchandise upon or against or in any manner connect the same with any lamp or lamppost, electric light or telephone pole in the town or make any other use of such lamp or lamppost or pole at any time.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-18.
Removing or disturbing land monuments.**

§ 144-18. Removing or disturbing land monuments.

No person shall remove, mutilate, disturb, cover or in any way interfere with or render inaccessible any land monument or cover thereto within the limits of the town without the permission of the Town Engineer or Supervisor in writing.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-19.
Hot air balloons.**

§ 144-19. Hot air balloons.

On and after January 1, 1940, it shall be unlawful to sell or expose for sale or buy or exchange or give away or have in possession any balloon made or intended to contain fire for purpose of ascension, or send or cause to ascend any balloon containing in or about it any fire, but this section shall not apply to any balloon in which a human being shall ascend or which shall be intended for use in such ascension.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-20.
Disorderly houses.**

§ 144-20. Disorderly houses.

No person shall keep or maintain or be an inmate of or in any way connected with or in any way contribute to the support of any disorderly house or house of ill fame or knowingly own or be interested as proprietor or landlord of any such house.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 144, PEACE AND GOOD ORDER / § 144-21.
Gambling establishments and devices.**

§ 144-21. Gambling establishments and devices.

- A. No person shall keep or be an inmate of a gambling house or room or visit such gambling house or room. No person shall have or keep or permit to be used in any building or place in the town occupied or controlled by such person any keno table or roulette table, faro bank, shuffleboard, bagatelle, playing cards or any instrument or device or thing used for gambling whereon or with which money, liquor or other articles shall in any manner be played for.
- B. No owner or keeper of or any person within such gambling house or room shall refuse to

permit the Supervisor, Justice of the Peace or any peace officer to enter the same, or shall obstruct or resist any of the aforesaid officers or persons summoned by them to assist in entering such place or in the destruction of any such instruments or devices employed in gambling in such places.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING**

Chapter 145, PEDDLING AND SOLICITING

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

GENERAL REFERENCES

Transient merchants -- See Ch. 205.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-1.
Definitions and word usage.**

§ 145-1. Definitions and word usage.

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

PERSON -- Any natural person, association, partnership, firm or corporation.

SOLICITING and PEDDLING

- (1) SOLICITING -- The seeking or taking of contracts or orders for any goods, wares, merchandise or services for future delivery or for subscriptions or contributions upon any streets or sidewalks or from house to house within the Town of Geddes.
- (2) PEDDLING -- The selling or offering for sale of any goods, wares, merchandise or services for immediate delivery which the person selling or offering for sale carries with him in traveling or has in his possession or control upon any of the streets or sidewalks or from house to house within the Town of Geddes.
- (3) Neither the word "peddling" nor the word "soliciting" shall apply to:
 - (a) Farmers seeking or taking orders for or selling or offering for sale their own produce.

- (b) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk and milk products by any manufacturer or producer thereof.
- (c) The seeking or taking of orders for or the selling or offering for sale of insurance by insurance agents or brokers licensed under the insurance laws of the State of New York.

SOLICITOR or PEDDLER -- Any person who shall engage in soliciting or peddling, respectively, as hereinabove defined.

TRANSIENT MERCHANT -- A person who engages or proposes to engage temporarily in merchandising business in the Town of Geddes and occupies a room, building, tent, lot, stand or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

B. Usage. The singular shall include the plural.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-2.
Registration required.**

§ 145-2. Registration required.

No person shall engage in soliciting or peddling or act as a transient merchant in the Town of Geddes without first registering with the Town Clerk or an authorized town representative.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-3.
Application.**

§ 145-3. Application.

- A. Every person desiring to engage in soliciting or peddling in the Town of Geddes shall first register, under oath, with the Town Clerk. Upon such application, such person shall give his name, address and age; his previous criminal record, if any; the name and address of the person for whom he works and a letter appended to the application authorizing the applicant to represent the firm the applicant purports to represent, if any; the type or types of article, device, subscription, contribution, service or contract which he desires to sell or for which he wishes to solicit within the town; the length of time he wishes to be registered; the type of vehicle he uses, if any, and its registration number; and the name, address and title of a

company officer upon whom process or other legal notice may be served, if the applicant is a corporation or company.

- B. Where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this chapter shall be transferable from one person to another.
- C. If the applicant for a license uses scales or measures in his business, he shall also file with his application for a license a certificate issued by the Onondaga County Sealer of Weights and Measures that his scales or measures have been tested and sealed.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-4.
License fees.**

§ 145-4. License fees.

No permit or license shall be issued under this chapter except upon payment of the fee established by the Town Board to the Town Clerk. The fee shall be established by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-5.
Issuance of license; transferability; marketplaces.**

§ 145-5. Issuance of license; transferability; marketplaces.

- A. Upon registering with the Town Clerk as aforesaid, each solicitor or peddler shall be issued a license or permit and may, unless he shall have been convicted of a crime involving moral turpitude, be permitted to solicit or peddle or act as a transient merchant within the town for the licensed period beginning on the date such license or permit is issued and ending on the expiration date thereof. Such license or permit shall not be transferable.
- B. Notwithstanding the provisions of Subsection A hereof, the Town Clerk shall be authorized to delegate the issuance of transient merchant licenses to the owner of any validly existing marketplace for casual retail sales and barter by independent vendors upon condition that said owner shall provide to the Town Clerk a complete list of vendors to whom licenses were issued.

- (1) The list required by this subsection shall contain a statement on behalf of said owner as follows:

"This list constitutes a complete list of vendors for the reporting period. Each of said vendors was issued a transient merchant license in compliance with the Town of Geddes Code. A false statement herein renders both the owner and the signatory liable to punishment pursuant to Penal Law § 210.45."

- (2) The list shall be provided at least once each month or as required by the Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-6.
Display and restrictions of license.**

§ 145-6. Display and restrictions of license.

- A. Every solicitor or peddler shall, at all times while engaged in soliciting or peddling in the town, carry evidence of such registration upon his person and shall exhibit such evidence upon request to all police officers, town officials and citizens.
- B. Every person holding a transient merchant license shall post said license in a prominent place in his business premises and shall maintain said license as such at all times.
- C. No solicitor or peddler shall engage in selling or offering for sale or in seeking or taking of orders or contracts for any goods, wares, merchandise, article, device, subscription, contribution, service or contract not mentioned upon such license, nor shall any person use any vehicle for soliciting or peddling other than the vehicle registered upon his license.
- D. No license issued under the provisions of this chapter may be transferred from one person to another. The person designated in said license shall be the only person authorized to engage in such business thereunder.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-7.
Days and hours of sale.**

§ 145-7. Days and hours of sale.

No person shall engage in soliciting or peddling at any time on Sunday or on any other day of the week before 9:00 a.m. or after 5:00 p.m. except upon invitation from or an appointment with the resident.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-8.
Noise restrictions.**

§ 145-8. Noise restrictions.

No person engaged in soliciting or peddling or as a transient merchant shall hawk or cry his goods, wares, merchandise, articles, contracts or services upon any of the streets or sidewalks of the town, nor shall he use any loudspeaker or horn or any other device on public property for announcing his presence by which members of the public are annoyed.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-9.
Vehicle restrictions.**

§ 145-9. Vehicle restrictions.

No person engaged in soliciting or peddling or as a transient merchant shall park any vehicle upon any of the streets or alleys of the town in order to sort, rearrange or clean any of his goods, wares or merchandise or any samples, order books, contracts, circulars, literature or advertising matter pertaining thereto; nor may any such person place or deposit any refuse upon any such street or curbstone market or soliciting or peddling office by parking any vehicle upon any street or alley in the town for longer than necessary in order to solicit from or peddle to persons residing in the immediate vicinity.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-10.
Prohibited acts.**

§ 145-10. Prohibited acts.

A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy

any of the streets or alleys or sidewalks of the town for the purpose of soliciting or peddling, with or without any stand or counter.

- B. No person engaged in soliciting or peddling shall enter upon premises for the purpose of soliciting or peddling which are posted with signs indicating that soliciting or peddling thereon is prohibited.
- C. No peddler or solicitor shall peddle, vend or sell his goods or wares within 200 feet of any church or place of worship or any place occupied exclusively as a public or private school or for school purposes, nor shall he permit his cart, wagon or vehicle to stand on any public highway within said distance of such school property.
- D. No person shall solicit any business whatsoever at the scene of any accident within the incorporated area of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-11.
Sales on town property.**

§ 145-11. Sales on town property.

Notwithstanding any other provision, no person shall sell merchandise at any public function held in the Town of Geddes, New York, on lands owned by the Town of Geddes, New York, without first obtaining written permission therefor from the Town Board; and the Board may, from time to time, adopt rules and regulations concerning such sales.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-12.
Records; supervision.**

§ 145-12. Records; supervision.

The Town Clerk shall keep a record of all registrations made under this chapter, and the Town Clerk shall supervise the activities of all holders of such licenses.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-13.
Exemptions from license requirements.**

§ 145-13. Exemptions from license requirements.

The following persons are exempt from the license requirements of this chapter:

- A. Farmers engaged in selling only produce of their own farms from a truck or other vehicle.
- B. Persons engaged in the sale of goods, wares and merchandise, the proceeds whereof are to be applied to any charitable or philanthropic purpose.
- C. Persons soliciting contributions on behalf of organizations or nonprofit corporations registered under the provisions of the Executive Law § 172 or exempted from registration under the Executive Law § 172-a who, while soliciting, are possessed of a card or other written evidence of their appointment or authority to solicit for said organization or corporation.
- D. Persons who have been licensed by the State of New York to engage in an activity described in § 145-1 hereof, when so engaged.
- E. Persons 16 years of age or under.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-14.
Revocation of license; hearing for reinstatement.**

§ 145-14. Revocation of license; hearing for reinstatement.

- A. Any license hereinafter issued may be revoked by the Town Clerk of the Town of Geddes upon the failure of the licensee to comply with the standards of conduct established in §§ 145-6 through 145-11 or upon ascertainment that the licensee has made any false statements in the application for the license hereunder or upon such licensee's being arrested and convicted of any crime involving moral turpitude.
- B. Any person whose license has been revoked shall be entitled to appear, with counsel if desired, before the Town Board of the Town of Geddes at a regular or special meeting and be heard on behalf of a request for reinstatement of said license.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-15.
Contents of permit.**

§ 145-15. Contents of permit.

Each permit shall be issued in card form, shall be carried by the person for whose benefit it is issued and shall contain the following: the number of the permit, fee paid, date of issue, expiration date and the name, age, weight, color, name of employer, address and signature of the holder. The reverse side of such permit shall contain any regulations then in effect and controlling the holder, as well as any conditions and/or limitations to which such permit is subject.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-16.
Applicability.**

§ 145-16. Applicability.

This chapter shall not apply to town-approved garage sales.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 145, PEDDLING AND SOLICITING / § 145-17.
Penalties for offenses.**

§ 145-17. Penalties for offenses.

- A. Any person violating the provisions of this chapter will be guilty of an offense and, upon conviction thereof, shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both such fine and imprisonment. Each day's continuation of the offense shall be considered a separate offense.
- B. In addition or as an alternative to the above-provided penalties, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.
- C. In addition, any person who violates any provision of the foregoing may be subject to a loss of license privilege herein granted.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 150, POLES AND WIRES**

Chapter 150, POLES AND WIRES

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 44 of the 1974 Code. Amendments noted where applicable.]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 150, POLES AND WIRES / § 150-1. Permission required to erect. EN

§ 150-1. Permission required to erect. EN⁽³¹⁾

No person shall erect any pole in the streets, sidewalks or public squares of the town, or extend any wire for telephone, telecommunications or other similar purposes or electrical purposes in or across any street or public square of the town, without permission of the Highway Superintendent.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 150, POLES AND WIRES / § 150-2. Television cables.

§ 150-2. Television cables.

No person, firm, company or corporation shall erect or use any pole in the street, sidewalk, parks or public places of the Town of Geddes, or extend any wire in or across any street, sidewalk, park or public place of the Town of Geddes, for the purpose of cable transmission of television signals without first securing a franchise or permit therefor from the Town Board of the Town of Geddes in accordance with the requirements of Subdivision 7 of § 64 of the Town Law.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 150, POLES AND WIRES / § 150-3. Owner's identification required on poles. EN

§ 150-3. Owner's identification required on poles. EN⁽³²⁾

A. No telephone or telecommunication or other similar purpose poles nor any poles whereon wires may be placed or strung shall be hereafter set, placed or erected in the Town of Geddes, New York, until the name of the person or company owning said pole shall be stamped or placed thereon in a legible manner at least one foot and not more than six feet above the

ground.

- B. Every telephone or telecommunication or other similar purpose company and every other person or corporation owning and maintaining poles in the Town of Geddes, New York, heretofore placed and erected whereon wires are now strung or may hereafter be strung or placed shall, on or before the first day of December, 1939, place a stamp thereon, with the name of such person or company owning and maintaining said pole, in a legible manner at least one foot and not exceeding six feet above the ground, and shall keep and maintain such name upon such poles.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 150, POLES AND WIRES / § 150-4. Penalties
for offenses. EN**

§ 150-4. Penalties for offenses. EN(33)

A violation of §§ 150-1 and 150-2 of this chapter shall be an offense punishable by a fine not to exceed \$250, or by imprisonment for a period not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation. In addition, the Town Board shall have other remedies as are provided by law to enforce the provisions of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 175, SEWERS**

Chapter 175, SEWERS

[The County of Onondaga sewer regulations are the controlling standards in the Town of Geddes. Said regulations are on file in the town offices and available for review during regular business hours.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE**

Chapter 180, SOLID WASTE

[HISTORY: Adopted by the Town Board of the Town of Geddes 3-13-2001 by L.L. No. 5-2001. EN(34) Amendments noted where applicable.]

GENERAL REFERENCES

Littering -- See Ch. 135.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions**

ARTICLE I, General Provisions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-1. Findings and purpose.**

§ 180-1. Findings and purpose.

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern because of the increasing cost of solid waste collection and disposal and its impact on the environment. The separation and collection of recyclable materials serves the general public's interest in our town by reducing the amount of solid waste and will otherwise comply with the Onondaga County Source Separation Law (Local Law No. 12 of 1989) and other applicable provisions of law. In 1988, in the interest of public health, safety and welfare and in order to conserve energy and natural resources, the State of New York enacted a New York State Solid Waste Management Act which established the following solid waste hierarchy: waste reduction, reuse, recycling and waste-to-energy (see New York Environmental Conservation Law § 27-0106), with land burial as a last resort only when reuse, recycling or waste-to-energy were unavailable. Section B-35 of the State Solid Waste Management Plan - 1997-1998 Update, recommended that Onondaga County take immediate steps to develop environmentally acceptable facilities to manage the solid waste generated in the county. In December 1991, Onondaga County adopted a comprehensive Solid Waste Management Plan that was subsequently approved by the State Department of Environmental Conservation. The county plan, applicable to municipalities within the county, preferred waste-to-energy as a safe and sanitary alternative to the threat to the groundwater supply and other liabilities posed by the burying of such waste. Those reasons are further delineated in Section 5 of the aforementioned county plan. Public Authorities Law § 2045-e(7) and (8) allows the Onondaga County Resource Recovery Agency to contract with municipalities for the delivery of such waste and, in furtherance thereof, to process such solid waste. In compliance with both the state and county solid waste management plans, the town has determined that all solid waste, both residential and

commercial, generated in our town and destined for disposal in the State of New York, may not be disposed of at any place other than the approved disposal site designated by the Town Board in § 180-2 hereof. This chapter will also establish and refine regulations requiring the licensing of municipal haulers and governing hauler services for the collection and disposal of solid waste materials. This chapter shall not regulate or otherwise restrict any disposal of solid waste generated within the town that is to be disposed of out-of-state or any handling of recyclable materials separated from the rest of the solid waste in accordance with Onondaga County's Source Separation Law or regulate the price, route or service of any motor carrier with respect to the transportation of property prohibited by the Federal Aviation Administration Authorization Act of 1994, as amended (49 U.S.C.A. § 14501 et. seq.).

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-2. Definitions.**

§ 180-2. Definitions.

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

AGENCY -- The Onondaga County Resource Recovery Agency.

AGENCY FACILITY -- Any facility operated by or designated by the Agency. Agency facilities include the Agency transfer stations at Ley Creek and Rock Cut Road, Rock Cut Road waste-to-energy facility, Agency landfill (when built), Agency yard waste composting facilities at Jamesville and Amboy, construction and demolition processing facility at Ley Creek and Agency-designated materials recovery facilities.

APPROVED DISPOSAL SITE -- The Onondaga County waste-to-energy facility on Rock Cut Road in the Town of Onondaga.

CONSTRUCTION AND DEMOLITION DEBRIS -- Discarded building material, concrete, stones, earth from excavations or grading and all other refuse material resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

COUNTY -- The County of Onondaga.

COUNTY-DESIGNATED RECYCLABLE MATERIALS -- Those recyclables designated by the County of Onondaga and the Onondaga County Resource Recovery Agency pursuant to Local Law No. 12 of 1989, including the following:

CORRUGATED PAPER -- Cardboard containers, boxes and packaging, including pizza boxes, which are cleaned of contamination by food wastes or polystyrene, commonly called

"styrofoam," and which have been flattened for transport.

GLASS -- Empty, washed glass jars, bottles and containers of clear, green and amber (brown) that contained food and drink, caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.

METAL -- All ferrous and nonferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food wastes) and empty aerosol cans that did not contain hazardous material. Scrap metal, wire, pipes, tubing, motors, sheet metal, etc., are recyclable but must be recycled through scrap dealers.

NEWSPAPERS, MAGAZINES AND CATALOGUES -- Includes common machine-finished paper made chiefly from wood pulp used for printing newspapers, as well as glossy inserts, magazines and catalogues. All must be free of contaminants.

OFFICE PAPER -- All bond paper and also computer printout, stationery, photocopy and ledger paper of any color from all waste generators. Paper should, if possible, be free of tape, adhesives, labels, rubber bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper and tyvek or plastic-coated envelopes.

PLASTICS -- All HDPE- and PET-type plastic bottles (#1 and #2), including empty, washed food, beverage, detergent, bleach and hair care containers with lids removed. This term excludes all photographic film, vinyl, rigid and foam plastic materials, as well as plastics numbered 3 through 7 and HDPE oil bottles, as well as #1 and #2 containers that are not bottles or contained hazardous material.

KRAFT PAPER -- As found in brown paper bags and package wrapping.

BEVERAGE CARTONS -- Includes gable-topped paper cartons that contained milk and juice products.

PAPERBOARD -- Paper packaging as found in cereal, cracker and tissue boxes, etc., and toilet tissue and paper towel tubes.

MIXED PAPER -- Includes discarded and bulk mail, computer paper, colored paper, greeting cards, wrapping paper and carbonless multipart forms; excludes any paper coated with foil or plastic.

CURB -- That street curb immediately in front of the property from which solid waste material and recyclables to be collected are generated or, in the absence of an actual curb, that portion of the property which is immediately adjacent to the street.

CURBSIDE COLLECTION -- The use of collection receptacles for residential, commercial and institutional solid waste generators and the regular periodic pickup and transfer of the contents of

such receptacles by a hauler at the location of a waste generator.

ELIGIBLE HOUSEHOLD -- A household residing in a dwelling of four units or less and which is required to utilize recycling containers.

HAULER -- Any person, company or firm who engages in the collection, transportation, disposal or delivery of solid waste within our town.

HAZARDOUS WASTE

- A. Any waste (excluding household hazardous waste) which is defined or regulated as a hazardous waste, toxic substance, hazardous chemical substance or mixture or asbestos (regulated waste) under federal, state or local law, or under rules, regulations, policies or guidelines issued in relation thereof, as they maybe amended from time to time, including, but not limited to:
- (1) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sections 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984) and the regulations contained in 40 CFR Parts 260-281.
 - (2) The Toxic Substances Control Act (15 U.S.C. Sections 2601 et seq.) and the regulations contained in 40 CFR Parts 761-766.
 - (3) The State Environmental Conservation Law (Title 9 of Article 27) and the regulations contained in 6 NYCRR Parts 370, 371, 372, 373 (Subpart 373-3).
- B. Radioactive materials which are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. Sections 2011 et seq.) and the regulations contained in 10 CFR Part 40; or
- C. Any other material that by federal, state or local law, or under rules, regulations, policies, guidelines or orders having the force of law in relation thereto, are regulated as harmful, toxic or hazardous to health and ineligible for processing at the Agency facility.

LARGE HOUSEHOLD FURNISHINGS -- All other large and/or bulky articles actually used in the home and which equip it for living, such as chairs, sofas, tables, beds or carpets.

MAJOR APPLIANCES -- A large and/or bulky household mechanism such as a refrigerator, washer, dryer, stove, furnace or hot water tank.

MATERIALS RECOVERY FACILITY or MRF -- A private or public facility for receiving and processing recyclables into marketable commodities.

MEDICAL WASTE -- Any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto or in the production or

testing of biologicals.

MUNICIPAL HAULER LICENSE -- The license issued by the town to a hauler as a prerequisite to performing solid waste collection services within the town's municipal limits.

PERSON -- A natural person, association, partnership, firm, corporation, limited-liability company, trust, estate or governmental unit and any other entity whatsoever.

RECYCLABLES -- Those recyclable materials, including county-designated recyclable materials, which can be practically separated from nonrecyclable waste for which reuse markets can be accessed for less than the cost of disposal.

RECYCLING CONTAINER -- The blue bin or other container supplied by the Agency, county, the town or their designees for the use by eligible households within the town. Such containers shall be used exclusively for the storage of county-designated recyclable materials. Such containers shall at all times remain the property of the Agency.

RECYCLING LAW -- The Onondaga County Source Separation Law, Local Law No. 12, adopted March 6, 1989, as subsequently amended.

REGULATED MEDICAL WASTE -- Those medical wastes that have been listed in 6 NYCRR 364.9, Paragraph (c)(1), and that must be managed in accordance with the requirements of that part.

SOLID WASTE -- All materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, residential, governmental, commercial and/or light industrial refuse, but shall not include recyclables, yard and garden waste, human wastes, rendering wastes, demolition wastes, residue from incinerators or other destructive systems for processing waste (other than now-existing individual building incinerators, the residue from which is presently collected as part of normal refuse collection practices), junked automobiles, pathological, medical, toxic, explosive, radioactive material or other waste material which, under existing or future federal, state or local laws, require special handling in its collection or disposal.

SYSTEM -- Onondaga County's solid waste management system as operated by the Onondaga County Resource Recovery Agency and every aspect thereof, including, but not limited to, the Rock Cut Road waste-to-energy facility, Agency landfill (when built), yard waste composting facilities at Jamesville and Amboy, construction and demolition processing facility at Ley Creek and the Rock Cut Road and Ley Creek transfer stations.

TOWN -- The Town of Geddes.

TOWN BOARD -- The Town Board of the Town of Geddes.

TOWN CLERK -- The Clerk of the Town of Geddes.

WASTE GENERATOR -- Any person which produces solid waste requiring off-site disposal.

YARD AND GARDEN WASTE -- Garden waste, leaves, grass clippings, weeds and brush.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-3. Requirement of haulers to obtain municipal hauler license.**

§ 180-3. Requirement of haulers to obtain municipal hauler license.

It shall be a precondition of doing business as a hauler in the town that the person/firm intending to conduct such business obtain a municipal hauler license and a town sticker. An application on a form approved and provided by the town must be submitted to the Town Codes Enforcement Office in which the person satisfactorily shall be bound by the following provisions:

- A. The hauler will deliver all of the nonrecyclable solid waste (residential and commercial) it collects within the town and destined for disposal in the State of New York to the approved disposal site specified in § 180-2 above. It shall be unlawful to unload or deposit any solid waste hauled from any premises within the limits of the town and destined for disposal in the State of New York at any place other than the approved disposal site specified by the town in § 180-2 above. Any hauler failing to dispose of said solid waste at the approved disposal site so designated shall be subject to having its license revoked.
- B. The hauler will supply a plan of operation for collection and transportation and which provides for a recycling plan as required by Onondaga County Local Law No. 12 of 1989 as it applies to haulers, which it shall adhere to and comply with. The hauler shall agree to provide for the collection of county-designated recyclables in every waste hauler disposal agreement, written or oral, as part of its standard service and to include the cost of such collection in its standard waste collection rates.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-4. Distinctive municipal sticker.**

§ 180-4. Distinctive municipal sticker.

- A. The hauler shall attach a municipal sticker, which must be visibly and securely affixed to the driver's side vent window or upper part of the driver's side of the windshield of each of the

hauler vehicles in operation.

B. No hauler shall:

- (1) Duplicate or imitate a municipal sticker; or
- (2) Sell or transfer in any manner a municipal sticker.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-5. Duration of municipal hauler license.**

§ 180-5. Duration of municipal hauler license.

Municipal hauler licenses issued pursuant to this chapter shall be effective for an annual term from January 1 through December 31 (one calendar year).

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-6. Revocation of municipal hauler license.**

§ 180-6. Revocation of municipal hauler license.

The town shall have the right to cancel any existing municipal hauler license upon 30 days' written notice to the hauler if the town shall enact legislation establishing a new system for collection of solid waste in the town that is inconsistent with the continuation of said license. The town shall revoke a municipal hauler license upon the happening of any or a combination of the following: failure of the hauler to comply with any provision of § 180-3 or § 180-4 of this chapter. Prior to any such revocation, the hauler shall be notified by the town of an opportunity for a hearing in the matter, which hearing shall be held not less than five days after the hauler is notified in writing by the town of the pending license revocation and the charges against it. All hearings shall be on a date and time and at a place determined by the town. The hearing shall be informal and held before the Town Supervisor or his/her designee. Compliance with technical rules of evidence shall not be required, and the decision of the Town Supervisor or his/her designee shall be final.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-7. Recycling plan.**

§ 180-7. Recycling plan.

The town hereby adopts as its source separation legislation, required pursuant to General Municipal Law, § 120-aa, the Onondaga County Source Separation Law (i.e., Local Law No. 12 of 1989) as adopted by the Onondaga County Legislature and subsequently amended under its terms.

- A. No hauler shall dispose of county-designated recyclable materials picked up in our town as solid waste nor shall any hauler accept county-designated recyclable materials for disposal as solid waste.
- B. Recycling containers shall at all times remain the property of the Agency or town, as the case may be, and are provided for the use and convenience of eligible households in complying with this chapter. No hauler shall:
 - (1) Remove a recycling container from the town;
 - (2) Willfully destroy a recycling container;
 - (3) Dispose of a recycling container other than by returning such container to the town at a designated location; or
 - (4) Use a recycling container for other than the temporary storage of county-designated recyclable materials.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-8. Imposition of fees.**

§ 180-8. Imposition of fees.

The Town Board may, by resolution, designate and impose such other fees as it deems reasonable and appropriate in relation to the collection and disposal of any solid waste. After any such fees are imposed, the manner of implementation and collection shall be by regulation of the Town Board or its designee not inconsistent with the terms of the resolution imposing such fees. The Town Board by resolution, also from time to time, may establish fees to defray expenses in connection with the fee for the municipal hauler license and administration of this chapter. Fees shall be paid by the applicant at the time of application.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General Provisions / § 180-9. Sunday collection prohibited.

§ 180-9. Sunday collection prohibited.

Haulers shall not collect solid waste in the town on Sundays, Thanksgiving or Christmas.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General Provisions / § 180-10. Insurance; indemnity/hold harmless.

§ 180-10. Insurance; indemnity/hold harmless.

- A. In consideration of the town issuing a municipal hauler license to an applicant, the applicant shall agree, upon the issuance of such license to the applicant, that the applicant shall indemnify, hold harmless and defend the town and its officers and employees from and against any and all claims, demands, losses, damages, costs, payments, actions, recoveries, judgments and expenses of every kind, nature and description, including without limitation all engineers' and attorneys' fees, fines, penalties and clean-up costs resulting from any such claim, etc., arising out of or connected in any way with the applicant's acting as a hauler or the applicant's involvement or participation in the collection, distribution or transportation of solid waste.
- B. The hauler, as a condition of obtaining a municipal hauler license, shall provide and maintain the following insurance coverages at limits to be set from time to time by resolution of the Town Board:
 - (1) Public liability (CGL), including contractual coverage;
 - (2) Automobile liability coverage for all owned, hired and nonowned vehicles; and
 - (3) Worker's compensation coverage.
- C. The public liability policy aforementioned shall name the Town of Geddes as an additional insured.
- D. Each policy of insurance shall be endorsed to contain the following language: "The town will be given 30 days prior written notification of any cancellation, nonrenewal or modification of this policy which reduces coverage or limits at the following address: Town Clerk, Town of Geddes, 1000 Woods Road, Solvay, New York 13209."
- E. Prior to the issuance of any municipal hauler license, the hauler must provide to the Town

Codes Office proof of insurance coverage in a form to be determined from time to time by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-11. Hours of operation.**

§ 180-11. Hours of operation.

Haulers shall not operate earlier than 7:00 a.m., nor later than 9:00 p.m.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-12. Removal of uncollected waste.**

§ 180-12. Removal of uncollected waste.

Where certain solid waste, recyclables and/or other waste materials were not collected because those materials were not placed or prepared by the waste generator in accordance with the provisions of this chapter, the person who placed such materials for collection and the owner of the property adjoining the curb where such waste materials were placed shall remove those wastes from the location as soon as possible after the hauler has refused collection and, in any event, by 6:00 p.m. on the designated collection day.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-13. Restrictions on use of vehicles and handling of waste.**

§ 180-13. Restrictions on use of vehicles and handling of waste.

The collection, removal and carrying of solid waste, recyclables and/or material, and the transportation of solid waste, paper and recyclables, on any highway, street, alley or lane of the town must be done in covered vehicles. No hauler shall throw or scatter or cause to be scattered or deposited or to escape from the vehicle any solid waste or recyclables on the streets or public places.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General**

Provisions / § 180-14. Yard and garden waste prohibited.

§ 180-14. Yard and garden waste prohibited.

Yard and garden waste may not be accepted for disposal at any Agency facility but may be accepted for recycling at a yard waste composting facility of the hauler's choice within the county or taken elsewhere.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-15. Dumping/draining leachate prohibited.**

§ 180-15. Dumping/draining leachate prohibited.

Except as specifically permitted in this chapter, no hauler shall deposit or cause to be deposited or stored for more than one day upon any property any solid waste and/or recyclables, and dumping thereof is hereby prohibited. No leachate or other obnoxious or contaminating substance shall be allowed to drain from any hauler vehicle on the public streets.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-16. Accumulation/storage of solid waste on private property.**

§ 180-16. Accumulation/storage of solid waste on private property.

No hauler shall suffer or permit solid waste to accumulate or remain upon private premises, including extended storage in hauler vehicles owned or operated by that hauler, so that the same shall emit odors or become offensive or dangerous to the public health or to any person or property.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-17. Outdoor burning.**

§ 180-17. Outdoor burning.

No hauler shall bury or burn any solid waste and/or recyclables or cause to be buried or burned any solid waste and/or recyclables, papers, trash, hazardous waste and/or materials within the

limits of the town, unless authorized to do so in writing by the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-18. Special events.**

§ 180-18. Special events.

This chapter shall also apply to all special events held in the town. The sponsor of said events shall be responsible for sorting all solid waste materials into appropriate containers or bags and making all arrangements for pickup and disposal of all solid waste materials. The hauler may charge a fee to be determined by the Town Board for such pickups and disposal.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-19. Penalties and remedies for violation; enforcement.**

§ 180-19. Penalties and remedies for violation; enforcement.

- A. In addition to any revocation of the municipal hauler's license pursuant to § 180-3 of this chapter, each day's violation or failure to comply with the provisions of this chapter shall be considered a new and separate offense, and subject to the penalties set forth in § 180-20.
- B. In addition to the above-provided penalties and revocations, or in lieu thereof, the Town Board may also institute and maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by temporary restraining order, preliminary and/or permanent injunction any violation of this chapter.
- C. This chapter shall be enforced by the Town Code Enforcement Officer, Town Police Department, Town Building Inspector, Town Fire Inspector, Superintendent of Highways, Onondaga County Sheriffs Department, New York State Police, Department of Environmental Conservation Officers and all local law enforcement agencies.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-20. Penalties for offenses.**

§ 180-20. Penalties for offenses.

The failure of a hauler to comply with the provisions of this chapter shall be considered a violation subject to the following specified fines for each offense pursuant to § 80.05 (4) of the Penal Law as well as for corporate officers, directors and officials except for corporations in their corporate capacity which shall be fined pursuant to § 80.10 of the Penal Law. Each day's violation shall be considered a new and separate offense subject to a separate penalty as fixed below. Any fines collected under this chapter shall inure to the town and shall be deposited in the town general fund to use as it deems appropriate.

Section	Violation	Fine
180-3	Failure to obtain a municipal hauler license	\$250.00
180-3	Failure to deliver all solid waste collected within the town and destined for disposal within New York State to the town-approved disposal site	\$250.00, plus revocation
180-4A	Failure to obtain a municipal sticker to the hauler vehicle	\$250.00
180-4B	Duplication or imitating the municipal sticker or engaging in the selling of the municipal sticker	Revocation
180-7A	Accepting and/or disposing of county designated recyclable materials as solid waste	\$200.00
180-7B	Removing, destroying or disposing of a recycling container or using same for other than storage of a county designated recyclable	\$150.00
180-9	Engaging in the collection of solid waste and/or recyclables on Sundays, Thanksgiving or Christmas	\$50.00
180-10D	Failure to notify the town, 30 days' prior written notice of any cancellation, nonrenewal or modification of required insurance policy	\$50.00
180-11	Failure to comply with the designated hours of operation	\$200.00

Section	Violation	Fine
180-12	Failure to remove uncollected solid waste improperly set out for disposal	\$100.00
180-13	Throwing, scattering or allowing deposit of any solid waste and/or county-designated recyclables or other waste upon the streets	\$100.00
180-13	Engaging in the collection of solid waste and/or county-designated recyclables in a noncovered vehicle	\$100.00
180-15	Dumping or depositing any solid waste and/or recyclable material upon any property; draining leachate from hauler vehicle	\$100.00
180-16	Allowing solid waste or other waste material and recyclables to accumulate upon any property so that it becomes obnoxious, unsightly or offensive	\$250.00
180-17	Any hauler engaging in the burial or private burning of solid waste and/or recyclables, papers, trash, hazardous waste and/or materials within the limits of the town	\$250.00

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE I, General
Provisions / § 180-21. Severability.**

§ 180-21. Severability.

If any paragraph, section, sentence or portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004]**

**ARTICLE II, Disposal of Garbage and Other Waste [Added 11-9-2004 by L.L. No.
6-2004]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-22.
Specification for containers.**

§ 180-22. Specification for containers.

Receptacles used for storage of garbage and refuse materials shall be watertight and shall meet the following specifications:

- A. Trash cans shall be of a durable grade of galvanized metal or other suitable material approved by the Town Highway Superintendent, from 20 to 32 gallons' capacity and weighing less than 25 pounds empty or 50 pounds fully loaded with normal refuse. They shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The can shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.
- B. Refuse bags shall be made of heavy, multiple-ply paper or polyethylene or ethylene copolymer resin and designed for outdoor storage of refuse. Bags must be securely tied or sealed to prevent emission of odors, be of a material so liquids and greases will not be able to penetrate through the material and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.
- C. Grass and other yard waste shall be placed in appropriate receptacles as determined by the Town Highway Superintendent.
- D. These receptacle limitations shall not apply to special bulk waste pickups appropriately arranged with the Town Highway Department.
- E. Building materials and similar refuse and debris caused by the work of contractors, tradesmen or workmen shall not be placed in the receptacles required by this section, but shall be lawfully disposed of by the contractors, tradesmen or workmen, who may dispose of the

materials on their own or who may obtain a permit for such disposal from the Town Highway Department to utilize the Town disposal system.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-23.
Defective and overloaded containers.**

§ 180-23. Defective and overloaded containers.

- A. Garbage containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to those whose duty it is to handle these containers or to such extent that the lid does not fit tightly and securely shall be condemned by the Town. A record shall be made and no further service shall be made by the Town until the condemned container is replaced.
- B. Garbage containers that are so overloaded that the lid will not fit securely on the container will not be picked up by collection authorities.
- C. It shall be unlawful for any person, other than the property owner or resident of the premises placing the containers, to remove, handle or otherwise disturb garbage containers or their contents, which have been placed for collection by the Town collection authorities.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-24.
Placement of debris and other waste for pickup.**

§ 180-24. Placement of debris and other waste for pickup.

The Town Highway Superintendent may designate the location for placement of debris and other waste for pickup by the Town collection authorities.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-25.
Accumulation/Storage of garbage or debris.**

§ 180-25. Accumulation/Storage of garbage or debris.

- A. No person shall cause or permit any garbage or other debris to accumulate or remain on private premises so that the same shall emit odors or become offensive or dangerous to the public health or safety or to any person or property.
- B. No person shall place bulk waste items for disposal outside on private property without appropriately arranging for pickup and disposal of said items with the Town Highway Department.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-26.
Disposal of garbage originating outside of Town prohibited.**

§ 180-26. Disposal of garbage originating outside of Town prohibited.

- A. No person or entity shall bring in, place, deposit or cause to be brought, placed or deposited in the Town any garbage, recyclables, trash, paper, hazardous waste, material or ashes originating outside the Town for the purpose of disposing of the same within the Town.
- B. No person or entity who is a resident of the Town or owner, lessee or person in control of real property within the Town shall permit any person or entity to bring in, place, deposit or cause to be brought, placed or deposited in the Town any garbage, recyclables, trash, paper, hazardous waste, material or ashes originating outside the Town for the purpose of disposing of the same within the lawn.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 180, SOLID WASTE / ARTICLE II, Disposal of
Garbage and Other Waste [Added 11-9-2004 by L.L. No. 6-2004] / § 180-27.
Penalties for offenses.**

§ 180-27. Penalties for offenses.

- A. Any person found guilty of a violation of this article shall be punished by a fine of not more than \$250, imprisonment for not more than 15 days, or both fine and imprisonment.
- B. Where appropriate, and in addition to any other remedies, fines or penalties otherwise available, violations of this article may be remedied directly by the Town of Geddes upon

failure of the property owner to remedy stated violation(s) within 48 hours of receipt of written notice from the Town Code Enforcement Officer. In instances where the property owner is not an occupant of the property, written notice shall be provided to the occupant and duplicate written notice shall be mailed to the property owner at the address listed on the most recent tax records. The costs of said remedial action, including any and all tipping fees and an overhead charge of 20%, shall be billed to the owner of the property at which the violation(s) occurred. Prior to the imposition of said costs and within 10 days of the Town's remedial action, the property owner may request a hearing before the Town Board regarding the costs. Should said costs remain unpaid for a period of 90 days following the Town Board hearing and a decision adverse to the person charged, as the case may be, these costs shall be added to the real property tax bill next rendered to the property owner.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 182, STORM SEWERS**

Chapter 182, STORM SEWERS

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

GENERAL REFERENCES

Flood damage prevention -- See Ch. 115.

Stormwater management -- See Ch. 183.

Subdivision of land -- See Ch. 190.

Zoning -- See Ch. 240.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN]**

**ARTICLE I, Illicit Connections, Activities and Discharges [Adopted 12-11-2007 by
L.L. No. 7-2007EN⁽³⁵⁾]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.**

7-2007EN] / § 182-1 Purpose; intent.

§ 182-1 Purpose; intent.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Geddes through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and New York State law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this article are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-2 Definitions.**

§ 182-2 Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms shall have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) -- Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control

site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT -- The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY -- Activities requiring authorization under the SPDES Permit for Stormwater Discharges from Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT -- The New York State Department of Environmental Conservation.

HAZARDOUS MATERIAL -- Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTION -- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY -- Activities requiring the SPDES Permit for Discharges from Industrial Activities Except Construction, GP-98-03, as amended or revised.

MUNICIPALITY -- The Town of Geddes.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) -- A conveyance or system of conveyances (including roads and drainage systems, municipal streets, catch basins, curbs, gutters, man-made channels, or storm drains):

- A. Owned or operated by the Town of Geddes;
- B. Designed or used for collecting or conveying stormwater;

C. Which is not a combined sewer; and

D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE -- Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON -- Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT -- Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water which may cause or might reasonable be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES -- Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS

A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.

C. Total maximum daily load (TMDL) strategy.

(1) The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

(2) The condition in the municipality's MS4 that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this

condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT -- A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER -- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER -- An employee, the Town Engineer or other public official(s) designated by the Town of Geddes to enforce this article. The SMO may also be designated by the Town of Geddes to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board, inspect stormwater management practices and designate certain responsibilities pursuant to this article to other employees or agents of the Town of Geddes.

303(d) LIST -- A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by NYS DEC as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TOTAL MAXIMUM DAILY LOAD (TMDL) -- The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER -- Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-3 Applicability.**

§ 182-3 Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-4 Responsibility for administration.**

§ 182-4 Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the Town of Geddes.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-5 Severability.**

§ 182-5 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-6 Discharge and connection prohibitions.**

§ 182-6 Discharge and connection prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except those discharges described as follows:

- (1) The following discharges, unless the Department or the municipality has determined them to be substantial contributors of pollutants: waterline flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains,

uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. These discharges are only exempt provided they are made in accordance with an appropriate plan for reducing pollutants.

- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- (3) Dye testing in compliance with applicable state and local laws, provided that a verbal notification is given to the SMO prior to the time of the test.
- (4) Any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-7 Prohibition against activities contaminating stormwater.**

§ 182-7 Prohibition against activities contaminating stormwater.

- A. Activities that are subject to the requirements of this section are those types of activities that:
 - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 182-2, Definitions, of this article.
- B. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-8 Prevention, control and reduction of stormwater pollutants
by use of best management practices.**

**§ 182-8 Prevention, control and reduction of stormwater pollutants by use of best
management practices.**

Best management practices. Where the SMO has identified illicit discharges as defined in § 182-2 or activities contaminating stormwater as defined in § 182-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- A. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
- B. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 182-2 or an activity contaminating stormwater as defined in § 182-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- C. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge

of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-9 Suspension of MS4 access.**

§ 182-9 Suspension of MS4 access.

- A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-10 Industrial or construction activity discharges.**

§ 182-10 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be

required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-11 Access to facilities; monitoring of discharges.**

§ 182-11 Access to facilities; monitoring of discharges.

A. Applicability.

- (1) This section applies to all facilities that the SMO must inspect to enforce any provision of this article, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- (2) This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to facilities.

- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
- (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
- (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Unreasonable delays in allowing the municipality access to a facility subject to this

article are a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.

- (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-12 Notification of spills.**

§ 182-12 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and then notify the Stormwater Management Officer. In the event of a release of nonhazardous materials, said person shall notify the Stormwater Management Officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-13 Enforcement; penalties for offenses.**

§ 182-13 Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine; and
 - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article 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.

Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No. 7-2007EN] / § 182-14 Appeal of notice of violation.

§ 182-14 Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

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§ 182-15 Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

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§ 182-16 Cost of abatement of violation.

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest

objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-17 Injunctive relief.**

§ 182-17 Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

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GENERAL LEGISLATION / Chapter 182, STORM SEWERS / ARTICLE I, Illicit
Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-18 Alternative remedies.**

§ 182-18 Alternative remedies.

- A. Where a person has violated a provision of this article, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
- (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this article.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-19 Violations deemed public nuisance.**

§ 182-19 Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

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Connections, Activities and Discharges [Adopted 12-11-2007 by L.L. No.
7-2007EN] / § 182-20 Remedies not exclusive.**

§ 182-20 Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT**

Chapter 183, STORMWATER MANAGEMENT

[HISTORY: Adopted by the Town Board of the Town of Geddes 12-11-2007 by L.L. No. 6-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention -- See Ch. 115.

Storm sewers -- See Ch. 182.

Subdivision of land -- See Ch. 190.

Zoning -- See Ch. 240.

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ARTICLE I, General Provisions**

ARTICLE I, General Provisions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-1. Findings of fact.**

§ 183-1. Findings of fact.

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased flooding and quantities of waterborne pollutants, including siltation of aquatic habitats for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitats.
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and

minimized through the regulation of stormwater runoff and sediment and erosion control from land development activities;

- H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;
- I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-2. Purpose.**

§ 183-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 183-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the current SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), as amended or revised; [Amended 9-11-2012 by L.L. No. 4-2012]
- B. Require land development activities to conform to the substantive requirements of the current New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, as amended or revised; [Amended 9-11-2012 by L.L. No. 4-2012]
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, turbidity, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site

during and following development to the maximum extent practicable; and

- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly designed, maintained and eliminate threats to public safety.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-3. Statutory authority.**

§ 183-3. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Geddes has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Town of Geddes and for the protection and enhancement of its physical environment. The Town Board of the Town of Geddes may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-4. Definitions.**

§ 183-4. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meanings as set forth in this section.

AGRICULTURAL ACTIVITY -- The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT -- A property owner or agent of a property owner who has filed an application for a land development activity.

BUILDING -- Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of

area.

CHANNEL -- A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CLEARING -- Any activity that removes the vegetative surface cover.

DEDICATION -- The deliberate appropriation of property by its owner for general public use.

DEPARTMENT -- The New York State Department of Environmental Conservation.

DESIGN MANUAL -- The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices (a sample of which is attached hereto as Schedule A.EN(36))

DEVELOPER -- A person who undertakes land development activities.

EROSION CONTROL -- A measure that prevents sediment from being transported from a site.

EROSION CONTROL MANUAL -- The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

GRADING -- Excavation or fill of material, including the resulting conditions thereof.

IMPERVIOUS COVER -- Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INDUSTRIAL STORMWATER PERMIT -- A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

INFILTRATION -- The process of percolating stormwater into the subsoil.

LAND DEVELOPMENT ACTIVITY -- Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER -- The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT -- A legally recorded document that acts as a property deed

restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION -- Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING -- Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN -- Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PROJECT -- Land development activity.

QUALIFIED PROFESSIONAL -- A person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, registered landscape architect or other Department-endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice of engineering, as defined by the New York State Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York. [Added 9-11-2012 by L.L. No. 4-2012]

RECHARGE -- The replenishment of underground water reserves.

SEDIMENT CONTROL -- Measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS -- Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special-concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES -- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land. [Amended 9-11-2012 by L.L. No. 4-2012]

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS -- A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges

from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards. [Amended 9-11-2012 by L.L. No. 4-2012]

STABILIZATION -- The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION -- The first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and sidewalks; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings.

STOP-WORK ORDER -- An order issued which requires that all construction activity on a site be stopped.

STORMWATER -- Rainwater, surface runoff, snowmelt and drainage.

STORMWATER HOTSPOT -- A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT -- The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORMWATER MANAGEMENT FACILITY -- One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

STORMWATER MANAGEMENT OFFICER -- An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

STORMWATER MANAGEMENT PRACTICES (SMPs) -- Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) -- A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF -- Flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK -- Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of

surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

TRAINED CONTRACTOR -- An employee from the contracting (construction) company that has received four hours of Department endorsed training in proper erosion and sediment control practices from a Soil and Water Conservation District or other Department endorsed entity. After receiving the initial training, the trained contractor shall receive four hours of training every three years. [Added 9-11-2012 by L.L. No. 4-2012]

WATERCOURSE -- A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY -- A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND -- An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-5. Applicability. [Amended 9-11-2012 by
L.L. No. 4-2012]**

§ 183-5. Applicability. [Amended 9-11-2012 by L.L. No. 4-2012]

- A. This chapter shall be applicable to all land development activities as defined in this chapter.
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
 - (1) Review the plans;
 - (2) Upon approval by the Town Board of the Town of Geddes, engage the services of a registered professional engineer to review the plans, specifications and related

documents at a cost not to exceed a fee schedule established by said governing board; or

- (3) Accept the certification of a qualified professional that the plans conform to the requirements of this chapter.
- C. An owner or operator of a land development activity that is subject to the requirements of this chapter must first develop a SWPPP in accordance with all applicable requirements of this chapter and then have its SWPPP reviewed and accepted by the Stormwater Management Officer prior to submitting the notice of intent (NOI) to the Department. The owner or operator shall have the MS4 SWPPP acceptance form signed by the Stormwater Management Officer and then submit that form along with the NOI to the address referenced under "Notice of intent (NOI) submittal" in the applicable SPDES permit.
- D. All land development activities subject to review and approval by the applicable board of the Town of Geddes under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- E. All land development activities not subject to review as stated in subsection C above shall be required to submit a stormwater pollution prevention plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE I, General Provisions / § 183-6. Exemptions.**

§ 183-6. Exemptions.

The following activities may be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter.
- B. Silvicultural activity, except that landing areas and log haul roads are subject to this chapter.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Town of Geddes on or before the effective date of this chapter.

- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012]**

**ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-7. Stormwater pollution prevention plan requirement.**

§ 183-7. Stormwater pollution prevention plan requirement.

No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-8. Contents of stormwater pollution prevention plans.**

§ 183-8. Contents of stormwater pollution prevention plans.

- A. All SWPPPs shall provide the following background information and erosion and sediment controls:
- (1) Background information about the scope of the project, including location, type and size of project;
 - (2) Site map/construction drawing(s) for the project, including a general location map with a scale no smaller than one inch equals 100 feet; contour intervals with a minimum of 10 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); locations or known presence of agricultural tile drains or other existing features that cause artificial drainage of the site and their impact on the hydrology;
 - (3) Description of the soil(s) present at the site;
 - (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - (5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
 - (6) Description and volume of construction and waste materials expected to be stored on site with updates as appropriate, and a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
 - (7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - (8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of

- each erosion and sediment control practice;
- (9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
 - (10) Temporary practices that will be converted to permanent control measures;
 - (11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
 - (12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
 - (13) Name(s) of the receiving water(s);
 - (14) Delineation of SWPPP implementation responsibilities for each part of the site;
 - (15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable;
 - (16) Any existing data that describes the stormwater runoff at the site;
 - (17) A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site;
 - (18) Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, New York State Standards and Specifications for Erosion and Sediment Control. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;
 - (19) Identification of any elements of the design that are not in conformance with The New York State Stormwater Management Design Manual (hereinafter the "Design Manual"). Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;
 - (20) A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum the summary shall address the required design criteria from the applicable chapter of the Design Manual, including the identification of and justification for any deviations from the

Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual.

B. Land development activities as defined in § 183-4 of this chapter and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:

- (1) Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's most recent 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
- (2) Condition B: Stormwater runoff from land development activities disturbing five or more acres.
- (3) Condition C: Stormwater runoff from single-family residential subdivisions with twenty-five-percent or greater impervious cover at total site build-out and not located in one of the total maximum daily load (TMDL) designated watersheds and not directly discharged to one of the Department's most recent 303(d) list of impaired waters.

C. SWPPP Requirements for Conditions A, B and C:

- (1) All information in Subsection A of this section;
- (2) Description of each post-construction stormwater management practice;
- (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (4) Map showing watershed area used for hydrological and hydraulic analyses;
- (5) All references for data;
- (6) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (7) Comparison of post-development stormwater runoff conditions with predevelopment conditions;
- (8) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (9) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;

- (10) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (11) Inspection and maintenance plan binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article II, § 183-12 of this chapter. Said plan shall include inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice, and said plan shall identify the entity that will be responsible for the long-term operation and maintenance of each practice; and
- (12) The SWPPP shall be prepared by a qualified professional and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.

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ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-9. Other environmental permits.**

§ 183-9. Other environmental permits.

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-10. Contractor certification**

§ 183-10. Contractor certification

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System ("SPDES") general permit for stormwater discharges from construction

activities, and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings."

- (1) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- (2) The certification statement(s) shall become part of the SWPPP for the land development activity.
- (3) A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-11. Performance and design criteria for stormwater
management and erosion and sediment control.**

§ 183-11. Performance and design criteria for stormwater management and erosion and sediment control.

All land development activities shall be subject to the following performance and design criteria:

- A. Technical standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:
 - (1) The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual").
 - (2) New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate

equivalence to the technical standards set forth in Subsection A above, and the SWPPP shall be prepared by a qualified professional that is knowledgeable in the principles and practices of stormwater management and treatment.

- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York or cause a violation of New York State water quality standards.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-12. Maintenance, inspection and repair of stormwater
facilities.**

§ 183-12. Maintenance, inspection and repair of stormwater facilities.

- A. Maintenance and inspection during construction.

- (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- (2) Prior to the commencement of construction activity, the owner or operator must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP and the contractor(s) and subcontractor(s) that will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The owner or operator shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person must be a trained contractor. The owner or operator shall ensure that at least one trained contractor is on site on a daily basis when soil disturbance activities are being performed.
- (3) For construction sites where soil disturbance activities are ongoing, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
- (4) For construction sites where soil disturbance activities are ongoing and the owner or operator has received authorization to disturb greater than five acres of soil at any one

time, the qualified inspector shall conduct at least two site inspections every seven calendar days. The two inspections shall be separated by a minimum of two full calendar days

- (5) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the Stormwater Management Officer in writing prior to reducing the frequency of inspections.
 - (6) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed, and that all post- construction stormwater management practices have been constructed in conformance with the SWPPP by signing the final stabilization and post-construction stormwater management practice certification statements on the notice of termination.
 - (7) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Geddes to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Geddes.
- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes, as a

minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- (2) Written procedures for operation and maintenance and training new maintenance personnel.
- (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 183-11C.

D. Maintenance agreements.

- (1) The Town of Geddes shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be in a form acceptable to the Town.
- (2) The Town of Geddes, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility and creation of a drainage district, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE II, Stormwater Pollution Prevention Plans [Amended 9-11-2012 by L.L.
No. 4-2012] / § 183-12.1. Amendments, ownership changes and termination.**

§ 183-12.1. Amendments, ownership changes and termination.

- A. The owner or operator must keep the SWPPP current so that it at all times accurately documents the erosion and sediment control practices that are being used or will be used during construction and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP:
- (1) Whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;
 - (2) Whenever there is a change in design, construction or operation at the construction site that has or could have an effect on the discharge of pollutants; and

- (3) To address issues or deficiencies identified during an inspection by the qualified inspector, the Department or other regulatory authority.

- B. The owner or operator shall notify the Stormwater Management Officer in writing of any planned amendment or modifications to the post-construction stormwater management practice component of the SWPPP. Unless otherwise notified by the Stormwater Management Officer, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Stormwater Management Officer prior to commencement of construction of the post-construction stormwater management practice.

- C. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original owner or operator must notify the new owner or operator, in writing, of the requirement to obtain permit coverage by submitting a notice of termination (NOT) to the Department. Once the new owner or operator obtains permit coverage, the original owner or operator shall then submit a completed notice of termination (NOT) with the name and permit identification number of the new owner or operator to the Department. If the original owner or operator maintains ownership of a portion of the construction activity and will disturb soil, they must maintain their coverage under the permit.

- D. Prior to termination of any SPDES permit obtained in accordance with this chapter, the owner or operator shall have the Stormwater Management Officer sign the MS4 acceptance statement on the NOT. Prior to signing this statement, the Stormwater Management Officer shall determine that it is acceptable for the owner or operator to submit the NOT in accordance with the requirements of the applicable SPDES permit. The Stormwater Management Officer can make this determination by performing a final site inspection himself or by accepting the qualified inspector's final site inspection certificate(s).

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ARTICLE III, Administration and Enforcement**

ARTICLE III, Administration and Enforcement

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GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-13. Construction
inspection.**

§ 183-13. Construction inspection.

- A. Erosion and sediment control inspection. The Town of Geddes Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Town of Geddes enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
- (1) Start of construction.
 - (2) Installation of sediment and erosion control measures.
 - (3) Completion of site clearing.
 - (4) Completion of rough grading.
 - (5) Completion of final grading.
 - (6) Close of the construction season.
 - (7) Completion of final landscaping.
 - (8) Successful establishment of landscaping in public areas.
- B. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- C. Stormwater management practice inspections. The Town of Geddes Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- D. Inspection of stormwater facilities after project completion.
- (1) Inspection programs shall be established on any reasonable basis, including but not limited to:

- (a) Routine inspections;
 - (b) Random inspections;
 - (c) Inspections based upon complaints or other notice of possible violations;
 - (d) Inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and
 - (e) Joint inspections with other agencies inspecting under environmental or safety laws.
- (2) Inspections may include, but are not limited to:
- (a) Reviewing maintenance and repair records;
 - (b) Sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and
 - (c) Evaluating the condition of drainage control facilities and other stormwater management practices.
- E. Submission of reports. The Town of Geddes Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- F. Right-of-entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Geddes the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this section.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-14. Performance guarantee.**

§ 183-14. Performance guarantee.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Town of

Geddes in its approval of the stormwater pollution prevention plan, the Town of Geddes may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town of Geddes as the beneficiary. The security shall be in an amount to be determined by the Town of Geddes based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Town of Geddes, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has (have) been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of Geddes. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

- B. Maintenance guarantee. [Amended 8-9-2011 by L.L. No. 2-2011; 9-13-2011 by L.L. No. 3-2011]
- (1) Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity, prior to construction, may be required to provide the Town of Geddes with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or entity landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of Geddes may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
 - (2) In addition to or in lieu of the foregoing, where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity landowner, prior to construction, may be required to enter into an agreement with the Town of Geddes setting forth maintenance and operation requirements for said stormwater management and erosion and sediment control facility and enforcement alternatives, in a form acceptable to the Town. If said stormwater management and erosion and sediment control facilities are not properly operated and maintained in accordance with said agreement or approved plans, the Town shall give the developer and/or entity landowner 30 days' written notice to comply with the operation and maintenance provisions of the said agreement or approved plans. If the developer and/or entity landowner shall fail to so comply with the operation and maintenance provisions of the said agreement or approved plans within said thirty-day period, the Town may

take such remedial steps as are necessary to bring said facility into compliance with the said operation and maintenance requirements of said agreement or approved plans and the cost of such remedial measures shall be assessed as a lien on the property and shall be charged to the landowner's tax bill.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-15. Recordkeeping.**

§ 183-15. Recordkeeping.

The Town of Geddes shall require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-16. Enforcement; penalties
for offenses.**

§ 183-16. Enforcement; penalties for offenses.

- A. Notice of violation. When the Town of Geddes determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant;
 - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.

- B. Stop-work orders. The Town of Geddes may issue a stop-work order for violations of this chapter. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Town of Geddes confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Geddes may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-17. Fees for services.**

§ 183-17. Fees for services.

Any person undertaking land development activities regulated by this chapter shall reimburse the

Town for all expenses and costs associated with compliance with these requirements, including, but not limited to, engineering and legal expenses.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
ARTICLE III, Administration and Enforcement / § 183-18. Severability.**

§ 183-18. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 183, STORMWATER MANAGEMENT /
Schedule A**

Schedule A

Stormwater Management Practices Acceptable for Water Quality <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
Group	Practice	Description
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.

	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.

	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.
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**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS**

Chapter 185, STREETS AND SIDEWALKS

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code]**

**ARTICLE I, Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974
Code]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-1. Permission required to excavate.**

§ 185-1. Permission required to excavate.

No person shall injure or tear up any pavement, street or crosswalk, nor shall any person dig any hole or trench in any streets to connect with sewer or gas pipes, or for any other purpose, without first having obtained permission of the Superintendent of Highways in writing.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-2. Restoration of pavement.**

§ 185-2. Restoration of pavement.

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 was before, and such pavement shall be relaid and such hole or trench shall be refilled under the direction of and to the satisfaction of the Superintendent of Highways.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-3. Sewer connections; waiving of damages.**

§ 185-3. Sewer connections; waiving of damages.

When consent shall be obtained to connect with a sewer, the person obtaining the same or making such connection, or his grantees, shall not be entitled to a claim against the town for any damage sustained by reason of the flooding of the sewer which such connection shall make, whether such flooding shall be occasioned by want of capacity of such sewer or obstruction therein; and any person who shall connect a drain or sewer from his or her premises with any public sewer shall waive all damages which such person may be subjected to on account of backwater from such public sewer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-4. Open excavations after dark: guarding; notification of authorities.**

§ 185-4. Open excavations after dark: guarding; notification of authorities.

Any person who shall dig or cause to be dug any hole or trench in any street, lane or alley of the town, and shall not properly refill the same before dark of the same day, shall notify the Town Superintendent of Highways and the Superintendent of Fires (who is the Supervisor of the town) that he proposes to leave such hole or trench open during the following night protected by a suitable guard and signals, giving the exact location thereof, and shall serve such notice before 5:00 p.m. of said day.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

**GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-5. Underground utility operations: inspection required; compensation of
inspector; duty of inspector.**

**§ 185-5. Underground utility operations: inspection required; compensation of inspector;
duty of inspector.**

- A. Whenever any person or corporation shall do or cause to be done any subway work, steam pipe work, the laying of mains, extending or establishing any telecommunications, telephone or electric light system or any other work of a like nature, all excavations or underground work shall be subject to inspection.^{EN(37)}
- B. The Superintendent of Highways shall appoint a competent inspector of such work at a compensation in an amount set from time to time by resolution of the Town Board, the cost of said inspection to be borne and paid by the person, company or corporation doing or causing such work to be done.^{EN(38)}
- C. Whenever such work shall be done in sections or in such a manner that one inspector cannot thoroughly inspect the same, in the judgment of the Superintendent of Highways, then an inspector for each section shall be appointed and paid as hereinabove provided.
- D. Said inspector or inspectors shall see that the property of the town and other corporations, persons or companies holding rights within the streets are properly protected.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-6. Permission required to dig or remove material.**

§ 185-6. Permission required to dig or remove material.

No person shall, without permission from the Superintendent of Highways, dig, remove or carry away any stone, earth, sand or gravel from any street, lane or public park or square or town property in the town.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-7. Maintenance of sidewalks required.**

§ 185-7. Maintenance of sidewalks required.

No owner of any land within the town limits shall allow any sidewalk adjoining said land to be at any time other than in good repair and in a good and safe condition.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-8. Snow, ice and other obstructions prohibited.**

§ 185-8. Snow, ice and other obstructions prohibited.

No owner of any land within the town limits shall allow any accumulation of snow or ice or any obstruction on any sidewalk adjoining said land.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE I,
Excavations and Sidewalks [Adopted 4-8-1974 as Ch. 50 of the 1974 Code] / §
185-9. Penalties for offenses. EN**

§ 185-9. Penalties for offenses. EN⁽³⁹⁾

Any person found guilty of a violation of this chapter shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both such fine and imprisonment.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE II,
Notification of Defects [Adopted 5-12-1980 by L.L. No. 4-1980 (Ch. 40 of the 1974
Code)]**

**ARTICLE II, Notification of Defects [Adopted 5-12-1980 by L.L. No. 4-1980 (Ch. 40
of the 1974 Code)]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE II,
Notification of Defects [Adopted 5-12-1980 by L.L. No. 4-1980 (Ch. 40 of the 1974**

Code)] / § 185-10. Written notice required. EN

§ 185-10. Written notice required. EN(40)

Before a civil action for damages or injuries can be brought against the Town of Geddes, its agents and employees or the Town of Geddes Superintendent of Highways, its agents and employees, prior written notice must be given of the defective, unsafe or dangerous condition of a street, highway, bridge, culvert, sidewalk or crosswalk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 185, STREETS AND SIDEWALKS / ARTICLE II,
Notification of Defects [Adopted 5-12-1980 by L.L. No. 4-1980 (Ch. 40 of the 1974
Code)] / § 185-11. Effect on statute.**

§ 185-11. Effect on statute.

This chapter further eliminates the constructive notice provision of Town Law § 65-a, Subdivision 1.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND**

Chapter 190, SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Geddes 11-6-1997 by L.L. No. 1-1997. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE I,
Terminology**

ARTICLE I, Terminology

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE I,
Terminology / § 190-1. Definitions.**

§ 190-1. Definitions.

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

HIGHWAY DEPARTMENT -- The Highway Department of the Town of Geddes.

MAJOR SUBDIVISION -- A division of any part, parcel or area of land by the owner or agent either by lots or by metes and bounds into lots or parcels four or more in number for the purpose of conveyance, transfer, improvement, building development or sale.

MINOR SUBDIVISION

- A. The resubdivision of previously subdivided lots; or
- B. The division of any parcel of land into two or three parcels for the purpose of conveyance, lease or building development. Any such subdivision shall not involve the creation of a public street. If a public street is to be created, such subdivision shall be a major subdivision.

PLANNING BOARD -- The Planning Board of the Town of Geddes.

PLANS -- Three types of plans are required for submittal to the Town Board of the Town of Geddes. Plans will be detailed in accordance with the criteria given in § 190-2 and prepared by a licensed professional engineer and/or licensed land surveyor.

- A. **SKETCH PLAN** -- An informal plan, not necessarily to exact scale, indicating salient features of a tract and its surroundings and the general layout of a proposed subdivision.
- B. **PRELIMINARY PLAN** -- A drawing showing the layout of a proposed subdivision, including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.
- C. **FINAL PLAN** -- A drawing prepared by a licensed land surveyor that shows exact dimensions of streets and lots within the subdivision, containing in additional detail all information required to be shown on a preliminary plan and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plan, if such preliminary plan has been so approved.

STREETS -- A way for vehicular traffic, whether described as a street, highway, thoroughfare, parkway, road, avenue, lane, drive, place or other similar designation. The following functional classification is used in these regulations:

- A. **ARTERIAL HIGHWAYS** -- Those which are used for fast or heavy traffic, usually with complete or partial control over access from abutting property and traffic flow averages more

than 680 vehicles per hour.

- B. MAJOR STREETS -- Street which carries the main flow of traffic to and from various points of concentration within the town and to adjacent areas and arterials and traffic flow ranges from 250 to 700 vehicles per hour.
- C. COLLECTOR STREETS -- A street which collects and disperses the traffic from the major streets to local streets and abutting property. These streets carry local community traffic; traffic flow ranges from 70 to 250 vehicles per hour.
- D. MINOR STREETS -- All remaining streets not classified as arterial, major or collector streets. Minor streets are those which are used primarily for access to the abutting properties, and traffic flow averages less than 70 vehicles per hour.
- E. CULS-DE-SAC -- A minor street with one end open for access and the other end terminating in a vehicular turnaround. The length of a cul-de-sac shall be measured along the center line from which it runs to the center of the cul-de-sac turnaround.

TOWN BOARD -- The Town Board of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE II,
Plans and Data to be Submitted**

ARTICLE II, Plans and Data to be Submitted

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE II,
Plans and Data to be Submitted / § 190-2. Sketch plans.**

§ 190-2. Sketch plans.

- A. Three different schemes of this plan shall be prepared for submittal to the Town Board. The sketch plans shall contain:
 - (1) Title, scale, North arrow and date.
 - (2) A topographical survey, as required for the proposed preliminary plan, or an enlargement of the most recent United States Geological Survey Quadrangle, to a scale of one inch to 100 feet, and showing contours at intervals of not more than five feet.

- (3) Subdivision boundaries.
 - (4) Park and recreation areas, if proposed.
 - (5) Names of owners and approximate boundaries of all contiguous properties.
- B. Development and legal data shall be available in conjunction with the sketch plan, as follows:
- (1) Land characteristics of the site.
 - (2) Availability of existing and proposed utilities, schools, parks and playgrounds.
 - (3) Total acreage of the subdivision and number of lots proposed.
 - (4) Typical width and depth of lots.
 - (5) Building type and approximate square footage of living area in dwellings.
 - (6) Name and address of subdivider.
 - (7) Name and address of owner.
 - (8) Specific print of type of house to be constructed.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE II,
Plans and Data to be Submitted / § 190-2.1. Stormwater pollution prevention
plan. [Added 12-11-2007 by L.L. No. 6-2007]**

§ 190-2.1. Stormwater pollution prevention plan. [Added 12-11-2007 by L.L. No. 6-2007]

- A. Preliminary subdivision plat. A preliminary stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 183 of the Code of the Town of Geddes shall be required for preliminary subdivision plat approval. Said preliminary SWPPP shall indicate where necessary drainage will be located, shall include a narrative demonstrating intended compliance with the regulation and describing the size and type of control to be used and shall include any other information as may be requested by the Planning Board.
- B. Final subdivision plat. A stormwater pollution prevention plan consistent with the requirements of Chapter 183 of the Code of the Town of Geddes and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 183 of the Code of the Town of Geddes. The approved final subdivision plat shall be consistent with the

provisions of Chapter 183 of the Code of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE II,
Plans and Data to be Submitted / § 190-3. Proposed preliminary plan.**

§ 190-3. Proposed preliminary plan.

This plan shall be an update of the sketch plan that was selected and approved by the Town Board of Geddes. The proposed plan shall contain:

- A. Title, scale, North arrow and date.
- B. Sheet size and scale. Less than 10 acres 24 inches x 36 inches, one inch equals 50 feet; ten or more acres 24 inches by 36 inches, 1 inch equals 100 feet.
- C. Bearings and distances of tract boundary lines and reference control points.
- D. Locations and dimensions of existing and proposed:
 - (1) Streets, public facilities or land, easements and similar features.
 - (2) Facilities or land dedicated or reserved for public use.
 - (3) Utilities on and adjacent to the tract, including size and location of sanitary, storm and combined sewers, water mains, gas lines, fire hydrants, electric and telephone facilities and streetlights, invert elevation of storm and sanitary sewers at proposed points of connection; location of sewers not adjacent to tract to which connections are proposed, together with invert elevations at points of connection.
- E. Topography of subdivisions shall be included as follows:
 - (1) Contour lines shall be shown at not more than two-foot intervals.
 - (2) Datum planes for all topographic information, which shall be that of the United States Geological Survey.
- F. Location of percolation test sites, if required.
- G. Names or filed map numbers of:
 - (1) Owners of adjoining land.
 - (2) Adjoining subdivisions.

- (3) Proposed subdivisions.
 - (4) Proposed streets.
 - (5) Blocks and lots.
 - (6) Owners and subdividers.
- H. In conjunction with the proposed preliminary site plan, location and neighborhood maps must be provided and shall contain:
- (1) Subdivision location and boundaries.
 - (2) Location of adjoining tracts and subdivisions and existing and proposed streets, public facilities and watercourses within 400 feet of any part of the subdivision.
 - (3) Scale, which may vary from one inch equals 100 feet to one inch equals 200 feet.
- I. Development data shall be available in conjunction with the proposed preliminary site plans as follows:
- (1) Corrected and updated development data from the sketch plan or as required by said plan.
 - (2) Results of any required percolation tests.
 - (3) Drawings showing:
 - (a) Tentative street cross sections and center-line profiles.
 - (b) Preliminary sketches of any bridges or culverts.
 - (c) General plans of sanitary and storm sewer systems.
- J. General plans of water distribution systems.
- K. The following legal data shall be available in conjunction with the proposed preliminary site plans and development data:
- (1) Draft restrictions of all types which will run with the land and become covenants in the deed for lots.
 - (2) Drafts of offers of cession, as required.
 - (3) Applications for public hearing, obtained from the Town Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE II,
Plans and Data to be Submitted / § 190-4. Final plan.**

§ 190-4. Final plan.

- A. This plan shall be the final development and suggested improvements which updates the proposed preliminary plan, as approved by the Town Board. The final plan shall contain the following:
- (1) Title, scale, North arrow and date.
 - (2) Sheet size to be 24 inches by 36 inches; scale one inch equals 50 feet.
 - (3) Corrected and final planimetric data from proposed preliminary plan, including modifications, for all street right-of-way and property lines. The following shall be shown:
 - (a) Accurate dimensions, bearing or deflection angles of all straight lines. Error of closure may not exceed one foot in 5,000.
 - (b) Curve data on all curves.
 - (4) Survey data that must be shown. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on map are referred.
 - (5) Information beyond subdivision boundaries required for proposed preliminary plans need not be shown except for boundary streets.
- B. In conjunction with the final plan, location and neighborhood maps must be provided and shall be corrected and updated from the proposed preliminary location and neighborhood maps. If final plan is drawn in two or more sections, locations of the area should be indicated.
- C. Development data shall be available in conjunction with the final plans, location and neighborhood maps. Development data shall include:
- (1) Corrected and updated development data from proposed preliminary plan.
 - (2) Detailed drawings and specifications for:
 - (a) All improvements shown on proposed preliminary plan development data drawings.

- (b) Final general plan and plan and profile of sanitary sewage system.
 - (c) Final general plan and plan and profile of storm sewer system.
- D. The following legal data shall be available in conjunction with the final plan, location and neighborhood maps and development data:
- (1) Corrected and updated legal data from the proposed preliminary plan.
 - (2) Such other certificates, affidavits, endorsements or agreements as may be required by the Town Board in the enforcement of these regulations.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures**

ARTICLE III, Procedures

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-5. Sketch plan.**

§ 190-5. Sketch plan.

- A. The developer shall submit four copies each showing three alternate layouts of the proposed subdivision, along with a written request for an informal meeting with the Town Board. A copy of the sketch plan shall be sent to the Town Engineer, Town Planning Board and Town Highway Superintendent for comments. The town shall set a time and place for the informal meeting and gives all parties five days notice.
- B. The Town Board shall receive comments and at conclusion of the meeting take action to select one layout, select one layout with modifications or reject all layouts with comments on reasons for rejection. If all layouts are rejected, the sketch plan process shall be repeated.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-6. Preliminary plan. [Amended 1-19-2001 by L.L. No. 1-2001;
3-8-2011 by L.L. No. 1-2011]**

§ 190-6. Preliminary plan. [Amended 1-19-2001 by L.L. No. 1-2001; 3-8-2011 by L.L. No. 1-2011]

- A. Within one year after the sketch plan meeting, the developer shall submit four copies of the preliminary plans conforming to the sketch plan, along with a completed EAF. At the first Town Board meeting after submittal of the preliminary plans, the Town Board shall send it to the Planning Board, Zoning and Planning Committee, Town Engineer and Town Highway Superintendent for review and may set up an informal meeting if the Board desires.
- B. Upon receipt of the subdivision referral from the Town Board, the Planning Board shall have 30 days to respond to the Town Board with a recommendation of approval, approval with modifications or denial. If the Planning Board does not respond within 30 days, the Town Board shall consider that an approval recommendation has been submitted and shall proceed with its review of the subdivision. The Town Board may grant the Planning Board additional time for its review upon written request for such an extension of time from the Planning Board.
- C. At the second Town Board meeting after submittal of the preliminary plans, the Board shall give the developer written notice regarding completeness of application, excluding SEQR determination. If the application is determined to be complete, the Town Board will set a public hearing within 45 days. If incomplete, the Town Board will note what additional data needs to be submitted.
- D. Once accepted as complete, excluding SEQR determination, the developer shall submit three copies of the preliminary plan revised as required in the informal meeting. A fee in an amount as set from time to time by resolution of the Town Board shall be paid at this time and submitted with the subdivider's application. The Town Board shall call a public hearing for the first regular meeting of the Board more than 10 days after submittal of the plan. The Town Clerk shall notify the developer and owners of all adjoining properties of the date of the hearing.
- E. At the conclusion of the public hearing, the Town Board shall make a SEQR determination or notify the applicant that questions raised at the public hearing indicate that additional information is required. If a negative determination is made, the Town Board shall within 62 days then formally approve, conditionally approve or disapprove the preliminary plan. In the event of disapproval, the grounds of such disapproval shall be specified in the resolution; and in the event of conditional approval there shall be specified in the resolution the precise conditions of the approval, including the improvements to be required. During the sixty-two-day period, the Town shall submit the application to SOCPA for review, when required.

- F. An applicant for approval of a minor subdivision may omit applying for preliminary plan, provided that all the provisions for preliminary plan approval are complied with when application is made for final plat approval. The filing fees for final plat approval, when the subdivider chooses to omit the preliminary plat procedure, shall be the amounts as provided for in Subsection D herein, rather than the amount provided for in § 190-7A.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-7. Final plan.**

§ 190-7. Final plan.

- A. Upon fulfillment of all conditions of approval in conjunction with the proposed preliminary plan, the subdivider shall submit the final tract plan and an application for final approval with a fee in an amount as set from time to time by resolution of the Town Board to the Town Clerk within two years after formal approval or conditional approval of the proposed preliminary plan. [Amended 1-19-2001 by L.L. No. 1-2001]
- B. The developer shall submit two copies of final plat and plans and profiles of utilities to the Town Engineer for approval. The Town Engineer shall prepare an estimate of cost of constructing and for the construction observation of utilities and shall send said estimate to the Town Attorney and the developer. The Town Engineer shall write letters of approval of utility plans and final plans to the Town Board. The Town Attorney shall prepare agreements for acceptance of utilities and roads.
- C. The developer shall submit descriptions of roads and easements to be dedicated to the town together with any deed restrictions to the Town Attorney. Developer obtains approval of the Syracuse City Planning Commission if the subdivision is located within the three-mile limit of the City of Syracuse. Developer also submits letter of credit in the amount of the estimate. Agreement is signed by developer.
- D. Developer submits four cloth-back copies of the final plan together with the road agreement, letters of credit and deposit for construction observation fees to the Town Clerk. Within 45 days of the submittal, Town Board reviews and acts to approve or disapprove the final plan. If approved, Town Supervisor signs all four copies and returns one copy to developer.
- E. Developer submits an insurance certificate to Town Attorney. After attorney approves certificate, developer may install utilities and binder course of pavement. Town Engineer observes installation and certifies construction. Developer records plan with the Onondaga County Clerk and building permits are issued. Developer petitions Town Board for reduction

of letter of credit as utilities and roads are completed and certified.

- F. The Town Board may permit the final tract plan to be divided into two or more sections, subject to such conditions as it seems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the approval of the final tract plan. Approval of any other sections, not recorded, shall expire, unless recorded before the expiration of three years. In the event of disapproval, the grounds for such action shall be stated in the records of the Town Board, and a copy of such decision shall be sent to the subdivider upon request.
- G. The Town Board may allow construction of utilities after approval of construction drawings but before filing the map, provided requirements for insurance, securities and fees are met.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-8. Security agreement.**

§ 190-8. Security agreement.

- A. Before final plan is signed by the town, the subdivider shall place on deposit with the Town Board, security in the form of cash or its equivalent in the amount of 100% of the estimated construction cost of any uncompleted roads, utilities or appurtenances to be conveyed to the town.
- B. Upon satisfactory completion of the roads, utilities and appurtenances and certification of completion by the Town Engineer, the town hereby agrees to release the security as follows:
 - (1) Sanitary sewers. Upon approval, in writing, by the Town Engineer that the sanitary sewers have been constructed and installed in accordance with the plans and specifications, the town shall release 90% of the sum allocated for sanitary sewers. Upon expiration of the guaranty period, the town shall release the remainder of the sum, provided that the sewers have been televised and found to be free of defects.
 - (2) Storm sewers. Upon approval, in writing, by the Town Engineer that the storm sewers have been constructed and installed in accordance with the plans and specifications, the town shall release 90% of the sum allocated for storm sewers. Upon expiration of the guaranty period, the town shall release the remainder of the sum, provided that the Town Highway Superintendent certifies that the storm sewers are operating properly.
 - (3) Roads. Upon approval, in writing, by the Town Engineer that the crushed stone base and binder course have been installed in accordance with the construction plans and town specifications, the town shall release 50% of the sum allocated for road construction.

Upon approval, in writing, by the Town Highway Superintendent that necessary repairs have been made and the top course properly installed, the town shall release an additional 25% of the sum allocated for road construction. Upon expiration of the one-year guaranty period, the town shall release the remainder of the sum, provided that the Town Highway Superintendent certifies that no repairs are necessary.

- (4) Any security, furnished in lieu of the installation of the required improvements, shall be in the amount fixed by the resolution of the Board and shall be secured by such deposit of the subdivider or issued by such bonding or security company as shall be approved by the Town Board and shall be approved by the Town Board as to form, sufficiency and manner of execution. The bond shall assure the complete installation of the required improvements within such period, not longer than three years. The Town Board, with the consent of all parties to the bond, may extend such period upon written application of the subdivider, filed with the Town Clerk prior to the expiration of such period or upon its own motion at any time prior to a declaration of a default in the bond by the Town Board.
- (5) The Town Board upon findings either that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such security or that the required improvements have been installed in sufficient amount to warrant reduction in the face amount of such security, may modify its requirements.
- (6) Except as provided in the preceding subsection, the security shall be released only upon complete installation of the required improvements and submittal of written acceptance from the Town Engineer and Town Highway Superintendent.
- (7) If the required improvements are not completely installed within the period fixed herein or extended by the Town Board, the Town Board may declare the security in default and collect the amount payable thereunder. Upon receipt of such amount, the town shall install such improvements as were covered by the security and are commensurate with the extent of the building development which has taken place in the subdivision. Excess costs can be billed to the developer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-9. Construction observation.**

§ 190-9. Construction observation.

- A. The subdivider shall be required to inform the Town Engineer of his construction schedule to

enable observation during construction of all facilities which are to be conveyed to the Town of Geddes.

- B. The subdivider shall be required to place on deposit with the Town Board an amount equivalent to 5% of the estimated construction cost of the project as determined by the Town Engineer.
- C. The Town Engineer will periodically submit itemized statements to the town, with a copy to the subdivider, for construction observation with the invoiced amounts being deducted from the moneys on deposit. In the event that the Town Engineer determines at any time the amount on deposit to be insufficient to cover future observation, the subdivider shall be so notified and shall then, within 30 days of said notification, deposit with the Town Board such additional sums as the Engineer shall determine. Following construction observation completion, any remaining moneys will be paid by the town to the subdivider. The subdivider shall be liable for any costs in excess of the above amount deposited.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE III,
Procedures / § 190-10. Professional fees.**

§ 190-10. Professional fees.

The developer of a residential subdivision shall pay the fees for all professionals engaged by the Planning Board or Town Board to advise it regarding any such application. Those fees have been estimated and based thereon, the fee schedule given in § 190-6B was established. Where unusual circumstances exist necessitating additional legal or engineering expenses to be incurred, fees will be charged on a case-by-case basis. Otherwise the foregoing schedule is deemed fair and reasonable compensation to the Town of Geddes for the contemplated necessary professional services, including all professional services required for SEQRA review unless there is a positive declaration. In the event that there is a positive declaration, additional fees may be charged to the developer.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards**

ARTICLE IV, Development Design Standards

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-11. General requirements.**

§ 190-11. General requirements.

In the layout, development and improvement of a subdivision, the subdivider shall comply with all standards, specifications, codes and ordinances of the Town of Geddes; and in addition, the subdivider shall meet as minimums the standards of design and principles of land subdivision set forth in this article.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-12. Uninhabitable land.**

§ 190-12. Uninhabitable land.

Land subject to flooding and land deemed by the Town Board to be uninhabitable shall not be subdivided for residential occupancy, nor for such other uses as may involve danger to health, life or property or aggravate any natural hazards, but such land within the area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-13. Street criteria.**

§ 190-13. Street criteria.

A. General.

- (1) The arrangement, character and extent of all streets in a subdivision shall conform to existing and approved proposed streets in the Town of Geddes in relation to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the subdivision to be served by such streets.
- (2) Minor streets in a residential development shall be so laid out as to discourage through traffic, but provision for the extension and continuation of major and collector streets into and from adjoining areas is required. If the subdivision abuts an arterial street, the Town Board may require reverse frontage with screen planting contained in a nonaccess

reservation along the property line or such other treatment as may be necessary for adequate protection of residential properties; and to afford separation of through and local traffic. At all times, the street layout should be logically related to the topography of the land. Intersections of minor streets with major and collector streets shall be held at a minimum to avoid hazard and delay. Half streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half street.

- (3) No street names shall be used which will duplicate or be confused with the names of existing streets in the Town of Geddes or adjacent villages or towns. Streets that are extensions or in alignment with existing names of streets shall bear the name of the existing streets.
- (4) No dead-end streets shall be permitted without adequate turnaround and express approval of the Town Board. Dead-end streets extending to tract boundary lines which are intended to connect to future streets in adjoining tracts and dead-end streets within a tract which are to be extended shall be provided with a temporary turnaround. Appropriate arrangement shall be made for those portions of temporary turnarounds outside of street right-of-way to revert to abutting property owners at such time as streets shall be extended.
- (5) Cul-de-sac streets. Cul-de-sac streets shall have a maximum length of 700 feet.

B. Street alignment.

- (1) The minimum radius at the center line for curves on major streets shall be 500 feet; for collector streets 300 feet; and for minor streets and cul-de-sac streets 140 feet.
- (2) Major and collector streets shall have a tangent length of a minimum of 100 feet measured at the center line between reverse curves.
- (3) Proper braking sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, the minimum braking sight distance shall be 200 feet for major and collector streets and 150 feet for minor streets and cul-de-sac streets.
- (4) Proper sight distances shall be maintained at all intersection of streets. Measured along the center line, there shall be a clear sight triangle a minimum of 75 feet from the point of intersection. No present or proposed building or obstruction shall be permitted in this area.

C. Street grades.

- (1) There shall be a minimum grade of at least 1/2 of 1% on all streets, a maximum grade of 8% on major and collector streets; and 10% on minor streets for a maximum distance of

1,500 feet.

- (2) Vertical curves shall be used in changes of grade exceeding 2% and shall be designed for braking sight distance. Intersections shall be approached on all sides by leveling areas, such leveling area shall extend for a distance of 100 feet, from the point of intersection of center line of intersecting streets and within which no grade shall exceed a maximum of 3%.

D. Street widths.

- (1) Minimum street and pavement widths shall be 13 feet from center line to inside edge of six inches asphalt kickup gutter for minor and collector streets.
- (2) Additional widths may be required by the Town Board upon findings that the same are required by: public safety and convenience; parking on commercial or public use areas; and existing streets which do not provide the proper widths and where as a consequence, additional dedication is necessary.
- (3) Minimum right-of-way shall be 60 feet for minor streets. A cul-de-sac shall have a minimum right-of-way radius of 60 feet.

E. Street intersections.

- (1) Multiple intersections involving the junction of more than four roadways shall be avoided.
- (2) Right angle intersections shall be used whenever practicable, especially when minor streets empty into major and collector streets. Intersections involving major and collector, angles of intersection may vary between 80° and 100°. When a minor street intersects another minor street, intersection angles may vary between 75° and 105°. Minimum distance between center line offsets at jogged intersections, involving major and collector streets, shall be 200 feet. Jogged intersections involving only minor and cul-de-sac streets shall have a minimum offset of 150 feet.
- (3) Street curb and gutter intersections shall be rounded by a tangential arc with a minimum radius of 25 feet for minor and cul-de-sac streets and 30 feet for intersections involving collector and major streets.

F. Street pavement standards. Standards to be according to the latest regulations of the Highway Superintendent.

Development Design Standards / § 190-14. Lots.

§ 190-14. Lots.

A. Lot arrangement (along a street).

- (1) The total length of a series of lots lining a street shall have a minimum frontage length of 800 feet with a maximum length of 1,200 feet. The length of a series of lots of a "side" street shall be at least two lot depths, exceptions being cul-de-sac streets. Modifications of the above criteria are possible in commercial and industrial developments.
- (2) In subdivisions containing parks and playgrounds bounded by lots, in exceptionally long streets or where access to a school or shopping center is necessary, a crosswalk with a minimum right-of-way of 12 feet and a paved walk of six feet in width shall be provided.

B. Individual lots.

- (1) The minimum lot sizes and frontage shall be by the provisions set forth in the Town of Geddes zoning regulations. Excessive depth in relation to the width of a lot shall be avoided. A proportion of 2.5:1 will normally be considered maximum.
- (2) All lots shall abut on a street, but double frontage lots are prohibited. All lot lines shall be perpendicular to the street right-of-way line. If after subdividing, there exist remnants of land, they shall be included in proposed or existing lot areas.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-15. Building lines and utilities.**

§ 190-15. Building lines and utilities.

A. Building lines. The minimum building setback is controlled by the provisions set forth in the Town of Geddes zoning regulations as amended and as may be further amended.

B. Utilities.

- (1) Street right-of-way. If sewer, water, drainage, gas, electrical, streetlighting or other public facilities are to be located within street right-of-way, their location and installation shall be coordinated so that they may be added to, repaired or enlarged at minimum cost.
- (2) Easements. If easements are used at the rear or sides of lots to provide for utilities or access to an interior park or playground, the easement shall have a minimum width of 15

feet.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-16. Dedication and reservation for public
land use.**

§ 190-16. Dedication and reservation for public land use.

- A. Area provided for public recreation and playground use shall be approved by the Town Board before acceptance.
- B. The developer shall cooperate with the Town Board to reserve a portion of the land for recreational and playground purposes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE IV,
Development Design Standards / § 190-17. Landscaping.**

§ 190-17. Landscaping.

Reasonable requirements for the preservation of outstanding natural features may be specified by the Town Board. These include large trees or groves, watercourses and falls, historic sites, exceptional views and similar irreplaceable assets in which there is general public interest. There shall be at least one tree per lot and spaced at intervals of not more than 50 feet and two trees per lot on corner lots. No trees shall be planted within the street right-of-way. Required trees shall be located five feet to 10 feet outside the right-of-way. Trees shall be hardy, suitable to local soil and climate and of the species approved by the Town Board. New trees shall measure at least 1 1/2 inches in diameter as measured at a point four feet above the finished grade.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE V,
Required Improvements**

ARTICLE V, Required Improvements

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

**GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE V,
Required Improvements / § 190-18. Requirements.**

§ 190-18. Requirements.

The following improvements shall be installed by the subdivider:

A. Streets.

- (1) All streets shall be graded to the grades shown on the street profile and cross section plans and be in agreement with all standards set forth in Article IV of these regulations submitted and approved with the final tract plan.
- (2) Streetlighting shall be approved by the Town Board.
- (3) Where state and county roads and highways are involved in the subdivision, the subdivider must adhere to all state and county regulations governing said roads and highways.
- (4) Permanent street signs of the same specifications used by the Town of Geddes Highway Department and showing the names of the intersecting streets shall be erected at all intersections.

B. Storm and drainage system. All storm sewers and drainage facilities, catch basins and culverts shall be installed and the land graded for adequate drainage, as shown on drainage plans submitted and approved as part of the final tract plan. These improvements shall be installed by the developer, in accordance with the procedures and standards of the Town Board and approved by the Town Engineer.

C. Sanitary sewer system. All necessary mains and laterals for connection from the lots to the public sewage system, as shown in the final tract plan layouts, shall be installed by the subdivider. The sanitary sewers shall be constructed in accordance with the standards of Onondaga County.

D. Monuments. Permanent reference monuments shall be placed at points of curvature in streets, points of tangency or horizontal curves and at such intermediate points as may be required by the Town Engineer. The monuments shall be of a ferrous metal pipe embedded in concrete. All lot corners shall be marked by using markers of a minimum length of 30 inches permanently located in the ground to final grade.

Waivers and Modifications

ARTICLE VI, Waivers and Modifications

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VI, Waivers and Modifications / § 190-19. Hardship.

§ 190-19. Hardship.

- A. Where the Town Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may change the regulations so that substantial justice may be done and the public interest secured, provided that no such change shall be granted which will have the effect of nullifying the intent and purpose of the zoning regulations or any other pertinent rules, regulations or ordinances of the Town of Geddes.
- B. In granting changes and modifications, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed or modified.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VI, Waivers and Modifications / § 190-20. Large scale development.

§ 190-20. Large scale development.

The standards and requirements of these subdivision regulations may be modified by the Town Board in the case of a plan and program for a new complete community or a neighborhood unit, which may, in the judgment of the Town Board, provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the final plan.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VI,

Waivers and Modifications / § 190-21. Unrequired or inappropriate improvements.

§ 190-21. Unrequired or inappropriate improvements.

- A. The Town Board may waive the requirements for such subdivision improvements as in its judgment of the special circumstances of a particular plan or plans are not requisite in the interest of the public health, safety and general welfare.
- B. The Town Board may also waive the requirements for such subdivision improvements as in its judgment of the special circumstances of a particular plan or plans are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VI, Waivers and Modifications / § 190-22. Conditions to waivers and modifications.

§ 190-22. Conditions to waivers and modifications.

In granting waiver and modifications, the Town Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VII, Enforcement

ARTICLE VII, Enforcement

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VII, Enforcement / § 190-23. Building permits.

§ 190-23. Building permits.

- A. No permit for the erection of any building shall be issued unless a street giving access to each proposed structure has been duly placed on the Official Map of the Town of Geddes or unless

such street is an existing street or unless such street appears on a recorded final tract plan approved by the Town Board.

- B. No such permit shall be issued unless such street has been suitably improved or, alternatively, where a performance bond has been posted to cover the full cost of such improvement.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VII,
Enforcement / § 190-24. Action to prevent or abate violations**

§ 190-24. Action to prevent or abate violations

The Town Board may, by ordinance, provide for additional remedies to prevent or abate violations and to establish penalties for violations as provided by law.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VII,
Enforcement / § 190-25. Penalties for offenses.**

§ 190-25. Penalties for offenses.

Subject to ordinance to be enacted by the Town Board a violation of these regulations is an offense punishable by a fine of not more than \$100 for each offense; the continuation of such violation and/or offense and failure and/or neglect to abate the same after a notice by the proper town officer to discontinue and/or abate such violation, for a period of one week or part thereof, shall constitute a separate violation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VIII,
General Provisions**

ARTICLE VIII, General Provisions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VIII,
General Provisions / § 190-26. Conflict with other regulations.**

§ 190-26. Conflict with other regulations.

Whenever there may be a conflict between the standard in these regulations and those of other codes, ordinances or regulations of the Town of Geddes, the most restrictive or highest standard shall prevail.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VIII,
General Provisions / § 190-27. Amendments.**

§ 190-27. Amendments.

The rules and regulations, as set forth herein, may be amended, altered or revised by the Town Board from time to time, after public hearing and subject to the approval of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 190, SUBDIVISION OF LAND / ARTICLE VIII,
General Provisions / § 190-28. Short title.**

§ 190-28. Short title.

These regulations shall be known and may be cited as the "Subdivision Regulations of the Town of Geddes."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS**

Chapter 195, SWIMMING POOLS

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 52 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention -- See Ch. 90.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-1 Definitions.**

[Amended 8-14-2007 by L.L. No. 5-2007]

§ 195-1 Definitions. [Amended 8-14-2007 by L.L. No. 5-2007]

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

SPA, HOT TUB NONPORTABLE -- See "Swimming pool."

SPA, HOT TUB PORTABLE -- A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SWIMMING POOL -- Any artificial pool or structure intended for bathing or swimming purposes, made of cement, masonry, metal or other impervious material, over 24 inches in depth above or below the proposed site ground level. This definition shall not include portable spas.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-2 Adoption of
standards. [Amended 6-9-1975; 8-14-2007 by L.L. No. 5-2007]**

§ 195-2 Adoption of standards. [Amended 6-9-1975; 8-14-2007 by L.L. No. 5-2007]

The construction, erection, installed placement and maintenance of all swimming pools, spas, hot tubs and similar items shall be constructed, erected, installed, placed and maintained in accordance with the New York State Fire Prevention and Building Code, as amended.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-3 Front yard
and side yard restrictions. [Amended 6-9-1975; 8-14-2007 by L.L. No. 5-2007]**

§ 195-3 Front yard and side yard restrictions. [Amended 6-9-1975; 8-14-2007 by L.L. No. 5-2007]

Outdoor swimming pools shall not be located within a front yard or side yard in any zoning district, with the exception of those lots within said district located at the intersection of two Town of Geddes streets, where it may appear that a swimming pool may be located within a side yard, then it shall be the duty of the Code Enforcement Officer to determine a pool's location.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-4 Filtering**

and recirculation equipment.

§ 195-4 Filtering and recirculation equipment.

Regulations for filtering and recirculation equipment required for swimming pools constructed or altered shall be as follows:

- A. Filters. Filters shall be capable of maintaining the clarity of the water, and filter capacity shall be such that it need not be cleaned more frequently than once every four days under normal conditions of operation.
- B. Sand filter systems. Sand filter systems shall be designed and installed to operate at the rate not to exceed five gallons per minute per square foot of filter area and the backwash at a minimum rate of 10 gallons per square foot of surface area.
- C. Recirculating systems. Every pool using water furnished by a public water supply shall be equipped with a recirculating system capable of filtering the entire contents of the pool in 18 hours or less.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-5 Drainage.
[Amended 8-14-2007 by L.L. No. 5-2007]**

§ 195-5 Drainage. [Amended 8-14-2007 by L.L. No. 5-2007]

All swimming pools shall have the necessary equipment to completely pump out or empty the pool or shall be emptied by providing one drainage outlet, to be installed at the lowest point of said pool, not in excess of three inches in diameter, extending from the pool to either a storm sewer, catch basin, lawn-watering system, adequate dry well or sand filtering pit on the premises on which said pool is located. The discharge of water from pools into a storm sewer shall be permitted only where the capacity is adequate, as determined by the Town of Geddes Code Officer. No swimming pool drain shall connect to the sanitary system, except that backwash water from the swimming pool drain shall be discharged into an approved subsurface disposal area. The discharge of said waters shall not cause or create a nuisance to the abutting property, and the discharge of waters, either directly or indirectly, upon the property of others shall be deemed a nuisance under the terms of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-6 Water
supply connections prohibited.**

§ 195-6 Water supply connections prohibited.

There shall be no physical connection between a potable public or private water supply system and a pool structure.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-7 (Reserved)
EN**

§ 195-7 (Reserved) EN(41)

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-8 Permit
required. [Amended 6-9-1975; 1-19-2001 by L.L. No. 1-2001]**

§ 195-8 Permit required. [Amended 6-9-1975; 1-19-2001 by L.L. No. 1-2001]

No outdoor swimming pool shall be constructed, installed, enlarged or altered unless a permit is issued therefor. Permits shall be issued by the Code Enforcement Officer or his assistant, upon the payment of a fee as set from time to time by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-9 Permit
application. [Amended 8-14-2007 by L.L. No. 5-2007]**

§ 195-9 Permit application. [Amended 8-14-2007 by L.L. No. 5-2007]

An application for a permit shall be made to the Code Enforcement Officer on forms provided and shall be accompanied by detailed plans and drawings showing lot lines, proposed location, fence construction, outdoor lighting system, if any, water supply system, water disposal system, appurtenances, elevations, chemical treatment system and such information as may be required.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 195, SWIMMING POOLS / § 195-10 Penalties
for offenses.**

§ 195-10 Penalties for offenses.

- A. Any and every violation of the provisions of this chapter shall be deemed to be an offense against this chapter, punishable by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both. Each days' continued violation of this chapter, after written notice thereof, shall constitute a separate additional violation. Such fines and penalties shall be collected as like fines are now by law collected. [Amended 1-19-2001 by L.L. No. 1-2001]
- B. In addition to the above-provided penalties and punishment or in lieu thereof, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION**

Chapter 200, TAXATION

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

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE I, Business
Investment Exemption [Adopted 6-9-1980 by L.L. No. 5-1980 (Ch. 54, Art. II, of the
1974 Code)]**

**ARTICLE I, Business Investment Exemption [Adopted 6-9-1980 by L.L. No. 5-1980
(Ch. 54, Art. II, of the 1974 Code)]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE I, Business
Investment Exemption [Adopted 6-9-1980 by L.L. No. 5-1980 (Ch. 54, Art. II, of the
1974 Code)] / § 200-1. Reduction of exemption.**

§ 200-1. Reduction of exemption.

The Town of Geddes hereby enacts by this article to reduce the per centum of the business

investment exemption authorized by § 485-b of the Real Property Tax Law to 0%.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens
Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974
Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001]**

**ARTICLE II, Senior Citizens Exemption [Adopted 12-11-1990 by L.L. No. 6-1990
(Ch. 54, Art. I, of the 1974 Code); amended in its entirety 2-13-2001 by L.L. No.
3-2001]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens
Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974
Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001] / § 200-2. Purpose.**

§ 200-2. Purpose.

The purpose of this article is to adopt for the Town of Geddes the provisions contained in § 467 of the Real Property Tax Law of the State of New York, including amendments thereto which may be enacted after the effective date of this article (hereinafter referred to as "RPTL § 467,") with respect to the granting of a partial exemption from taxation of real property owned by persons who are 65 years of age or over.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens
Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974
Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001] / § 200-2.1.
Definitions.**

§ 200-2.1. Definitions.

The meanings of words and expressions as used in this chapter shall be identical to their meanings as used in RPTL § 467.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974 Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001] / § 200-2.2. Exemption.

§ 200-2.2. Exemption.

- A. Real property owned by persons 65 years of age or over shall be exempt from taxation by the Town of Geddes to the extent determined from time to time by resolution adopted by the Town Board after a public hearing in accordance with RPTL § 467.
- B. Except as stated in this chapter or by resolution adopted pursuant to Subsection A above, the entitlement to, eligibility for and the procedural requirements for applying for and obtaining said tax exemption shall be as set forth in RPTL § 467.
- C. The Town Board shall cause notice of the public hearing required by Subsection A above to be published in the official newspaper of the Town of Geddes not less than 10 nor more than 20 days before the date set for said hearing.
- D. No person who otherwise qualifies for a tax exemption pursuant to § 467 of the Real Property Tax Law of the State of New York and this article shall be denied such exemption if, during any year after the effective date of this subsection, said person becomes 65 years of age after the taxable status date and before December 31 of the same year.
- E. In computing the income of owners of property for the purposes of determining the amount of the exemption to which such owners shall be entitled under this article, such income shall not include veterans disability compensation as defined in Title 38 of the United States Code.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974 Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001] / § 200-2.3. Schedule of eligibility. [Amended 2-26-2007 by L.L. No. 2-2007; 2-12-2008 by L.L. No. 1-2008]

§ 200-2.3. Schedule of eligibility. [Amended 2-26-2007 by L.L. No. 2-2007; 2-12-2008 by L.L. No. 1-2008]

Until such time as the Town Board adopts a resolution pursuant to § 200-2.2A of this chapter establishing a different amount of tax exemption, real property owned by persons 65 years of age

or over shall be exempt from town taxes according to the following schedule:

Exemption	Income Limits Commencing 3-1-2008	Income Limits Commencing 3-1-2009	Income Limits Commencing 3-1-2010
50%	\$27,000	\$28,000	\$29,000
45%	\$28,000	\$29,000	\$30,000
40%	\$29,000	\$30,000	\$31,000
35%	\$30,000	\$31,000	\$32,000
30%	\$30,900	\$31,900	\$32,900
25%	\$31,800	\$32,800	\$33,800
20%	\$32,700	\$33,700	\$34,700
15%	\$33,600	\$34,600	\$35,600
10%	\$34,500	\$35,500	\$36,500
5%	\$35,400	\$36,400	\$37,400

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE II, Senior Citizens
Exemption [Adopted 12-11-1990 by L.L. No. 6-1990 (Ch. 54, Art. I, of the 1974
Code); amended in its entirety 2-13-2001 by L.L. No. 3-2001] / § 200-3. When
effective. [Amended 2-26-2007 by L.L. No. 2-2007]**

§ 200-3. When effective. [Amended 2-26-2007 by L.L. No. 2-2007]

This article shall take effect immediately and the schedule of eligibility herein set forth applies to assessment rolls whose taxable status dates occur on or after March 1, 2007.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)]**

**ARTICLE III, Veterans Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54,
Art. III, of the 1974 Code)]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)] / § 200-4. Title.**

§ 200-4. Title.

This article shall be known as the "Veterans Exemption Law of the Town of Geddes."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)] / § 200-5. Purpose.**

§ 200-5. Purpose.

The purpose of this article is to adopt the provisions of § 458, as amended, of the Real Property Tax Law of the State of New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)] / § 200-6. Applicability.**

§ 200-6. Applicability.

The provisions of Real Property Tax Law § 458, as amended, relative to veterans exemptions shall apply to town real property taxes levied by the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)] / § 200-7. Requirements.**

§ 200-7. Requirements.

- A. Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or 2 of Real Property Tax Law § 458, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments and a material change in level of assessment is certified for the assessment roll pursuant to the rules of the State Board, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this subsection to the local officer having custody and control of the roll, and such local assessor is hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.
- B. Owners of property who previously received an exemption pursuant to this section, but opted instead to receive exemption pursuant to § 458-a within one year from the adoption of this article, are hereby authorized to again receive an exemption pursuant to this section. The Assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the cumulative change in level of assessment certified by the State Board measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to § 458-a; provided, however, that if an exemption pursuant to this section was initially granted to a parcel on a late assessment roll, the cumulative change in level factor to be used in recomputing the exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refund or retroactive entitlement shall be granted.
- C. Such adjustments shall be made by the Assessor in the manner provided in § 458, Subdivision 1(3), of the Real Property Law of the State of New York, and no application, therefore, need be filed by or on behalf of any owner of any eligible property.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE III, Veterans
Exemption [Adopted 9-13-1994 by L.L. No. 4-1994 (Ch. 54, Art. III, of the 1974
Code)] / § 200-8. When applicable.**

§ 200-8. When applicable.

This article shall be applied retroactively to an assessment roll prepared on the basis of a taxable status date occurring on or after March 1, 1994.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE IV, Alternative
Veterans Exemption [Adopted 11-12-1996 by L.L. No. 7-1996]**

**ARTICLE IV, Alternative Veterans Exemption [Adopted 11-12-1996 by L.L. No.
7-1996]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE IV, Alternative
Veterans Exemption [Adopted 11-12-1996 by L.L. No. 7-1996] / § 200-9.
Authority.**

§ 200-9. Authority.

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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE IV, Alternative
Veterans Exemption [Adopted 11-12-1996 by L.L. No. 7-1996] / § 200-10.
Exemption granted. [Amended 2-10-1998 by L.L. No. 2-1998; 6-12-2007 by L.L. No.
4-2007]**

**§ 200-10. Exemption granted. [Amended 2-10-1998 by L.L. No. 2-1998; 6-12-2007 by L.L.
No. 4-2007]**

Pursuant to the provisions of Subdivision 2(d) of § 458-a of Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-a of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed the

lesser of \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate of the village.

- B. In addition to the exemption provided by Subsection A of this section, 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 10% of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of \$24,000 or the product of \$24,000 multiplied by the latest state equalization rate for the village.
- C. In addition to the exemptions provided by Subsections A and B of this section, 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 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of \$120,000 or the product of \$120,000 multiplied by the latest state equalization rate of the village.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE V, Persons With
Disabilities and Limited Incomes Exemption [Adopted 2-9-1999 by L.L. No.
2-1999]**

**ARTICLE V, Persons With Disabilities and Limited Incomes Exemption [Adopted
2-9-1999 by L.L. No. 2-1999]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE V, Persons With
Disabilities and Limited Incomes Exemption [Adopted 2-9-1999 by L.L. No.
2-1999] / § 200-11. Statutory authority.**

§ 200-11. Statutory authority.

This article is adopted pursuant to authority of Real property Tax Law § 459-c. All definitions, terms and conditions of such statute shall apply to this article.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE V, Persons With**

Disabilities and Limited Incomes Exemption [Adopted 2-9-1999 by L.L. No. 2-1999] / § 200-12. Exemption established. [Amended 2-13-2001 by L.L. No. 4-2001]

§ 200-12. Exemption established. [Amended 2-13-2001 by L.L. No. 4-2001]

Real property owned by a person with disabilities whose income is limited by such disabilities, and used as the legal residence of such person, shall be entitled to a partial exemption from taxation to the extent and in accordance with the schedule set forth in § 200-13.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE V, Persons With Disabilities and Limited Incomes Exemption [Adopted 2-9-1999 by L.L. No. 2-1999] / § 200-13. Eligibility. [Amended 2-13-2001 by L.L. No. 4-2001; 2-26-2007 by L.L. No. 3-2007; 2-12-2008 by L.L. No. 2-2008]

§ 200-13. Eligibility. [Amended 2-13-2001 by L.L. No. 4-2001; 2-26-2007 by L.L. No. 3-2007; 2-12-2008 by L.L. No. 2-2008]

Subject to the provisions of the Real Property Tax Law of the State of New York (RPTL), § 459-c, real property owned by a person with disabilities whose income is limited by such disabilities, and which property is used as the legal residence of such person, shall be exempt from town taxes according to the following schedule:

Exemption	Income Limits Commencing 3-1-2008	Income Limits Commencing 3-1-2009	Income Limits Commencing 3-1-2010
45%	\$27,000	\$28,000	\$29,000
40%	\$28,000	\$29,000	\$30,000
50%	\$29,000	\$30,000	\$31,000
35%	\$30,000	\$31,000	\$32,000
30%	\$30,900	\$31,900	\$32,900

Exemption	Income Limits Commencing 3-1-2008	Income Limits Commencing 3-1-2009	Income Limits Commencing 3-1-2010
25%	\$31,800	\$32,800	\$33,800
20%	\$32,700	\$33,700	\$34,700
15%	\$33,600	\$34,600	\$35,600
10%	\$34,500	\$35,500	\$36,500
5%	\$35,400	\$36,400	\$37,400

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VI, Volunteer Fire
Fighters and Ambulance Workers Exemption [Adopted 9-13-2005 by L.L. No.
4-2005EN]**

**ARTICLE VI, Volunteer Fire Fighters and Ambulance Workers Exemption
[Adopted 9-13-2005 by L.L. No. 4-2005^{EN(42)}]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VI, Volunteer Fire
Fighters and Ambulance Workers Exemption [Adopted 9-13-2005 by L.L. No.
4-2005EN] / § 200-14. Statutory authority; applicability.**

§ 200-14. Statutory authority; applicability.

- A. This article is adopted pursuant to the authority of New York Real Property Tax Law § 466-g.
- B. All definitions, terms and conditions of such statute shall apply to this article.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VI, Volunteer Fire
Fighters and Ambulance Workers Exemption [Adopted 9-13-2005 by L.L. No.**

4-2005EN] / § 200-15. Exemption established.

§ 200-15. Exemption established.

- A. Real property located in the Town of Geddes and owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Geddes shall be exempt from taxation to the extent of 10% of the assessed value of such property for Town, part-Town, special district or fire district purposes, exclusive of special assessments; provided, however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service unless:
 - (1) The applicant resides in the Town of Geddes and the Town of Geddes is served by such fire company, fire department or ambulance service in which the applicant is an enrolled member;
 - (2) The property is the primary residence of the applicant;
 - (3) The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
 - (4) The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years.
- C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service, and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the 10% exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Geddes.
- D. Application for such exemption shall be filed with the Town Assessor on a form as prescribed by the State Board of Real Property Services.

E. No applicant who is a volunteer fire fighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VII, Cold War
Veterans Exemption [Adopted 2-9-2010 by L.L. No. 3-2010]**

**ARTICLE VII, Cold War Veterans Exemption [Adopted 2-9-2010 by L.L. No.
3-2010]**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VII, Cold War
Veterans Exemption [Adopted 2-9-2010 by L.L. No. 3-2010] / § 200-16. Purpose.**

§ 200-16. Purpose.

New York State Real Property Tax Law § 458-b allows local municipalities to establish a category of tax exemption for Cold War veterans. The state law sets forth specific parameters for persons to qualify for such an exemption, as well as directions to municipalities as to the application of the law. The Town Board of the Town of Geddes desires to enact a local law in accordance with said state law, permitting qualified residents to receive this tax exemption.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VII, Cold War
Veterans Exemption [Adopted 2-9-2010 by L.L. No. 3-2010] / § 200-17.
Definitions.**

§ 200-17. Definitions.

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

ACTIVE DUTY -- Full-time duty in the United States Armed Forces, other than active duty for training.

ARMED FORCES -- The United States Army, Navy, Marine Corps, Air Force, and Coast

Guard.

COLD WAR VETERAN -- A person, male or female, who served on active duty in the United States Armed Forces during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions. [Amended 6-12-2012 by L.L. No. 3-2012]

LATEST CLASS RATIO -- The latest final class ratio established by the State Board pursuant to Title 1 of Article 12 of the Real Property Tax Law for use in a special assessing unit as defined in § 1801 of the Real Property Tax Law.

LATEST STATE EQUALIZATION RATE -- The latest final state equalization rate or special equalization rate established by the State Board pursuant to Article 12 of the Real Property Tax Law. The State Board shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed 100. In the event that the state equalization rate exceeds 100, then the state equalization rate shall be 100 for the purposes of this exemption. Where a special equalization rate is established for purposes of this exemption, the Assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such Assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the Assessor does not have custody of the roll when such recomputation is accomplished, the Assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the Assessor on such roll.

QUALIFIED OWNER -- A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY -- Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five

years.

SERVICE-CONNECTED -- With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval or air service.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VII, Cold War
Veterans Exemption [Adopted 2-9-2010 by L.L. No. 3-2010] / § 200-18. Amount of
exemption.**

§ 200-18. Amount of exemption.

Pursuant to the provisions of Chapter 655 of the 2007 Laws of the State of New York amending the Real Property Tax Law of the State of New York, the maximum veterans' exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the Town of Geddes or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Department of Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the Town of Geddes or, in the case of a special assessing unit, the latest class ratio, whichever is less.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 200, TAXATION / ARTICLE VII, Cold War
Veterans Exemption [Adopted 2-9-2010 by L.L. No. 3-2010] / § 200-19.
Limitations.**

§ 200-19. Limitations.

- A. The exemption from taxation for Cold War veterans shall be applicable to Town taxation.
- B. If the Cold War veteran receives the exemption under § 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this article.
- C. The exemption provided by this article shall be granted for a period of 10 years. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article. Where a qualified owner does not own qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such ten-year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subsection for the unexpired portion of the ten-year exemption period.
- D. This article applies to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for the exemption, pursuant to the Real Property Tax Law, were such person or persons the owner or owners of such real property.
- E. Cooperative apartment corporations.
 - (1) Title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share(s) of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.
 - (2) Provided that all other eligibility criteria are met, that proportion of the assessment of real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation and any exemption shall be credited by the Town of Geddes against the assessed valuation of such real property; the reduction in real property taxes realized shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such

tenant-stockholder.

- (3) Notwithstanding Subsection E(2) of this section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of Article 2, 4, 5 or 11 of the Private Housing Finance Law shall not be eligible for an exemption.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS**

Chapter 205, TRANSIENT MERCHANTS

[HISTORY: Adopted by the Town Board of the Town of Geddes 5-17-1982 by L.L. No. 1-1982 (Ch. 57 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Peddling and soliciting -- See Ch. 145.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-1.
Legislative intent.**

§ 205-1. Legislative intent.

This chapter is enacted for the purpose of regulating the conduct and business practices of transient merchants within the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-2.
Definitions.**

§ 205-2. Definitions.

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

PERSON -- An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

TRANSIENT MERCHANT -- A person who engages or proposes to engage in a transient retail business.

TRANSIENT RETAIL BUSINESS -- One conducted in a store, hotel, motel, building, lot or structure for the retail or discount sale of goods, wares and merchandise, excepting food products, and from which is intended to be conducted for a temporary period of time and not permanently. If the place in which a business is conducted is rented or leased for a period of six months or less, such fact shall be presumptive that the business carried on therein is a "transient business." [Amended 2-13-1996 by L.L. No. 1-1996]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-3.
Purpose.**

§ 205-3. Purpose.

The purpose of this chapter is to assist the government of the Town of Geddes, the management of its businesses, the preservation of good order and the peace, health, safety and welfare of its inhabitants and the protection and security of their property.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-4.
License required; fees. [Amended 2-13-1996 by L.L. No. 1-1996EN]**

§ 205-4. License required; fees. [Amended 2-13-1996 by L.L. No. 1-1996^{EN(43)}]

No person shall engage in business as a transient merchant unless he shall first have obtained a license to do so from the Town Clerk no later than 10 business days before the first date of business. The fee for a transient merchant's license shall be as set from time to time by resolution of the Town Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-5.
Application for license; surety bond.**

§ 205-5. Application for license; surety bond.

A. An application for a transient merchant's license shall provide the following information:

- (1) Address of his place of residence.
- (2) The firm or firms he represents, together with copies of documents establishing the

firm's state or county, form of organization, ownership and qualifications to do business in this state, and the exact relationship between the firm and the transient merchant. (If a corporation, the shareholders, directors and officers of same shall be reported.)

- (3) A brief description of the nature of the business and the kind of goods or commodities he desires to sell.
- (4) The hotel, room or other place where the applicant proposes to sell such merchandise, and the time during which said business is to be conducted.

B. Bond requirements.

- (1) Before such license is issued by the Town Clerk, the applicant will be required to post a surety bond in an amount of \$1,000 with a surety company licensed to do business in this state. Said bond shall be approved as to form and sufficiency by the Town Attorney and Town Clerk before such license is issued. [Amended 2-13-1996 by L.L. No. 1-1996]
- (2) A condition of such bond shall be that said transient merchant will pay all state and local sales and other taxes applicable to his transactions entered into in this town; that he will well and truly perform any and all contracts or sales orders made within the town; that all contracts and sales orders will be in writing and will specify in detail all terms thereof, including but not limited to any warranty or guaranty therein; and that if said merchant takes orders for merchandise to be delivered at a future date and accepts payment in part or in full, that he will deliver said merchandise in a satisfactory condition within a period of three months from the date of said contract, a copy of which contract or sales order, with full particulars, is to be delivered to the purchaser at the time of sale.
- (3) There shall be no forfeiture in respect to the three months' limitation where there is proof that nondelivery was due to strikes or other extraordinary events beyond the control of said merchant; however, in such event, the merchant, upon demand, shall promptly return, in full, the purchaser's deposit; and if he fails to do so, the surety will be required to make restitution under said bond.

C. Licenses hereunder shall state the place where the businesses is to be conducted and the date of expiration of the term of such business pursuant to the license.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-6.
Authorization of agent to receive service of summons.**

§ 205-6. Authorization of agent to receive service of summons.

Before any person who is a nonresident of New York State shall have a license issued hereunder, such person must provide, to the Town Clerk and Town Attorney, proof of authorization to the New York State Secretary of State to receive service pursuant to the Business Corporation Law § 304. A certified copy of such authorization shall be filed with the Geddes Town Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-7.
Exemptions to license requirements; effect on interstate commerce.**

§ 205-7. Exemptions to license requirements; effect on interstate commerce.

A. Nothing in this chapter shall be held to apply to any of the following:

- (1) Sales conducted pursuant to statute.
- (2) Sales conducted pursuant to the order of any court.
- (3) Any person selling personal property at wholesale to dealers in such articles.
- (4) The peddling of meats, fish, fruit and similar produce by farmers and persons who produce such commodities or to dealers in milk, baked goods, heating oil and daily newspapers.
- (5) Any honorably discharged member of the United States Armed Forces who has procured a license under Article 4 of the General Business Law of the State of New York.
- (6) Persons soliciting, collecting or operating a sale on behalf of any bona fide charitable, educational, scientific, health, religious, patriotic or other organization of worthy causes deemed to be in the public interest.
- (7) Any person selling personal property at a legitimate garage sale held at his residence.
- (8) Any person selling Christmas trees.

B. This chapter shall not be construed so as to unlawfully burden or interfere with interstate commerce.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-8.**

Applicability of zoning regulations.

§ 205-8. Applicability of zoning regulations.

Chapter 240, Zoning, of the Town of Geddes shall apply to all licenses granted under this chapter. The town reserves the right to revoke any license which violates such chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-9.
Report by hotel keeper.**

§ 205-9. Report by hotel keeper.

The owner, proprietor or manager of any hotel, motel, rooming house or other place of public accommodation shall, within six hours after renting, report to the Town of Geddes Police Chief and to the Onondaga County Sheriff the name of any person who has rented a room or other space for the sale and display of merchandise of a transient merchant, giving the location of the room so rented.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-10.
Penalties for offenses. EN**

§ 205-10. Penalties for offenses. EN⁽⁴⁴⁾

Any person violating the provisions of this chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable by a fine of not more than \$250, imprisonment for not more than 15 days, or both, for each offense; and every day that a violation of this chapter shall continue shall constitute a separate and distinct offense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 205, TRANSIENT MERCHANTS / § 205-11.
Application of provisions.**

§ 205-11. Application of provisions.

- A. This chapter shall not apply to the village within the Town of Geddes.
- B. The provisions of this chapter shall not apply where to do so would conflict with or supersede

the provisions of Chapter 90, Building Construction and Fire Prevention, and Chapter 145, Peddling and Soliciting.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 210, TREES**

Chapter 210, TREES

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 58 of the 1974 Code. Amendments noted where applicable.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 210, TREES / § 210-1. Plantings along
sidewalks.**

§ 210-1. Plantings along sidewalks.

It shall be lawful for any owner or occupant of premises fronting upon any street or alley in which the grade thereof has been legally established, and upon notice from the Superintendent of Highways that it shall be his duty to plant shade trees along the sidewalk in front of said premises after the grade of such street or alley has been legally established.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 210, TREES / § 210-2. Placement.**

§ 210-2. Placement.

Trees shall not be placed nearer than one foot from the curblin, nor shall they be placed within six feet of the center of the sidewalk, except by permission of the Superintendent of Highways.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 210, TREES / § 210-3. Trimming.**

§ 210-3. Trimming.

- A. All shade trees growing along any sidewalk within the town shall be kept trimmed at least 12 feet from the ground.
- B. The Superintendent of Highways may, however, allow newly planted trees to remain

untrimmed, provided that they do not interfere with persons using the walk and provided that they do not obstruct the light of any electric lamp.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 210, TREES / § 210-4. Removal of dead trees
and limbs.**

§ 210-4. Removal of dead trees and limbs.

The Superintendent of Highways may remove dead trees or limbs.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED**

Chapter 215, VEHICLES, ABANDONED

[HISTORY: Adopted by the Town Board of the Town of Geddes 9-10-1979 (Ch. 38 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

**Junkyards -- See Ch. 130.
Vehicles and traffic -- See Ch. 220.**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED / § 215-1.
Purposes.**

§ 215-1. Purposes.

The outdoor storage of abandoned, junked or discarded motor vehicles, or parts thereof, or boats, or parts thereof, upon public or private property within the Town of Geddes is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents of the Town of Geddes. The outdoor storage of abandoned, junked or discarded motor vehicles, or parts thereof, or boats, or parts thereof, upon such properties constitutes an attractive nuisance to children or adults and a peril to the safety and welfare of the residents of the Town of Geddes. Such storage depreciates the value of neighboring properties and is unsightly and discourages the orderly, progressive development of the Town of Geddes. The control of the outdoor storage of abandoned, junked or discarded motor

vehicles, or parts thereof, or boats, or parts thereof, upon public or private property is, therefore, regulated for the preservation of the public health, safety and welfare of the residents of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED / § 215-2.
Definitions.**

§ 215-2. Definitions.

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

ABANDONED -- With regard to a motor vehicle, the intent of the owner of the motor vehicle not to use the motor vehicle on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, the length of time since the motor vehicle has last been used on the public highway and whether the motor vehicle is licensed or unlicensed.

BOAT -- Any construction designed for use on water.

DISCARDED -- Any motor vehicle which the owner thereof does not intend to recover possession thereof or any motor vehicle to which ownership cannot be reasonably determined.

JUNKED -- Any motor vehicle in such condition as to cost more to repair or place such vehicle in operating condition than the maximum retail value of the motor vehicle.

MOTOR VEHICLE -- Every vehicle so defined as such by the New York Vehicle and Traffic Law, and as the same may be amended.

UNLICENSED MOTOR VEHICLE -- Any motor vehicle which has not been licensed with the proper authorities for a period of at least 30 days from the expiration of the last valid licensing.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED / § 215-3.
Outdoor storage prohibited.**

§ 215-3. Outdoor storage prohibited.

It shall be unlawful for any person, firm or corporation, either as an owner of a motor vehicle or as an owner, occupant, lessee or tenant of any public or private property within the Town of Geddes, to store or deposit or cause or allow or permit to be stored or deposited an abandoned,

junked or discarded motor vehicle, or parts thereof, or boat, or parts thereof, upon any public or private property within the limits of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED / § 215-4.
Notice of violation. [Amended 1-19-2001 by L.L. No. 1-2001; 1-12-2010 by L.L. No.
1-2010]**

**§ 215-4. Notice of violation. [Amended 1-19-2001 by L.L. No. 1-2001; 1-12-2010 by L.L.
No. 1-2010]**

If the provisions of the foregoing section are violated, the Chief of Police, a police officer or the Code Enforcement Officer shall serve written notice, either personally or by certified mail, upon the owner of the motor vehicle or boat or on the owner, occupant, lessee or tenant of such public or private property to comply with the provisions of this chapter. The notice shall be in substantially the following form:

TO THE OWNER OF THE MOTOR VEHICLE OR BOAT OR THE OWNER, OCCUPANT,
LESSEE OR TENANT OF THE PROPERTY WITHIN THE TOWN OF GEDDES KNOWN
AS:

[Identify Motor Vehicle or Boat and Property]

NOTICE IS HEREBY GIVEN that an abandoned, junked or discarded motor vehicle or boat has been stored or deposited on the above-described property in the Town of Geddes in violation of a local Geddes ordinance, copy attached. Violation of this chapter constitutes an offense. The automobile or boat must be removed within 10 days from the date of this notice. Failure to remove in accordance with this notice may subject you to a fine not to exceed \$250 and/or imprisonment for up to 15 days. Each ten-day period from the date this notice is served shall constitute a separate and distinct offense. Please advise the Issuing Officer, telephone no _____, of your compliance with this notice.

Dated: _____

Town of Geddes

By _____(name and position)

At Telephone No. _____

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 215, VEHICLES, ABANDONED / § 215-5.
Penalties for offenses. [Amended 1-19-2001 by L.L. No. 1-2001; 1-12-2010 by L.L.
No. 1-2010]**

**§ 215-5. Penalties for offenses. [Amended 1-19-2001 by L.L. No. 1-2001; 1-12-2010 by L.L.
No. 1-2010]**

An owner of a motor vehicle or boat or any owner, occupant, lessee or tenant who shall neglect or refuse to remove an abandoned, junked or discarded motor vehicle or boat as directed by this chapter shall, upon conviction thereof, be fined a sum not exceeding \$250 for each violation thereof or be imprisoned for a period not to exceed 15 days, or be both fined and imprisoned. Each separate occurrence and each 10 days a vehicle or boat remains unmoved after notice has been served in accordance with this chapter shall constitute a separate and additional violation. A violation of this chapter shall be an offense.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC**

Chapter 220, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Board of the Town of Geddes 4-8-1974 as Ch. 60 of the 1974 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles -- See Ch. 215.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE I,
Terminology**

ARTICLE I, Terminology

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE I,
Terminology / § 220-1. Definitions. [Amended 9-19-2001 by L.L. No. 10-2001]**

§ 220-1. Definitions. [Amended 9-19-2001 by L.L. No. 10-2001]

The words and phrases used in this chapter shall, for the purpose 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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE II,
Stop and Yield Intersections**

ARTICLE II, Stop and Yield Intersections

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE II,
Stop and Yield Intersections / § 220-2. Stop intersections. [Amended
11-18-1974; 11-14-1977; 12-12-1983; 2-19-1986; 6-2-1987; 9-6-1988; 10-4-1988;
12-6-1988; 6-6-1989; 11-8-1992; 1-14-1992 by L.L. No. 1-1992; 11-10-1992 by L.L.
No. 4-1992; 1-12-1993 by L.L. No. 1-1993; 4-3-1993 by L.L. No. 3-1993; 12-13-1994
by L.L. No. 5-1994; 10-10-1995 by L.L. No. 3-1995; 11-12-1996 by L.L. No. 5-1996;
8-10-1999 by L.L. No. 6-1999; 9-19-2001 by L.L. No. 10-2001]**

**§ 220-2. Stop intersections. [Amended 11-18-1974; 11-14-1977; 12-12-1983; 2-19-1986;
6-2-1987; 9-6-1988; 10-4-1988; 12-6-1988; 6-6-1989; 11-8-1992; 1-14-1992 by L.L. No.
1-1992; 11-10-1992 by L.L. No. 4-1992; 1-12-1993 by L.L. No. 1-1993; 4-3-1993 by L.L. No.
3-1993; 12-13-1994 by L.L. No. 5-1994; 10-10-1995 by L.L. No. 3-1995; 11-12-1996 by L.L.
No. 5-1996; 8-10-1999 by L.L. No. 6-1999; 9-19-2001 by L.L. No. 10-2001]**

The following named intersections are hereby designated as stop intersections, and all vehicles on each street enumerated in the first column below shall come to a full stop before entering the

street opposite thereto in the second column below, namely:

Vehicles On

Alhan Parkway

Ames/Fairmount Fair Access Road [Added 5-14-2002]

Argyle Avenue

Armstrong Road

Beach Road

Beachview Avenue

Benham Avenue

Bennett Road

Benoit Drive

Bergner Road

Bonnie Drive

Bonnie Drive

Breakspear Road

Breakspear Road

Bronson Road

Cayuga Street

Church Street

Clover Road

Conklin Drive

Shall Stop Before Entering

State Fair Boulevard

Blueberry Lane

Grand Avenue

State Fair Boulevard

State Fair Boulevard

Beach Road

Salisbury Road

Longbranch Road

Church Street

Armstrong Road

State Fair Boulevard

Winchell Drive

Clover Road

West High Terrace

West High Terrace

State Fair Boulevard

Stasko Drive

South Terry Road

State Fair Boulevard

Vehicles On

Cowan Street
Curtis Avenue
Curtis Avenue
Dorchester Road
Dwight Park Drive
East Corey Road
East Corey Road
East Manchester Road
East Manchester Road
Fay Road
Fern Road
Fern Road
Fern Road
Fern Road
Graston Avenue
Grove Road
Grove Road
Hatherleigh Road
Haywood Road
Hillside Avenue

Shall Stop Before Entering

Mohegan Street
Bennett Road
Stinson Street
South Terry Road
Van Vleck Road
Camden Road
Fay Road
Salisbury Road
Westvale Road
Salisbury Road
Bronson Road
South Terry Road
Walberta Road
Woodland Road
Grand Avenue
Cherry Road
South Terry Road
Century Drive
West High Terrace
Grand Avenue

Vehicles On

Homer Avenue
Lakeland Avenue
Lakeside Road
Lakewood Pines Trail
Lathrop Road [Added 3-12-2002]
Ludden Parkway
Maestri Drive
Managers Row
Maple Road
Marian Drive
Mayson Avenue
Mayson Avenue
Mohegan Street
Montrose Avenue
Montrose Avenue
Newcastle Road
Niagara Street
Norma Road
Osceola Road
Parsons Drive

Shall Stop Before Entering

Grand Avenue
State Fair Boulevard
State Fair Boulevard
State Fair Boulevard
Salisbury Road
Fay Road
State Fair Boulevard
Van Vleck Road
Salisbury Road
Fay Road
Corlis Road
Grand Avenue
State Fair Boulevard
East Corey Road
Salisbury Road
Granger Road
Mohegan Street
Fay Road
State Fair Boulevard
Clover Road

Vehicles On

Pleasant Beach Road

Ronnell Drive

Salisbury Road

Savaria Drive

Scorpio Drive

Seneca Street

Seneca Street

Sharon Road

Smelkoff Road

South Orchard Road

Stasko Drive

Steven Terrace

Stiles Road

Stinson Street

Stony Drive

Walberta Road

Walters Road

Westfall Drive

Westfall Drive

(West Genesee) Wegmans Access Road [Added
5-14-2002]

Shall Stop Before Entering

State Fair Boulevard

Fay Road

Avery Avenue South

Lakeside Road

Armstrong Road

Niagara Street

State Fair Boulevard

State Fair Boulevard

State Fair Boulevard

Salisbury Road

State Fair Boulevard

South Terry Road

Farrell Road

Long Branch Road

Fern Road

Dorchester Road

State Fair Boulevard

Horseshoe Drive

Westlind Road

Blueberry Lane

Vehicles On	Shall Stop Before Entering
West High Terrace	Haywood Road
West High Terrace	Marian Drive
West High Terrace	Salisbury Road
West Manchester Road	Fay Road
West Manchester Road	Salisbury Road
Willis Avenue	State Fair Boulevard
Winchell Drive	State Fair Boulevard
Yale Avenue	Hillside Avenue
Yale Avenue	Homer Avenue

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE II, Stop and Yield Intersections / § 220-3. Three-way stop intersections. [Amended 8-12-1974; 8-11-1975; 1-10-1977; 5-14-1979; 11-8-1982; 2-7-1989; 10-3-1989; 11-9-1989; 12-11-1990 by L.L. No. 7-1990; 4-9-1991 by L.L. No. 3-1991; 1-12-1993 by L.L. No. 2-1993; 4-3-1993 by L.L. No. 3-1993; 4-13-1999 by L.L. No. 3-1999; 9-19-2001 by L.L. No. 10-2001]

§ 220-3. Three-way stop intersections. [Amended 8-12-1974; 8-11-1975; 1-10-1977; 5-14-1979; 11-8-1982; 2-7-1989; 10-3-1989; 11-9-1989; 12-11-1990 by L.L. No. 7-1990; 4-9-1991 by L.L. No. 3-1991; 1-12-1993 by L.L. No. 2-1993; 4-3-1993 by L.L. No. 3-1993; 4-13-1999 by L.L. No. 3-1999; 9-19-2001 by L.L. No. 10-2001]

The following named intersections are hereby designated three-way stop intersections, and all vehicles approaching said intersections from any direction shall, before entering the intersections, come to a full stop unless otherwise directed by a police officer or signal:

come to a full stop unless otherwise directed by a police officer or signal:

Intersection

Bury Drive and Conklin Street

Cherry Road at Salisbury Road

Church Street at Longview Avenue

East Corey Road at Benham Avenue

Fern Road at Westhold Boulevard and Rutledge Street

Grove Road at Newcastle Road

Kimberly Drive East at Blueberry Lane

Kimberly Drive East at Limestone Lane

Marian Drive at Norma Road

Olin Drive and Westlind Road

Osceola Road at Niagara Avenue

Paikin Drive and Canfield Drive

South Huron Avenue at Conklin Street

Watchtower Lane (northern entrance) and Duchess Lane

Watchtower Lane (southern entrance) and Duchess Lane

Watchtower Lane and Westlind Road

Yale Avenue at Gail Lane

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE II,
Stop and Yield Intersections / § 220-4. Four-way stop intersections. [Amended
11-8-1974; 11-8-1976; 12-12-1983; 2-5-1985; 10-3-1989; 4-9-1991 by L.L. No.
1-1991; 11-8-1992; 4-3-1993 by L.L. No. 3-1993; 12-13-1994 by L.L. No. 5-1994;
11-12-1996 by L.L. No. 5-1996; 8-10-1999 by L.L. No. 6-1999; 9-19-2001 by L.L. No.
10-2001]**

**§ 220-4. Four-way stop intersections. [Amended 11-8-1974; 11-8-1976; 12-12-1983;
2-5-1985; 10-3-1989; 4-9-1991 by L.L. No. 1-1991; 11-8-1992; 4-3-1993 by L.L. No. 3-1993;
12-13-1994 by L.L. No. 5-1994; 11-12-1996 by L.L. No. 5-1996; 8-10-1999 by L.L. No.
6-1999; 9-19-2001 by L.L. No. 10-2001]**

The following named intersections are hereby designated four-way stop intersections, and all vehicles approaching said intersections from any direction shall, before entering the intersections, come to a full stop unless otherwise directed by a police officer or signal:

Intersection

Ardmore Road at Knapp Road

Bergner Road at Lakeland Avenue

Breakspear Road at Granger Road

Breakspear Road at Grove Road

Bronson Road at Clover Road

Bronson Road at Grove Road

Cherry Road at Clover Road

Cherry Road at Granger Road

Cherry Road at West High Terrace

Intersection

Chester Road and Knapp Road

East Corey Road at Chester Road

Fay Road at Westmont Road, Westmont Road at Fay Road and East Corey Road at Fay Road

Fern Road at Haywood Road

Fern Road at Parsons Drive

Granger Road at Blueberry Lane

Graston Avenue at Mayson Avenue

Horace Drive at Chester Road

Lathrop Road at Salisbury Road

Limestone Lane at Blueberry Lane

Limestone Lane at West Granger Road

Maple Road at Clover Road

Maple Road at Granger Road

Meadow Road at Clover Road

Meadow Road at Grove Road

Meadow Road at West Granger Road

Newcastle Road at Clover Road

North Huron at Mohegan Street

Parsons Drive at Granger Road

Parsons Drive at Grove Road

Intersection

Parsons Drive at West High Terrace^{EN(45)}

South Terry Road at Granger Road

South Terry Road at Grove Road

Walberta Road at Clover Road

Walberta Road at Granger Road

Walberta Road at West High Terrace

West High Terrace at Meadow Road

West High Terrace at Newcastle Road

West High Terrace at South Orchard Road

West High Terrace at South Terry Road

West High Terrace at Wesmont Road

West High Terrace at Woodland Road

West Manchester Road at West High Terrace

Westvale Road at Lathrop Road

Windemere Road at Granger Road

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE II,
Stop and Yield Intersections / § 220-5. Miscellaneous stop intersections.**

§ 220-5. Miscellaneous stop intersections.

The following named intersections are hereby designated miscellaneous stop intersections:

- A. Yale Avenue and Benham Avenue. Unless otherwise directed by a police officer or signal:
 - (1) All vehicles proceeding east on Yale Avenue shall come to a full stop at the T-intersection of Benham Avenue.
 - (2) All vehicles proceeding south on Benham Avenue shall come to a full stop at the T-intersection of Yale Avenue.
- B. (Reserved)^{EN(46)}
- C. All vehicles proceeding south on Mayson Avenue shall come to a full stop at the T-intersection of Corliss Road, unless otherwise directed by a police officer or signal.
- D. All vehicles proceeding east on Kenyon Drive shall come to a full stop at the T-intersection of North Terry Road.
- E. All vehicles proceeding east on Copleigh Drive shall come to a full stop at the T-intersection of North Terry Road, unless otherwise directed by a police officer or signal.
- F. All vehicles proceeding east on Robertson Terrace shall come to a full stop at the intersection of Robertson Terrace and Fay Road, unless otherwise directed by a police officer or signal. [Added 5-12-1975]
- G. All vehicles on Steven Terrace shall come to a full stop before entering Woodland Road from either direction; and all vehicles proceeding north on Woodland Road shall come to a full stop before entering Steven Terrace. [Added 11-14-1983]
- H. All vehicles proceeding south on Walberta Road shall come to a full stop at the T-intersection of Fern Road. [Added 12-12-1983]
- I. Duchess Lane; Watchtower Lane.^{EN(47)} [Added 12-11-1990 by L.L. No. 5-1990; repealed 12-11-1990 by L.L. No. 7-1990]
- J. All vehicles proceeding north on South Niagara Avenue shall come to a full stop at the intersection of Osceola Road.^{EN(48)} [Added 7-11-1995 by L.L. No. 2-1995]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE III,
Speed Regulations**

ARTICLE III, Speed Regulations

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE III,
Speed Regulations / § 220-6. Maximum speed limits on Town highways.**

§ 220-6. Maximum speed limits on Town highways.

No person shall operate a motor vehicle or motorcycle upon any public Town highway within the corporate limits of the Town of Geddes at a rate of speed in excess of 30 miles per hour. This section shall not apply to ambulances, fire vehicles or police vehicles when on emergency trips.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE III,
Speed Regulations / § 220-7. Additional speed limits. [Added 7-10-1990 by L.L.
No. 3-1990]**

§ 220-7. Additional speed limits. [Added 7-10-1990 by L.L. No. 3-1990]

- A. No motor vehicle or motorcycle shall be operated at a rate of speed in excess of 30 miles per hour on Grand Avenue between Velasko Road and Granston Avenue in the Town of Geddes.
- B. No motor vehicle or motorcycle shall be operated at a rate of speed in excess of 30 miles per hour on Armstrong Road between State Fair Boulevard west to the Town line of the Town of Geddes. [Added 8-14-1990 by L.L. No. 4-1990]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE IV,
Truck Exclusions [Amended 11-14-2006 by L.L. No. 2-2006]**

ARTICLE IV, Truck Exclusions [Amended 11-14-2006 by L.L. No. 2-2006]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE IV,
Truck Exclusions [Amended 11-14-2006 by L.L. No. 2-2006] / § 220-8. Trucks
over five tons excluded.**

§ 220-8. Trucks over five tons excluded.

All trucks, tractors and tractor-trailer combinations having a total gross weight in excess of five tons are hereby excluded from all town roads within the Town of Geddes, except Farrell Road, which is a designated truck route. Other roads that are within the Town of Geddes but are not town roads are not subject to this restriction.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE IV,
Truck Exclusions [Amended 11-14-2006 by L.L. No. 2-2006] / § 220-9. Exception
for pickup and delivery of materials.**

§ 220-9. Exception for pickup and delivery of materials.

The regulations established in this article shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such trucks, tractors and tractor-trailer combinations are otherwise excluded.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE V,
Penalties**

ARTICLE V, Penalties

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE V,
Penalties / § 220-10. Stop intersection violations. [Amended 1-9-2001 by L.L.
No. 1-2001]**

§ 220-10. Stop intersection violations. [Amended 1-9-2001 by L.L. No. 1-2001]

Every person convicted for any violation of Article II of this chapter shall, for a first conviction thereof, be punished by a fine of not less than \$15 nor more than \$50; for a second such violation within 18 months thereafter, such person shall be punished by a fine of not less than \$30 nor more than \$100.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE V,**

Penalties / § 220-11. Speed violations.

§ 220-11. Speed violations.

Any person violating any of the provisions of Article III of this chapter shall, upon conviction, be punishable by a fine not to exceed \$100 or by imprisonment not to exceed 30 days, or both such fine and imprisonment.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE V, Penalties / § 220-12. Truck-exclusion violations. [Amended 1-9-2001 by L.L. No. 1-2001]

§ 220-12. Truck-exclusion violations. [Amended 1-9-2001 by L.L. No. 1-2001]

The violation of Article IV of this chapter shall be a traffic infraction punishable by a fine of no less than \$25 and no more than \$250.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI, Parking Regulations [Added 9-8-1975]

ARTICLE VI, Parking Regulations [Added 9-8-1975]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI, Parking Regulations [Added 9-8-1975] / § 220-13. No parking on certain streets; erection of signs.

§ 220-13. No parking on certain streets; erection of signs.

No-parking signs shall be erected by the Town Superintendent of Highways at the following locations:

- A. Van Vleck Road, both sides, at all hours, from Interstate 690 north to the New York State Thruway right-of-way.

- B. Hatherleigh at Century Drive, at all hours, from Century Drive to Chaumont Drive.
- C. Fay Road, west side, from West Genesee Street to Salisbury Road.
- D. State Fair Boulevard, both sides, from Armstrong Road to Beach Road.
- E. Along the entire circumference of the island at the center of the cul-de-sac on Westvale Place. [Added 9-10-1991 by L.L. No. 5-1991]
- F. At the entrance of 288 Walters Road east through the intersection of State Fair Boulevard to the Niagara-Mohawk right-of-way. [Added 11-12-1991 by L.L. No. 6-1991]
- G. From 930 State Fair Boulevard to 950 State Fair Boulevard. [Added 11-12-1991 by L.L. No. 7-1991]
- H. Westlind Road, west side, from West Genesee Street to Westfall Drive. [Added 7-13-1993 by L.L. No. 4-1993]
- I. Westlind Road, east side, from West Genesee Street to Horseshoe Drive. [Added 7-13-1993 by L.L. No. 4-1993]
- J. State Fair Boulevard, at all hours and on both sides, from 9 Mile Creek to Willis Avenue. [Added 7-12-1994 by L.L. No. 2-1994; amended 9-19-2001 by L.L. No. 10-2001]
- K. Farrell Road, both sides, from John Glen Boulevard to State Fair Boulevard. [Added 1-9-2001 by L.L. No. 1-2001]
- L. At 112-114 Horan Road, at all hours and on both sides. [Added 9-19-2001 by L.L. No. 10-2001]
- M. On the 100 block of Stasko Drive, at all hours and on both sides. [Added 9-19-2001 by L.L. No. 10-2001]
- N. On the 100 block of Osceola Road, south side, at all hours. [Added 9-19-2001 by L.L. No. 10-2001]
- O. On the 800 block of Fay Road, east side, between 858 Fay Road and Grand Avenue, at all hours. [Added 9-19-2001 by L.L. No. 10-2001]
- P. Bridge Street, from State Fair Boulevard to the Solvay Village line, at all hours and on both sides. [Added 9-19-2001 by L.L. No. 10-2001]
- Q. West side of Robertson Terrace between West Genesee and Fay Road, at all hours. [Added 9-19-2001 by L.L. No. 10-2001]
- R. West Genesee Street, from South Orchard west to the Town of Geddes border with Camillus,

at all hours and on both sides. [Added 9-19-2001 by L.L. No. 10-2001]

- S. On the 100 block of Lakeland Avenue, east side, with the exception of one parking space, running from the south boundary of the parking lot at 757 State Fair Boulevard, south, a distance of 20 feet, at all hours. [Added 4-10-2012 by L.L. No. 1-2012; amended 12-11-2012 by L.L. No. 5-2012]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-14. Signs to be obeyed.
[Amended 10-10-2006 by L.L. No. 1-2006]**

§ 220-14. Signs to be obeyed. [Amended 10-10-2006 by L.L. No. 1-2006]

Any person operating a motor vehicle on any of such streets where such no-parking signs are erected shall obey such no-parking signs. Every person who shall violate this section shall be subject to a fine of \$25.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-15. Overnight parking prohibited
during winter months. [Added 1-9-2001 by L.L. No. 1-2001; amended 10-10-2006
by L.L. No. 1-2006]**

**§ 220-15. Overnight parking prohibited during winter months. [Added 1-9-2001 by L.L.
No. 1-2001; amended 10-10-2006 by L.L. No. 1-2006]**

There shall be no parking on Town streets throughout the Town of Geddes from November 1 through April 1 from 2:00 a.m. to 6:00 a.m. Vehicles illegally parked in violation of this section are subject to being towed. In addition, every person who shall violate this section shall be subject to a fine of \$25.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-16. Handicapped parking. [Added
2-8-2000 by L.L. No. 1-2000; amended 10-10-2006 by L.L. No. 1-2006]**

§ 220-16. Handicapped parking. [Added 2-8-2000 by L.L. No. 1-2000; amended

10-10-2006 by L.L. No. 1-2006]

It shall be unlawful for any person to park, stop or stand a motor vehicle in a parking space designated to the exclusive use of handicapped persons, unless such person is a handicapped person or is transporting a handicapped person and is using the handicapped parking space for the benefit of said handicapped person. Every person who shall violate this section shall be subject to a fine of \$50 plus a mandatory state surcharge of \$30, for a total fine of \$80. This section shall apply to every shopping center or commercial parking area within the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-17. No parking in fire lanes.
[Added 2-8-2000 by L.L. No. 1-2000; amended 10-10-2006 by L.L. No. 1-2006]**

**§ 220-17. No parking in fire lanes. [Added 2-8-2000 by L.L. No. 1-2000; amended
10-10-2006 by L.L. No. 1-2006]**

No person shall obstruct a fire lane marked as such within the Town of Geddes, including shopping centers and commercial parking areas within the Town. Every person who shall violate this section shall be subject to a fine of \$50 for the first offense and may be subject to a fine of up to \$100 for any violation thereafter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-18. Parking offenses; additional
regulations. [Added 1-9-2001 by L.L. No. 1-2001]**

§ 220-18. Parking offenses; additional regulations. [Added 1-9-2001 by L.L. No. 1-2001]

A. Stopping, standing or parking shall be prohibited within specified places in the Town of Geddes. No person shall:

(1) Stop, stand or park a vehicle:

- (a) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (b) On a sidewalk.

- (c) Within an intersection, except when permitted by official signs.
 - (d) On a crosswalk.
 - (e) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (f) Upon any bridge or other elevated structure upon a highway, unless otherwise indicated by official signs, markings or parking meters.
 - (g) On any railroad tracks.
 - (h) In the area between roadways of a divided highway, including crossovers, except in an emergency.
 - (i) On a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom which are part thereof, except in an emergency.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (a) In front of a public or private driveway.
 - (b) Within 20 feet of a crosswalk at an intersection.
 - (c) Within 30 feet upon the approach of a flashing signal, stop or yield sign or traffic control signal located at the side of the roadway.
 - (d) Alongside or obstructing a curb area which has been cut down, lowered or constructed so as to provide accessibility to the sidewalk.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, within 50 feet of the nearest rail of a railroad crossing, unless a different distance is indicated by official signs, markings or parking meters.
- (4) Stop, stand or parking a vehicle within 15 feet of a fire hydrant, except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of emergency, unless a different distance is indicated by official signs, markings or parking meters.

B. Additional parking regulations.

- (1) Except where angle parking is authorized, every vehicle stopped, standing or parked shall be so stopped, standing or parked with the right-hand wheels of such vehicle

parallel to and within 12 inches of the right-hand curb or edge of the roadway.

- (2) Except where angle parking is authorized, every vehicle stopped, standing or parked wholly upon a one-way roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.
- (3) Except where angle parking is authorized, every vehicle stopped, standing or parked partly upon a roadway shall be so stopped, standing or parked parallel to the curb or edge of the roadway. On a one-way roadway, such vehicle shall be facing in the direction of authorized traffic movement; on a two-way roadway, such vehicle shall be facing in the direction of authorized traffic movement on that portion of the roadway on which the vehicle rests.
- (4) No person regularly engaged in the sale or repair of vehicles shall park a vehicle upon any highway for purpose of:
 - (a) Displaying such vehicle for sale.
 - (b) Greasing or repairing such vehicle, except for such repairs as may be necessitated by an emergency.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VI,
Parking Regulations [Added 9-8-1975] / § 220-19. Penalties for offenses.
[Amended 7-12-1994 by L.L. No. 2-1994; 1-9-2001 by L.L. No. 1-2001]**

**§ 220-19. Penalties for offenses. [Amended 7-12-1994 by L.L. No. 2-1994; 1-9-2001 by
L.L. No. 1-2001]**

Any person violating this article shall, upon conviction, be punishable by a fine of \$10 to \$25 for the first offense and by a fine of \$20 to \$50 for each offense thereafter. Parking fines not paid within 30 days are subject to double the original penalty.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VII,
Amendments [Added 9-19-2001 by L.L. No. 10-2001]**

ARTICLE VII, Amendments [Added 9-19-2001 by L.L. No. 10-2001]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VII, Amendments [Added 9-19-2001 by L.L. No. 10-2001] / § 220-20. Procedure for amending chapter.

§ 220-20. Procedure for amending chapter.

The Town Board may amend the provisions of this chapter, including the enactment of additional traffic rules and regulations, by means of an order adopted by resolution as authorized by Article 41 of the New York State Vehicle and Traffic Law, and such amendments and additional traffic rules and regulations shall thereafter be included in this Code.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VIII, One-Way Streets [Added 9-19-2001 by L.L. No. 10-2001]

ARTICLE VIII, One-Way Streets [Added 9-19-2001 by L.L. No. 10-2001]

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VIII, One-Way Streets [Added 9-19-2001 by L.L. No. 10-2001] / § 220-21. One-way streets.

§ 220-21. One-way streets.

The following streets shall be designated for one-way travel within the Town of Geddes:

Maestri Drive South

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 220, VEHICLES AND TRAFFIC / ARTICLE VIII,
One-Way Streets [Added 9-19-2001 by L.L. No. 10-2001] / § 220-22. Penalties for
violating one-way street designation.**

§ 220-22. Penalties for violating one-way street designation.

Any person violating Article VIII of this chapter shall, upon conviction, be punished by a fine of not less than \$15 nor more than \$50 for a first offense and a fine of not less than \$30 and not more than \$100 for all subsequent offenses within 18 months.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 230, WATER**

Chapter 230, WATER

[The County of Onondaga water regulations are the controlling standards in the Town of Geddes. Said regulations are on file in the town offices and available for review during regular business hours.]

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING**

Chapter 240, ZONING

[HISTORY: Adopted by the Town Board of the Town of Geddes 10-28-1987 (Ch. 65 of the 1974 Code). Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction -- See Ch. 90.**
- Environmental quality review -- See Ch. 105.**
- Flood damage prevention -- See Ch. 115.**
- Subdivision of land -- See Ch. 190.**

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions**

ARTICLE I, General Provisions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-1. Title.****§ 240-1. Title.**

This chapter shall be known as the "Zoning Ordinance of the Town of Geddes" and shall consist of the text contained herein and the Town of Geddes Official Zoning Map, hereinafter referred to as the "Zoning Map."

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-2. Purpose.****§ 240-2. Purpose.**

Whereas the Town Board of the Town of Geddes deems it necessary for the promotion of the health, safety, morals and general welfare of the Town of Geddes to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open structures, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, the Town Board of the Town of Geddes does hereby create the following districts, map and regulations to accomplish this purpose.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-3. Interpretation.****§ 240-3. Interpretation.**

For purposes of interpretation and application, the provisions of this chapter shall be held to be the minimum requirements necessary for the promotion of the public health, comfort, convenience and general welfare.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-4. Effect on other provisions.**

§ 240-4. Effect on other provisions.

This chapter shall not be construed as superseding, limiting, changing or suspending any law, ordinance, code or regulation affecting the safety, construction or sanitation of any building or structure.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-5. Definitions.**

§ 240-5. Definitions.

For the purpose of interpreting this chapter, the following definitions shall be used:

ADULT ARCADE -- An establishment where, for any form of consideration, one or more still or motion-picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing for five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. [Added 5-8-2001 by L.L. No. 7-2001]

ADULT BOOKSTORE OR VIDEO STORE -- A business which derives 25% or more of its gross income from the sale, or rental of, or utilizes 25% or more of its retail selling area for, or has stock comprised of 25% or more of, any of the following: books, magazines, periodicals, films, motion pictures, videocassettes, slides, compact discs and/or computer generation or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. [Added 5-8-2001 by L.L. No. 7-2001]

ADULT CABARET -- A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, whether or not alcoholic beverages are served, which features: [Added 5-8-2001 by L.L. No. 7-2001]

- A. Persons who appear nude or in a state of nudity or semi-nudity; or
- B. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

- C. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT LIVE ENTERTAINMENT -- A business where an adult male or female exposes parts of his/her body identified as specified anatomical areas. [Added 5-8-2001 by L.L. No. 7-2001]

ADULT MOTEL -- A hotel, motel or similar business which: [Added 5-8-2001 by L.L. No. 7-2001]

- A. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. Offers a sleeping room for rent for a period of time less than 10 hours; or
- C. Allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.

ADULT MOTION-PICTURE THEATER -- An enclosed or unenclosed building or structure or portion of a building or structure or drive-in theater used for presenting materials, including films, tapes, videotapes, slides, videodiscs or computer-generated images, to one or more persons having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. [Added 5-8-2001 by L.L. No. 7-2001]

ADULT NOVELTY STORE -- A business which derives 25% or more of its gross income from the sale, or rental of, or utilizes 25% or more of its retail selling area for or has stock comprised of 25% or more of, any of the following: instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomachistic use or abuse of themselves or others. [Added 5-8-2001 by L.L. No. 7-2001]

ADULT USE -- Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting describing or relating to specified sexual activities or specified anatomical areas, including but not limited to adult arcades, adult bookstores or video stores, adult cabarets, adult live entertainment, adult motels, adult motion-picture theaters, adult novelty stores, and massage establishments. [Added 5-8-2001 by L.L. No. 7-2001]

ALTERATION -- Any change, rearrangement or addition to a building or structure, other than repairs, and any modification in construction or in building equipment. This term shall be construed to include any change, either interior or exterior, in dimension, use or number or type of occupancy of any building or structure.

ANIMAL, DOMESTIC -- Includes dogs and cats as well as other common household pets such as fish, hamsters, gerbils and birds which are maintained indoors. This term shall exclude farm animals (horses, livestock and poultry) and wild or dangerous animals.

ANTENNA -- Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. [Added 6-11-2002 by L.L. No. 3-2002]

BED-AND-BREAKFAST FACILITY -- A residence containing, in addition to living quarters for the owner thereof, transient lodging facilities for the general public with or without the sale of food and beverages for occupants only, conducted as a home occupation hereunder. [Added 4-12-2005 by L.L. No. 3-2005]

BUFFER STRIP -- A strip of open land along the perimeter of a lot in widths prescribed by the applicable sections of this chapter, planted with grass, trees and/or shrubs so as to provide a pleasant aesthetic appearance and visual screen and which shall contain no buildings or structures except a permitted fence.

BUILDING -- A structure having a roof supported by columns or by walls and intended for the shelter or enclosure of persons, animals or property.

BUILDING, ACCESSORY -- A building, the use of which is customarily incidental to that of the main or principal building. Examples of accessory buildings are garages and storage sheds.

BUILDING LINE -- A line parallel to the perimeter of a building and coterminous with the outermost part of the building, excluding building parts expressly permitted to extend beyond a building line.

BUILDING, PRINCIPAL -- A building or structure designed primarily to accommodate a principal use. An attached garage shall be considered part of the principal building.

BUSINESS -- Any commercial enterprise, establishment, association or arrangement for profit. [Added 5-8-2001 by L.L. No. 7-2001]

BUSINESS OFFICE -- Includes commercial, professional, financial (excluding banks), insurance, real estate, medical, governmental and utility service company offices, but excludes medical centers.

CAR WASH -- A building, structure or part of a building or structure specifically designed and used for washing, waxing, polishing or otherwise cleaning the interior or exterior of motor vehicles.

CODE -- Code of the Town of Geddes, as amended. [Added 5-8-2001 by L.L. No. 7-2001]

COMMERCIAL DRY-CLEANING AND LAUNDRY ESTABLISHMENT -- An establishment that processes laundry and dry cleaning collected from retail dry-cleaning and laundry operators and generally does not deal directly with the user of the laundry and dry-cleaning service.

COMMERCIAL MOBILE SERVICE FACILITY -- Any antenna or tower, including accessory equipment and devices used in the delivery of commercial mobile services. [Added 6-11-2002 by L.L. No. 3-2002]

COMMERCIAL MOBILE SERVICES -- Cellular telephone services, special mobile radio services and personal communication services as those terms are defined and regulated by the FCC. [Added 6-11-2002 by L.L. No. 3-2002]

COMMERCIAL TRANSMITTING, RECEIVING OR RELAY FACILITY -- A building or structure generally in the configuration of a tower, the principal use of which is the commercial broadcast, rebroadcast, relay or receipt of radio, television, microwave or similar signals. Such facilities also include earth receiving or transmitting dishes and similar earth station structures for commercial communication with satellites.

COMMUNITY CENTER -- A facility established by and under the direct supervision of a government or not-for-profit association or corporation designed primarily to provide a place of congregation or meeting for purposes of education, training, counseling, active or passive recreation or similar pursuits, including social facilities incidental thereto, and which is available to the general public notwithstanding membership and dues requirements, if any. This term shall not include schools, private clubs, eleemosynary uses or retail businesses.

DAY-CARE FACILITY -- A facility at which care and supervision of minors is provided as a daily or regularly scheduled program. Examples are day nurseries, preschool programs and day-care centers. Day-care facilities expressly exclude "family day-care" as defined herein.

DAY-CARE, FAMILY -- An activity providing for the care and supervision of minors in a dwelling unit away from their own homes. Family day-care may involve no more than five minors daily who are not related to the head of the household of the dwelling unit.

DISSEMINATION -- The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a person, customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

[Added 5-8-2001 by L.L. No. 7-2001]

DRIVE-IN SERVICE FACILITY -- An establishment which includes provision for customers to conduct business or secure consumer goods while remaining in their motor vehicles or a business where takeout consumer goods are dispensed or sold for the consumption of such goods within the customers' motor vehicles. Drive-in activities include drive-in banks, restaurants and photo services but exclude motor vehicle service facilities.

DWELLING, MULTIPLE-FAMILY -- A building designed for or occupied by two or more families, with separate housekeeping and cooking facilities for each.

DWELLING, SINGLE-FAMILY -- A detached building designed for or occupied by one family only and containing no other principal use.

DWELLING UNIT -- An entire building or one or more rooms within a building having access to the exterior of said building, directly or through a common hall or entrance, generally containing kitchen, bathroom, dining and sleeping facilities and similar facilities incidental and necessary to human habitation, intended and designed exclusively as a place of residence and/or domicile for occupancy by not more than one family as defined herein.

ELEEMOSYNARY USE -- Charitable, nonprofit, educational facilities and/or centers specifically established for specialized service, education and training for handicapped persons as the term "handicapped persons" is defined in the Education Law of the State of New York. This term shall not include a public or private school; college, university or institution of higher education; private business school; or private trade or vocational school.

FAA -- Federal Aviation Administration. [Added 6-11-2002 by L.L. No. 3-2002]

FAMILY -- One or more persons occupying a dwelling unit as a single housekeeping unit and using common cooking facilities, as distinguished from one or more persons occupying a hotel, motel, eleemosynary use, group residence, nursing or convalescent home, private club or medical center.

FCC -- Federal Communications Commission. [Added 6-11-2002 by L.L. No. 3-2002]

FRONT YARD SETBACK LINE -- A line connecting points in each side line equidistant from the street line, beyond which no parts of a building shall extend other than unenclosed steps, eaves, cornices and similar fixtures.

GARAGE -- A building or enclosed structure not available to the public that is used primarily for the storage of not more than three automobiles, provided that no business, occupation or service is conducted for profit therein.

GASOLINE STATION -- An installation or building in which the public retail sale of petroleum

products from underground storage tanks is made on the premises and which may include accessory facilities for the repair, servicing or incidental washing of motor vehicles.

GROSS FLOOR AREA -- The sum of the horizontal area of the floors of a building, excluding the basement (unless used and habitable in conjunction with the building's function). All dimensions shall be measured between the interior faces of the walls.

GROUP RESIDENCE -- A building used exclusively as a place of residence and/or domicile by two or more persons, where the residential quarters are considered an integral component of a recognized program of rehabilitation, custodial supervision or care, together with required supervisory personnel living in a family-type setting. Such residence shall be nonprofit, noninstitutional in character and scale and shall maintain a resident population size compatible with the character of the surrounding neighborhood. This term shall exclude nursing or convalescent homes or similar institutional settings.

HEIGHT -- The vertical distance measured from the average ground level at the sides of a building or structure to the extreme high point of the building or structure, exclusive of a church spire, belfry, clock tower, cupola, ventilator, skylight, stairwell, chimney flue, elevator bulkhead, stage tower, radio or television antenna which is attached to or totally supported by and accessory to a building or structure used for residential purposes and which does not exceed 10 feet above the maximum height allowed for a residential building or structure in the district wherein it is located or similar structure.

HOME OCCUPATION -- An accessory use of a service character customarily conducted within a dwelling by a resident thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use. Home occupations shall include but not be limited to the office of a resident health-care practitioner, attorney, architect, engineer, insurance or real estate salesperson or similar professional and such services such as hairdressing/barbering, sewing/tailoring, photography and teaching.

HOTEL, MOTEL -- A structure containing transient and/or permanent lodging facilities for the general public and which generally contains facilities incidental to such occupancy such as restaurants, meeting rooms, accessory retail business activities and related incidental activities desired primarily to accommodate the occupants but open to the general public. This term includes motels, inns and similar commercially oriented transient lodging facilities but excludes rooming and boarding houses and tourist homes.

INDOOR RECREATION -- Commercially operated recreation facilities where activities are conducted within a building or enclosed structure. Examples are bowling alleys, skating rinks, swimming pools, tennis and paddle courts, video arcades and athletic centers or clubs.

INDUSTRIAL USE -- A commercial activity primarily characterized by the transformation of substances into new products for distribution and ultimate sale, including the assembly of component parts of manufactured products, such as are normally associated with plants, factories and mills utilizing power-driven machinery and materials-handling equipment. This term shall include accessory transportation facilities designed for the handling of goods received or shipped from the industrial use as part of the normal conduct of business. This term shall not include junkyards, automobile graveyards, automobile parts recycling plants, automotive or other disassembly plants, waste disposal beds or bulk petroleum storage, except petroleum storage incidental to the operation of the primary industrial use.

KENNEL -- A building or structure used for the commercial boarding, sale and/or care of dogs, cats and other domestic animals or the harboring of more than four dogs or cats, each being over six months of age.

LOADING SPACE -- The area required for the temporary parking of one licensed vehicle, often including a trailer, the purpose of which is to facilitate the delivery, unloading and loading of material which is necessary to the operation of the principal use. A loading space shall not include access driveways or aisles.

LOT -- An area contained within lot lines shown on a subdivision map or as described in a deed and which is properly recorded in the records of Onondaga County. Areas shown on maps or described in deeds which are contiguous shall be considered separate lots unless otherwise indicated or intended as one lot in said instrument.

LOT AREA -- The size of a lot, expressed in square units of measure, derived by viewing the lot as a level surface.

LOT, CORNER -- A lot fronting on two streets at their intersection.

LOT COVERAGE -- The lot area occupied by all principal and accessory structures and buildings.

LOT LINE -- A boundary defining ownership of land as derived from maps, deeds and similar title documents. Boundaries defining less than a fee interest, including leaseholder interests and common areas, shall be submitted to the Board of Appeals for a determination as to whether such boundaries constitute a lot line for the purpose of allowing land use activities. Lot lines shall be classified as rear, front or side lines as hereinafter defined. Where the application of such classification cannot be made with certainty by the Code Enforcement Officer in consultation with the property owner, then the Board of Appeals shall render a determination establishing an appropriate classification for purposes of allowing land use activities.

LOT LINE, FRONT -- A property line coincidental with the highway right-of-way line or with any other public right-of-way line. If several right-of-way lines exist along one side of a property,

then the one farthest from the center line of the highway right-of-way shall be construed to be the front lot line. Where two public rights-of-way intersect (e.g., a corner lot), a lot line coincidental with the boundary line of either may be selected by the property owner as the front lot line for development purposes as long as no nonconforming elements are created. If the property owner fails to make this selection for a corner lot or there is uncertainty regarding the selection, then the determination shall be made as specified in the definition of lot line.

LOT LINE, REAR -- A lot line generally parallel to or directly opposite a front lot line.

LOT LINE, SIDE -- A lot line extending between a front and rear lot line.

LOT WIDTH -- The linear dimension of a straight line situated between side lot lines as measured at the front setback line.

MASSAGE -- A method of treating the external part of the human body by rubbing, stroking, kneading or vibrating with the hand or any instrument or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto, exposes his or her specified anatomical areas. [Added 5-8-2001 by L.L. No. 7-2001]

MASSAGE ESTABLISHMENT -- Any business where body rubs, body shampoos, massages (as defined above) or similar services are administered. This definition shall not include persons licensed or authorized pursuant to Article 155 of the Education Law, or specifically exempt from Article 155 of the Education Law. (See Education Law § 7800 et seq.) [Added 5-8-2001 by L.L. No. 7-2001]

MEDICAL CENTER -- A facility providing for the treatment of illness, injury and disease, providing inpatient and/or outpatient accommodations, including what are commonly termed "clinics," "diagnostic centers," "neighborhood health centers" and "hospitals," but expressly excluding group residences, nursing and convalescent homes and business offices, except where such facilities are accessory only to the medical center. This term shall also include private physicians' offices situated within or integral to a medical center.

MOBILE HOME -- A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same conveniences as immobile housing with respect to water supply, light, heat, power and waste disposal. A mobile home is a portable unit designed and built to be towed on its own chassis comprised of a frame and wheels and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. Mobile units are designed to be used as long-term residential units; excluding, however, travel trailers,

motorized homes, pickup coaches and camping trailers.

MOBILE HOME PARK -- A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use consisting of not less than 2 1/2 acres and not fewer than 20 mobile homes.

MORTUARY or UNDERTAKING ESTABLISHMENT -- An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person incidental to the burial or cremation, but expressly excluding morgues and educational facilities engaged in teaching mortuary science.

MOTOR VEHICLE SERVICE AND REPAIR -- The service or repair of motor vehicles and related equipment, but expressly excluding motor vehicle sales, motor vehicle dismantling except incidental to the repair of motor vehicles, motor vehicle parts recycling or the storage of motor vehicles.

NONCONFORMING ELEMENT -- Any lot, yard, building, structure, use of land or requirement related to use, such as off-street parking or signage, which does not comply with the applicable district or general regulations contained in this chapter but which did lawfully exist by complying with any applicable regulations prior to the adoption of this chapter or any amendment hereto, and which has continued to exist in a manner consistent with such previous compliance. This term shall include the following: "nonconforming structure," "nonconforming use," "nonconforming lot" and other nonconforming elements as described in Article IV.
[Amended 1-9-2001 by L.L. No. 1-2001]

NURSING OR CONVALESCENT HOME -- A facility operated by a private individual(s), corporation or religious organization for the purpose of providing lodging, boarding and continuous nursing care under medical supervision to sick, invalid, infirm or convalescent persons but not constituting a medical center.

OUTDOOR RECREATION FACILITY -- Includes commercially operated recreation facilities where activities are primarily conducted outside of a building or structure. Examples are outdoor driving ranges, parks and beaches and miniature golf courses. This term expressly excludes racetracks and outdoor theaters.

PARKING FACILITY -- A lot, the principal use of which is the temporary parking of licensed motor vehicles in parking spaces used by the general public. The facility may be a building, a structure or an open lot. The sale, storage or repair of motor vehicles is prohibited within the facility.

PARKING SPACE -- The area used for the temporary parking of one licensed motor vehicle, not including the access driveways or aisles.

PARKING SPACE, OFF-STREET -- A parking space located solely within the boundaries of the property, and shall not include spaces located in the public right-of-way either on the street pavement or between the street pavement and a property's front lot line.

PERSON -- Any individual, firm, partnership, corporation, association, limited-liability company, business entity or legal representative, acting individually or jointly. [Added 5-8-2001 by L.L. No. 7-2001]

POWER GENERATING FACILITY -- A facility where electricity and/or steam is created for use in powering on-site or off-site industrial, commercial, residential or other activities.

PREEXISTING TOWERS AND ANTENNAS -- Any tower or antenna for which a legal building permit was issued and which was constructed and in existence as of May 6, 1996. [Added 6-11-2002 by L.L. No. 3-2002]

PRIVATE CLUB -- A club or social organization which is not conducted for private profit, where the substantial portion of club activity is contained within a building and which club activity is not an adjunct to nor operated by or in connection with a public tavern, cafe or other similar public place. Private clubs requiring the substantial portion of their activity to be outdoors shall, for the purposes of this chapter, be considered an "outdoor recreation use" as that term is defined in this chapter.

PUBLIC OR PRIVATE SCHOOL -- Instruction of students as required by the Education Law of the State of New York, including both public schools from elementary through 12th grade and also private schools whose curriculum is substantially equivalent to that of public schools. This term shall also include nursery schools, kindergarten and similar preschool programs where accessory to a public or private school.

RELIGIOUS USE -- A land use activity devoted exclusively to religious purposes, including but not limited to churches, synagogues, mosques, parish houses, convents and retreat houses.

RESEARCH FACILITY -- A commercial use whose principal activities include basic research, design, pilot or experimental product development, technical service, general research or engineering, together with accessory activities.

RESTAURANT -- Any structure designed, intended as or used in whole or part for the retail sale of prepared food and/or beverages for on-premises consumption. This term shall not include restaurants with drive-in facilities or temporary eating facilities such as associated with field days or charitable institutions.

RETAIL BUSINESS -- A commercial activity designed for and primarily characterized by the direct on-premises sale of goods and services within a building to the ultimate consumer, generally involving stock-in-trade such as is normally associated with department stores, food

markets, shops and similar establishments. This term shall also include personal service establishments such as barbershops, beauty salons and dry cleaning shops (as opposed to commercial dry-cleaning and laundry establishments). This term shall not include restaurants, gasoline stations, business offices, medical centers, outdoor retail sales, motor vehicle sales or kennels.

SATELLITE RECEIVING ANTENNA -- Refers to any structure, including a parabolic dish or other device or equipment, intended to receive television, radio, microwave or other electronic signals from space satellites.

SCREENING DEVICE -- A permanent barrier, any portion of which is situated two or more feet above grade, composed of any material, including what are commonly termed "walls," "fences," "hedges" and similar structures or improvements intended to provide privacy and/or security.

SETBACK -- The distance between a lot line and building line or accessory structure.

SIGN -- Refer to Article VII for definitions relating to the regulation of signs.

SPECIFIED ANATOMICAL AREAS -- Include any of the following: [Added 5-8-2001 by L.L. No. 7-2001]

- A. Less than the completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES -- Include any of the following: [Added 5-8-2001 by L.L. No. 7-2001]

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
- C. Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C of this subsection.

STORAGE YARD -- All or part of a lot used for the storage of lumber, cut or milled wood, masonry products, piping, building products, sand, gravel or similar bulky products. Storage yard activity may involve the wholesale and/or retail sale of materials.

STREET -- A thoroughfare, publicly or privately owned, open to general vehicular use.

STREET LINE -- The right-of-way or established property line of a street as indicated by dedication, deed of record or by a filed subdivision plan.

STRUCTURE -- Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Examples include walls, buildings, freestanding signs and poles.

STRUCTURE, ACCESSORY -- A structure generally associated with the use of property other than a principal or accessory building. Examples of accessory structures are radio or television antennas, satellite receiving antennas, signs, fences and outdoor recreation uses such as swimming pools.

TOWER -- A structure designed to support antennas. It includes, without limitation, freestanding towers, guyed towers, lattice towers and monopoles. [Added 6-11-2002 by L.L. No. 3-2002]

TOWN -- The Town of Geddes. [Added 5-8-2001 by L.L. No. 7-2001]

USE, ACCESSORY -- An activity which is incidental, subordinate to and which may not be carried on independently of a principal use, such as a home occupation.

USE, PRINCIPAL -- An activity which may be carried on independently of any other activity and which generally characterizes the primary purpose for which land and/or principal buildings or structures thereon are intended or designed.

UTILITY STRUCTURE -- Buildings or structures used in conjunction with public utility services, including but not limited to energy substations, transmission towers, pumping stations and communication equipment enclosures, but excluding offices, vehicle storage, warehousing or construction staging areas.

VEHICULAR FREIGHT SERVICE -- Transportation facilities primarily designed for the handling of equipment, supplies, merchandise and materials of all kinds destined for shipment, including interim storage facilities, truck terminals, freight stations and related installations and improvements.

VETERINARY CLINIC or ANIMAL HOSPITAL -- A building or structure devoted to the medical care of animals by licensed veterinarians.

VIBRATION -- The periodic displacement or oscillation of the earth.

WAREHOUSE BUSINESS -- A commercial activity characterized by the warehousing, cold storage and similar long-term retention of materials, equipment and merchandise in bulk as well as the incidental, off-site, interim storage of consumer goods as part of a wholesale or retail

operation.

WHOLESALE BUSINESS -- A commercial activity characterized by the sale of merchandise in quantity to retail, manufacturing, institutional or other wholesale establishments, including on-premises storage and distribution facilities, but excluding bulk petroleum storage.

YARD, FRONT -- The lot area bounded by the front and side lot lines and the front building line, open and unoccupied except as provided in Article VIII or as otherwise permitted in this chapter.

YARD, REAR -- The lot area bounded by the rear and side lot lines and rear building line, open and unoccupied except as provided in Article VIII or as otherwise permitted in this chapter.

YARD, SIDE -- The lot area bounded by the side lot line, side building line and front and rear yards, open and unobstructed except as provided in Article VIII or as otherwise permitted in this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE I, General Provisions
/ § 240-6. Compliance required.**

§ 240-6. Compliance required.

Except as provided hereafter:

- A. No building or structure shall be erected, moved, reconstructed, altered or extended and no land, building or structure or part thereof shall be occupied or used unless in conformity with the regulations specified herein for the district in which it is located.
- B. No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area or to have narrower or smaller rear yards, front yards, side yards or other open spaces that are herein specified for the district in which it is located or in regulations applicable to all districts.
- C. No part of a yard or open space required around any building or structure for the purpose of complying with this chapter shall be included as a part of a yard or open space similarly required for another building or structure.
- D. All uses not specifically permitted in a district or permitted upon obtaining a special permit or site plan review shall be prohibited.
- E. This chapter shall not apply to any existing buildings or structures nor to the existing use of

any buildings, structures or land to the extent to which they were legally used at the time of enactment of this chapter. However, the terms of this chapter shall apply to any subsequent change in use, alterations, extensions or movement of a building or structure and to any change in use of the land.

- F. Land use existing on the effective date of this chapter which is unlawful under any prior applicable regulations shall be lawful only to the extent that it complies with this chapter. However, such compliance shall not excuse or be used to abate or enjoin the prosecution of such unlawful conduct, whether initiated prior or subsequent to the effective date of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE II, Establishment of
Districts; Interpretation of Boundaries; Zoning Map**

ARTICLE II, Establishment of Districts; Interpretation of Boundaries; Zoning Map

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE II, Establishment of
Districts; Interpretation of Boundaries; Zoning Map / § 240-7. Establishment of
districts. [Amended 6-10-2003 by L.L. No. 1-2003]**

§ 240-7. Establishment of districts. [Amended 6-10-2003 by L.L. No. 1-2003]

For the purposes of this chapter, the Town of Geddes is hereby divided into the following zoning districts:

Residential A	Single-Family Residential District
Residential B	Multiple-Family Residential District
Residential C	Residential Office District
Residential D	Planned Mobile Home Park District
Commercial A	Shopping Area District

Commercial B	Highway Commercial District
Commercial C	Heavy Commercial District
Industrial A	General Industrial District
Industrial B	Research Industrial District
SCRO	Senior Citizen Residential Overlay District

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE II, Establishment of
Districts; Interpretation of Boundaries; Zoning Map / § 240-8. Overlay districts**

§ 240-8. Overlay districts

Overlay districts may be established at the discretion of the Town Board. Land areas designated within overlay districts are subject to the district regulations of the districts upon which they are superimposed in addition to the applicable overlay district regulations that may be provided herein.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE II, Establishment of
Districts; Interpretation of Boundaries; Zoning Map / § 240-9. Interpretation of
boundaries.**

§ 240-9. Interpretation of boundaries.

When uncertainty exists with respect to the boundaries of any district as shown on the Town of Geddes Official Zoning Map:

- A. Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be

construed as moving with the actual shoreline.

- D. Boundaries indicated as parallel to or extensions of features in Subsections A through C shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Where a district boundary line divides a lot existing at the time of enactment of this chapter, the use authorized on and the district requirements of the least-restricted portion of such lot shall extend to the entire lot, provided that such extension shall not include any part of the lot which is more than 30 feet into the more-restricted portion.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE II, Establishment of
Districts; Interpretation of Boundaries; Zoning Map / § 240-10. Zoning Map.**

§ 240-10. Zoning Map.

The location and boundaries of each zoning district are shown on the map entitled "Town of Geddes Official Zoning Map" and certified by the Town Clerk, which accompanies and is hereby declared to be part of this chapter.^{EN(49)}

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations**

ARTICLE III, District Regulations

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-11. Residential A: Single-Family Residential District.**

§ 240-11. Residential A: Single-Family Residential District.

Regulations for the Residential A District shall be as follows:

A. Permitted uses:

- (1) Single-family dwelling.

- (2) Religious use.
- (3) Accessory buildings and structures to Subsection A(1) and (2) above. However, there shall be no more than two accessory buildings on one lot. A freestanding garage is allowed as an accessory building only if there are not other garages, freestanding or attached, on the property.
- (4) Family day-care.

B. Uses permitted only upon issuance of a special permit:

- (1) Home occupation.
- (2) Public or private school.
- (3) Public library or public museum.
- (4) Public park or playground.
- (5) Facilities for the provision of natural gas service, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]
- (6) Group residence.
- (7) Community center.
- (8) Eleemosynary use.
- (9) Accessory buildings and structures to Subsection B(1) through (8) above.
- (10) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (11) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yard. [Added 6-11-2002 by L.L. No. 3-2002]
- (12) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

C. Residential lot and structure requirements:

- (1) Lot:

- (a) Minimum area: 7,500 square feet
- (b) Minimum width: 75 feet.
- (c) Maximum lot coverage: 25%.
- (2) Principal structure:
 - (a) Front yard setback: 30 feet.
 - (b) Side yard setback, each side: five feet.
 - (c) Rear yard setback: five feet.
 - (d) Maximum height: 35 feet.
 - (e) Corner lot. For the side street, a side yard of at least 15 feet shall be provided.
- (3) Accessory structure:
 - (a) Front yard setback: the same as the principal structure or a minimum of 30 feet.
 - (b) Side yard setback, each side: five feet.
 - (c) Rear yard setback: five feet.
 - (d) Maximum height: 20 feet.
 - (e) Minimum distance from principal building: 10 feet.

D. Nonresidential lot and structure requirements:

- (1) Lot:
 - (a) Minimum area: 20,000 square feet.
 - (b) Minimum width: 100 feet.
 - (c) Maximum lot coverage: 25%.
- (2) Principal structure:
 - (a) Front yard setback: 40 feet.
 - (b) Side yard setback: 20 feet.
 - (c) Rear yard setback: 20 feet.

(d) Maximum height: 35 feet.

(3) Accessory structure:

(a) Front yard setback: 40 feet.

(b) Side yard setback: 20 feet.

(c) Rear yard setback: 20 feet.

(d) Maximum height: 20 feet.

E. Supplemental regulations:

(1) Off-street parking and loading: see Article VI.

(2) Signs: see Article VII.

(3) Supplemental regulations: see Article VIII.

(4) Special permits: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-12. Residential B: Multiple-Family Residential District.**

§ 240-12. Residential B: Multiple-Family Residential District.

Regulations for the Residential B District shall be as follows:

A. Permitted uses:

(1) Single-family dwelling.

(2) Religious use.

(3) Accessory buildings and structures to Subsection A(1) and (2) above. However, there shall be no more than two accessory buildings on one lot. A freestanding garage is allowed as an accessory building only if there are not other garages, freestanding or attached, on the property.

(4) Family day-care.

B. Uses permitted only upon issuance of a special permit:

- (1) Public or private school.
 - (2) Public library or public museum.
 - (3) Public park or playground.
 - (4) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]
 - (5) Group residence.
 - (6) Home occupation.
 - (7) Community center.
 - (8) Eleemosynary use.
 - (9) Nursing or convalescent home.
 - (10) Multiple-family dwelling.
 - (11) Accessory buildings and structures to Subsection B(1) through (10) above.
 - (12) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
 - (13) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
 - (14) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- C. Residential lot and structure requirements for a single-family dwelling: same as for Residential A District.
- D. Residential lot and structure requirements for a multiple-family dwelling:
- (1) Lot:
 - (a) Minimum area: 20,000 square feet.
 - (b) Minimum width: 100 feet.

- (c) Maximum lot coverage: 25%.
- (d) Maximum density per acre: six dwelling units per acre. [Amended 3-12-2002 by L.L. No. 1-2002]
- (2) Principal structure:
 - (a) Front yard setback: 40 feet.
 - (b) Side yard setback, each side: 20 feet.
 - (c) Rear yard setback: 35 feet.
 - (d) Maximum height: 35 feet.
 - (e) Minimum distance between principal buildings: 25 feet.
- (3) Accessory structure:
 - (a) Front yard setback: the same as the principal structure or a minimum of 40 feet.
 - (b) Side yard setback, each side: 10 feet.
 - (c) Rear yard setback: 20 feet.
 - (d) Maximum height: 20 feet.
 - (e) Minimum distance from the principal building: 30 feet.
- E. Nonresidential lot and structure requirements: same as for Residential A District.
- F. Supplemental regulations:
 - (1) Off-street parking and loading: see Article VI.
 - (2) Signs: see Article VII.
 - (3) Supplemental regulations: see Article VIII.
 - (4) Special permits: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-13. Residential C: Residential Office District.**

§ 240-13. Residential C: Residential Office District.

Regulations for the Residential C District shall be as follows:

A. Permitted buildings, structures and uses:

- (1) Single-family dwelling.
- (2) Accessory buildings and structures to Subsection A(1) above. However, there shall be no more than two accessory buildings on one lot. A freestanding garage is allowed as an accessory building only if there are no other garages, freestanding or attached, on the property.
- (3) Family day-care.

B. Uses permitted after site plan review:

- (1) Business office, one per lot.

C. Uses permitted only upon issuance of a special permit:

- (1) Home occupation.
- (2) Residential unit in combination with business office.
- (3) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (4) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (5) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (6) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

D. Residential lot and structure requirements: same as for Residential A District.

E. Nonresidential lot and structure requirements:

- (1) Lot:
 - (a) Minimum area: 10,000 square feet.

- (b) Minimum width: 100 feet.
 - (c) Maximum lot coverage: Buildings and structures shall not cover more than 25% of the lot, and combined buildings, structures and parking shall not cover more than 50% of the lot area.
- (2) Principal structure:
- (a) Front yard setback: 30 feet.
 - (b) Side yard setback: five feet. [See Subsection F(2) below.]
 - (c) Rear yard setback: five feet [See Subsection F(2) below.]
 - (d) Maximum height: 35 feet.
- (3) Accessory structure:
- (a) Front yard setback: the same as the principal structure or a minimum of 30 feet.
 - (b) Side yard setback: five feet. [See Subsection F(2) below.]
 - (c) Rear yard setback: five feet [See Subsection F(2) below.]
 - (d) Maximum height: 20 feet.
- F. Additional restrictions:
- (1) There shall be no on-premises retail sale of merchandise, no manufacturing or processing and no storage of merchandise on premises except for sample or display purposes in any business office in this zoning district.
 - (2) There shall be a transition strip of a minimum width of 15 feet along all side and rear property lines which adjoin other residential use districts. This strip shall be in addition to side and rear setbacks and shall be developed, used and maintained for lawn, shrubs, trees and bushes as specified by the Town Board. In addition, the Town Board may, when appropriate to protect an adjacent property from detrimental aspects such as headlight glare, require opaque screening measures to be installed and maintained.
 - (3) There shall be no on-site outside parking of commercial trucks or vans used by a tenant for construction, delivery, service or other business enterprise.
 - (4) Notwithstanding any other provision of this section, no building shall occupy more than 2,000 square feet of land area or have more than 4,000 square feet of gross floor area.
 - (5) The site plan review of the business office shall encourage building designs which

preserve and maintain the residential atmosphere of the surrounding area, especially in relation to open space, green areas, landscaping, architecture, additional screening, if required, and layout of parking lots.

- (6) Each office building may use one freestanding identification sign no larger than six square feet in area, and, in addition, each building may have one wall-mounted directory sign not to exceed three square feet. The Town Board shall determine the location and design of the freestanding sign during the site plan review procedure.
- (7) The exterior lighting for each office building shall not cause undesirable glare on any adjoining property.
- (8) There shall be reasonable separation of paving on adjoining Residential C lots in order to maintain open green space and to allow for snow removal from parking areas.
- (9) The Code Enforcement Officer shall refer to the Town Board for its review all applications for permits for expansion, external building or site alterations or new sign applications in a Residential C Zoning District. If, in the opinion of the Town Board, the proposed work may have a serious impact in the neighborhood, it may require that an application be made for an amended site plan approval.

G. Supplemental regulations:

- (1) Off-street parking: see Article VI.
- (2) Signs: see Article VII.
- (3) Supplemental regulations: see Article VIII.
- (4) Special permit and site plan review: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-14. Residential D: Planned Mobile Home Park District.**

§ 240-14. Residential D: Planned Mobile Home Park District.

A. Intent. The general intent of this district is to provide areas where a residential environment by way of high-quality mobile home parks is encouraged and preserved. It is the specific intent of this district to:

- (1) Encourage the location of mobile home parks near or adjacent to highways designed to adequately handle a safe flow of traffic.

- (2) Prohibit individual ownership of mobile home sites.
 - (3) Encourage the development of recreation facilities and require off-street parking within mobile home parks.
 - (4) Prohibit all other residential, business, commercial and industrial uses within a planned mobile home park district.
- B. Uses permitted after site plan review. Uses permitted after site plan review shall be as follows:
- (1) Mobile home parks.
 - (2) Mobile home park management offices accessory to a mobile home park.
- C. Required site area. A minimum area of 5,000 square feet shall be provided for each mobile home site. In no case shall the density exceed eight mobile home lots per gross acre of area included in the mobile home park.
- D. Minimum development area. The minimum development area in the mobile home area shall be 2 1/2 acres.
- E. All the mobile home sites situated within a mobile home park shall be owned by the park owner and shall be leased to the mobile home owners.
- F. Mobile home sales.
- (1) No mobile home shall be offered for sale, displayed for sale or sold within a mobile home park unless such mobile home is fully connected to all operating utilities and is placed on a site in the mobile home park.
 - (2) No more than one mobile home for model purposes shall be permitted in a mobile home park.
- G. The outside storage of any equipment, furniture, tools or similar material in this district is prohibited.
- H. Supplemental regulations. Supplemental regulations for this district shall be as follows:
- (1) Off-street parking: see Article VI.
 - (2) Signs: see Article VII.
 - (3) Site plan review: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-15. Commercial A: Shopping Area District.**

§ 240-15. Commercial A: Shopping Area District.

Regulations for the Commercial A District shall be as follows:

A. Uses permitted after site plan review:

- (1) Retail business.
- (2) Bank.
- (3) Restaurant.
- (4) Business office.
- (5) Public library or museum.
- (6) Religious use.
- (7) Public park or playground.
- (8) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]
- (9) Accessory buildings and structures to Subsection A(1) through (8) above.
- (10) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (11) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (12) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

B. Uses permitted only upon issuance of a special permit:

- (1) Gasoline station.

- (2) Motor vehicle service and repair.
- (3) Car wash.
- (4) Indoor recreation.
- (5) Drive-in service facility.
- (6) Accessory buildings and structures to Subsection B(1) through (5) above.

C. Nonresidential lot and structure requirements:

- (1) Lot:
 - (a) Minimum area: 10,000 square feet.
 - (b) Minimum width: 75 feet.
 - (c) Maximum lot coverage: 50%.
- (2) Principal structure:
 - (a) Front yard setback: 40 feet.
 - (b) Side yard setback: five feet. See transition requirements in Article VIII.
 - (c) Rear yard setback: five feet. See transition requirements in Article VIII.

D. Supplemental regulations:

- (1) Off-street parking and loading: see Article VI.
- (2) Signs: see Article VII.
- (3) Supplemental regulations: see Article VIII.
- (4) Special permits: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-16. Commercial B: Highway Commercial District.**

§ 240-16. Commercial B: Highway Commercial District.

Regulations for the Commercial B District shall be as follows:

A. Permitted uses:

- (1) Single-family dwelling.
- (2) Religious use.
- (3) Accessory buildings and structures to Subsection A(1) and (2) above. However, there shall be no more than two accessory buildings on one lot. A freestanding garage is allowed as an accessory building only if there are no other garages, freestanding or attached, on the property.
- (4) Family day-care.

B. Uses permitted after site plan review:

- (1) Retail business.
- (2) Business office.
- (3) Public library or museum.
- (4) Public park or playground.
- (5) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]
- (6) Community center.
- (7) Public or private school.
- (8) Accessory buildings and structures to Subsection B(1) through (7) above.
- (9) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (10) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (11) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

C. Uses permitted only upon issuance of a special permit:

- (1) Restaurant.
- (2) Bank.
- (3) Gasoline station.
- (4) Motor vehicle sales.
- (5) Motor vehicle service and repair.
- (6) Home occupation.
- (7) Car wash.
- (8) Indoor recreation.
- (9) Day-care facility.
- (10) Private club.
- (11) Outdoor recreation.
- (12) Residential unit in combination with a nonresidential use.
- (13) Accessory buildings and structures to Subsection C(1) through (12) above.

D. Residential lot and structure requirements: same as for Residential A District.

E. Nonresidential lot and structure requirements:

- (1) Lot:
 - (a) Minimum area: 7,500 square feet.
 - (b) Minimum width: 75 feet.
 - (c) Maximum lot coverage: 50%.
- (2) Principal structure:
 - (a) Front yard setback: 30 feet.
 - (b) Side yard setback: five feet. See transition requirements in Article VIII.
 - (c) Rear yard setback: five feet. See transition requirements in Article VIII.

F. Supplemental regulations:

- (1) Off-street parking and loading: see Article VI.
- (2) Signs: see Article VII.
- (3) Supplemental regulations: see Article VIII.
- (4) Special permits: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-17. Commercial C: Heavy Commercial District.**

§ 240-17. Commercial C: Heavy Commercial District.

Regulations for the Commercial C District shall be as follows:

A. Uses permitted after site plan review:

- (1) Retail business.
- (2) Wholesale business.
- (3) Business office.
- (4) Motor vehicle sales.
- (5) Motor vehicle service and repair.
- (6) Veterinary clinic or hospital.
- (7) Mortuary or undertaking establishment.
- (8) Public library or museum.
- (9) Religious use.
- (10) Public park or playground.
- (11) Community center.
- (12) Commercial dry-cleaning and laundry establishment.
- (13) Indoor recreation.
- (14) Public or private school.
- (15) Facilities for the provision of natural gas, other than containerized natural gas, to the

local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]

(16) Accessory buildings and structures to Subsection A(1) through (15) above.

(17) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

(18) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

(19) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

B. Uses permitted only upon issuance of a special permit:

(1) Kennel.

(2) Medical center.

(3) Outdoor recreation.

(4) Storage yard.

(5) Gasoline station.

(6) Hotel or motel.

(7) Restaurant.

(8) Accessory buildings and structures to Subsection B(1) through (7) above.

C. Nonresidential lot and structure requirements:

(1) Lot:

(a) Minimum area: none.

(b) Minimum width: 75 feet.

(c) Maximum lot coverage: 50%.

(2) Principal structure:

(a) Front yard setback: 40 feet.

(b) Side yard setback: 10 feet. See transition requirements in Article VIII.

(c) Rear yard setback: 10 feet. See transition requirements in Article VIII.

D. Supplementary regulations:

(1) Off-street parking and loading: see Article VI.

(2) Signs: see Article VII.

(3) Supplemental regulations: see Article VIII.

(4) Special permits: see Article V.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-18. Industrial A: General Industrial District.**

§ 240-18. Industrial A: General Industrial District.

Regulations for the Industrial A District shall be as follows:

A. Uses permitted after site plan review:

(1) Industrial use.

(2) Business office.

(3) Vehicular freight service.

(4) Retail business.

(5) Warehouse business.

(6) Wholesale business.

(7) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]

(8) Commercial dry-cleaning and/or laundry establishment.

(9) Public park or playground.

(10) Research facility.

- (11) Adult uses meeting the requirements of § 240-18H below. [Added 5-8-2001 by L.L. No. 7-2001]
- (12) Accessory buildings and structures to Subsection A(1) through (11) above. [Amended 5-8-2001 by L.L. No. 7-2001]
- (13) Facilities necessary for the provision of electrical service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (14) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]
- (15) Facilities, other than towers, necessary for the provision of cable television service to the local community, except storage or heavy equipment yards. [Added 6-11-2002 by L.L. No. 3-2002]

B. Uses permitted only upon issuance of a special permit:

- (1) Storage yard.
- (2) Motor vehicle sales.
- (3) Motor vehicle service and repair.
- (4) Car or truck wash.
- (5) Gasoline station.
- (6) Restaurant.
- (7) Motel or hotel.
- (8) Parking facility.
- (9) Commercial transmitting, relaying or receiving facility.
- (10) Power generating facility.
- (11) Accessory buildings and structures to Subsection B(1) through (10) above.
- (12) Any use on a lot in an industrial zoning district which is adjacent, disregarding public rights-of-way, to a residential zoning district any use which is not conducted entirely within an enclosed building or structure; and any use involving outside storage of materials, equipment, products or by-products.

C. Uses requiring site plan review.

- (1) All uses permitted in Subsection A shall require site plan review by the Town Board.
- (2) In addition, any use listed in Subsection B, which either contains more than 10,000 square feet of gross floor area or is greater than 55 feet in height shall require a site plan review by the Town Board in lieu of a special permit review.

D. Nonresidential lot and structure requirements:

(1) Lot:

- (a) Minimum area: none.
- (b) Minimum lot width: none.
- (c) Maximum lot coverage: The gross area covered by buildings, structures, parking lots, storage areas, driveways and signs shall not exceed 80%. This requirement may be waived by the Town Board during site plan review or by the Board of Appeals during special permit review.

(2) Principal and accessory structures:

- (a) Front yard setback: 40 feet.
- (b) Side yard setback: 10 feet.
- (c) Rear yard setback: 10 feet.
- (d) Maximum height. No structure may exceed 55 feet unless granted an exemption by the Town Board during site plan review.

E. Minimum performance standards. The Code Enforcement Officer shall ensure that the following standards are adhered to within an Industrial A District by any use which is not exempt from these standards because of a legal nonconforming use status. Failure to meet these standards shall be reported to the Town Board, which may take such actions as it deems necessary in accordance with this chapter, including but not limited to revoking the certificate of occupancy. These minimum standards shall be in addition to meeting any and all federal, New York State and Onondaga County health and safety requirements and standards.

- (1) Noise. No use within an industrial zone shall emit a measurable noise which shall be unreasonably loud or disturbing to surrounding property owners and/or users. The standards for determining whether a noise is unreasonably loud or disturbing shall be as follows:
 - (a) No noise measured at a property line of an industrially zoned property shall exceed

70 decibels during the period between 6:00 a.m. and 10:00 p.m. or 60 decibels during the period between 10:00 p.m. and 6:00 a.m. The decibel limits shall be decreased by five decibels for any industrially zoned property adjacent to a residentially zoned property.

- (b) Sound-pressure levels in decibels shall be measured on the A-weighted response scale with a meter set to the slow response mode. Sound level meters used shall have the characteristics defined in the American National Standards Institute Publication S1.4 1971 (R1983). Measurements shall be conducted in accordance with ANSI S1-36, 1979.
 - (c) The sound level may not exceed these established sound levels by more than six decibels for a period of more than six minutes during any sixty-minute continuous period.
 - (d) Noise as measured at the property line shall not be objectionable due to intermittence, beat frequency, high frequency or other disturbing characteristics. For noises that the Code Enforcement Officer determines to be impulsive in character (example, hammering) or objectionable for any of the other above-noted characteristics, then the standards cited in Subsection E(1)(a) shall be reduced by five decibels. Sounds of short duration, such as impact noises, shall be measured with either an impact analyzer or a sound-level meter having a standardized I (impulse) characteristic.
 - (e) Exemptions. The following uses and activities shall be exempt from the noise level regulations:
 - [1] Noises emanating from temporary construction and maintenance activities between 7:00 a.m. and 6:00 p.m.
 - [2] The noises of safety signals, warning devices, emergency pressure-relief valves or other emergency warning signals.
 - [3] Transient noises of moving sources such as automobiles, trucks, airplanes and railroads. Uses requiring regular deliveries by truck may be required by the Board with appropriate jurisdiction to reduce noise levels to an approved level based on proximity of residential uses. In no case shall the required noise levels be lower than those outlined above.
- (2) Odor. No use within an industrial district shall emit an odor that is unreasonably offensive as measured at the property line of the use.
- (3) Dirt, dust, heat, toxic emissions and radiation interference. No use within an industrial

district shall create or emit dust, heat, dirt or other particulate matter, radiation, toxic emissions or electronic or radio interference which shall adversely affect uses on adjacent or neighboring properties.

- (4) Storage. No goods, materials, waste, trash, garbage or other matter shall be stored outside of a building without being fully enclosed to provide both screening, security and containment. Any exception to this type of storage, such as storage of bulk raw materials, shall be granted by the appropriate Board during the site plan review procedure. This storage approval may be revoked if a change of ownership or use occurs or if the storage results in an adverse impact on adjacent properties.
- (5) Vibration.
 - (a) Ground-transmitted vibration shall be measured with a seismograph capable of recording simultaneously vibration vectors in three mutually perpendicular directions.
 - (b) "Vibration" is the periodic displacement or oscillation of the earth.
 - (c) For administrative purposes, vibration shall be measured at or beyond any adjacent lot line or residential district line, and such measurements shall not exceed the particle velocities as designated in Table I. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency.

[1] When computed, the following formula shall be used:

$$P.V. = 6.28 D \times F$$

Where

P.V. = Particle velocity in inches per second.

D = Single amplitude displacement in inches.

F = Vibration frequency (Hertz) in cycles per second.

[2] The maximum particle velocity shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously.

Table I

Vibration	Maximum Peak Particle Velocity (inches per second)		
	A*	B	C
Steady state**	.02	.05	.10
Impact***	.04	.10	.20

NOTES:

* Reduced by 1/2 between 10:00 p.m. and 6:00 a.m.

** STEADY STATE -- Vibrations which are continuous or vibrations in discrete impulses more frequent than 60 per minute.

*** IMPACT -- Discrete impulses which do not exceed 60 per minute.

A = Vibration velocity measured at a residential district boundary.

B = Vibration velocity measured at the boundary of an industrial district and any other district, excluding residential districts.

C = Vibration velocity measured at an adjacent lot line within the industrial district.

- (6) Glare. No illumination shall cause direct light rays to cross any property line in an industrial district. All permanent outdoor lights, such as those used for area lighting or building floodlighting, shall be steady, stationary, shielded sources directed to avoid causing a hazard to motorists or pedestrians or causing direct light rays on other properties. The marginal increase in light as measured at any property line other than a street line shall not exceed one footcandle; only a marginal increase in light of 0.5 footcandle shall be permitted at any property line which is also a residential district line.

(7) Procedure.

(a) New application.

- [1] In the case of any application for the establishment of a new use subject to these performance standards, the appropriate review Board may require the applicant, at his own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to the above standards.
- [2] If the appropriate review Board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of his application. The report of any expert consultants shall be promptly furnished to the applicant.
- [3] During the course of either the site plan or special permit review, the appropriate Board shall determine whether the applicant's proposal will conform to the above-noted performance standards, and this determination shall be a necessary, though not exclusive, condition for granting the appropriate Board approval.

(b) Industries which are subject to these performance standards.

- [1] The Code Enforcement Officer shall investigate any purported violation of these performance standards by existing industries which are not exempt from these standards because of a legal nonconforming use status. If there are reasonable grounds for assuming that there is a violation of these performance standards, the Code Enforcement Officer shall notify those responsible for the alleged violation. Such notice shall describe the particulars of the alleged violation and shall require a written response or corrective action to the alleged violation within a reasonable time limit set by the Code Enforcement Officer, but not to exceed 180 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time limit set shall constitute an admission of violation. The notice shall state that, upon request of those to whom it is directed, technical determinations can be made by experts mutually agreeable to the Code Enforcement Officer and to those responsible for the alleged violation; in the event of an inability to select a mutually agreeable expert, the Code Enforcement Officer shall select the expert. If the expert determines that the violation alleged is true, then costs of the determinations shall be charged against those responsible, in addition to any penalties as may be appropriate upon terms of this chapter; however, if it is determined that no violation exists, costs of the determinations shall be paid by the Town of Geddes.

[2] If there is no reply to the notice within the time limits set (thus establishing an admission of violation as provided above) and/or the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, then the Code Enforcement Officer shall take such actions as may be appropriate under this chapter for situations where an admitted violation continues after notice to cease.

F. Buffer zone.

- (1) A buffer zone of 25 feet must be established along all property lines in the industrial zoning district which abut a residential zoning district boundary.
- (2) The buffer zone must be provided with shrubbery, plantings and landscaping to provide an opaque barrier between the industrial use and the adjacent residentially zoned areas. The details of the landscaping plan must be approved by the appropriate Board during the site plan review or special permit procedure. There shall be no buildings or structures constructed in the buffer zone.
- (3) The buffer zone shall be in addition to side and rear yard setbacks.

G. Supplemental regulations:

- (1) Off-street parking and loading: see Article VI.
- (2) Signs: see Article VII.
- (3) Supplemental regulations: see Article VIII.
- (4) Special permit and site plan review: see Article V.

H. Restrictions on adult uses. [Added 5-8-2001 by L.L. No. 7-2001]

- (1) No adult use shall be allowed or permitted in any zoning district of the Town, except in Industrial A Districts. All adult uses shall comply with the applicable provisions of the Code, including those relating to structures and uses permitted in Industrial A Districts.
- (2) No person shall construct, establish, operate, or maintain, or be issued a certificate of occupancy for, any adult use within the Town unless such use meets the following standards:
 - (a) No more than one adult use shall be allowed or permitted on any one lot.
 - (b) No adult use shall be allowed or permitted on a lot that is within 1,000 feet of:

[1] A lot on which there is another adult use;

- [2] Any residential district (A, B, C or D) or any commercial district (A, B or C);
 - [3] Any property that is utilized, in whole or in part, for residential purposes;
 - [4] Any church or other regular place of worship, community center, funeral home, library, school, nursery school, day-care center, hospital or public park, playground, recreational area or field;
 - [5] Any public buildings; and
 - [6] Any hotels or motels.
- (c) Where there is a conflict between the regulations as provided in this § 240-18H and any other law, rule or regulation of the Town, including the Code, the most restrictive law, rule or regulation shall apply.
- (d) All distances set forth herein shall be measured from lot line to lot line.
- (3) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any other lot, including but not limited to any lighting, display, decoration, poster, photograph, video, sign, show, doorway, window, screen or other opening.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-19. Industrial B: Research Industrial District.**

§ 240-19. Industrial B: Research Industrial District.

Regulations for the Industrial B District shall be as follows:

A. Uses permitted after site plan review:

- (1) Business office.
- (2) Research facility.
- (3) Facilities for the provision of natural gas, other than containerized natural gas, to the local community, except storage or heavy equipment yards. [Amended 6-11-2002 by L.L. No. 3-2002]
- (4) Public park or playground.

- (5) Accessory buildings and structures to Subsection A(1) through (4) above.
- (6) Facilities necessary for the provision of electrical service to the local community.
[Added 6-11-2002 by L.L. No. 3-2002]
- (7) Facilities, other than towers, necessary for the provision of standard land line telephone service to the local community. [Added 6-11-2002 by L.L. No. 3-2002]
- (8) Facilities, other than towers, necessary for the provision of cable television service to the local community. [Added 6-11-2002 by L.L. No. 3-2002]

B. Uses permitted only upon issuance of a special permit:

- (1) Industrial use.
- (2) Wholesale business.
- (3) Warehouse business.
- (4) Parking facility.
- (5) Motel or hotel.
- (6) Indoor recreation.
- (7) Accessory building and structure to Subsection B(1) through (6) above.
- (8) Any use on a lot in an industrial zoning district which is adjacent, disregarding public rights-of-way, to a residential zoning district; and use not confined entirely within an enclosed building or structure; and any use involving outside storage of materials, equipment, products or by-products.

C. Uses requiring site plan review.

- (1) All uses permitted in Subsection A shall require site plan review by the Town Board.
- (2) In addition, any use listed in Subsection B which either contains more than 10,000 square feet of gross floor area or is greater than 55 feet in height shall require a site plan review by the Town Board in lieu of a special permit review.

D. Nonresidential lot and structure requirements:

- (1) Lot:
 - (a) Minimum area: none.

- (b) Minimum lot width: none.
- (c) Maximum lot coverage: The gross area covered by building structures, driveways, parking lots, storage areas and signs shall not exceed 60%.
- (2) Principal and accessory structures:
 - (a) Front yard setback: 40 feet.
 - (b) Side yard setback: 10 feet.
 - (c) Rear yard setback: 10 feet.
 - (d) Maximum height: No structure may exceed 55 feet unless granted an exemption by the Town Board during site plan review.
- E. Performance standards: same as Industrial A District.
- F. Buffer zone: same as Industrial A District.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE III, District
Regulations / § 240-19.1. Senior Citizen Residential Overlay District. [Added
6-10-2003 by L.L. No. 1-2003]**

**§ 240-19.1. Senior Citizen Residential Overlay District. [Added 6-10-2003 by L.L. No.
1-2003]**

Pursuant to § 240-8 of this chapter, the Town Board of the Town of Geddes hereby establishes an overlay zoning district entitled the "Senior Citizen Residential Overlay District," which district may overlay a portion of a Residential B, Residential C, Commercial A or Commercial B District only, subject to the application procedure and district regulations set forth in this chapter. Any property designated as an overlay district pursuant to this chapter is subject to the district regulations of the underlying district upon which it is imposed as well as the district regulations set forth herein. In the case of any conflict between the district regulations applicable in an existing district upon which the overlay is imposed and those specifically pertaining to a Senior Citizen Residential Overlay District, the latter shall be controlling. In a Senior Citizen Residential Overlay District, no building, premises or part thereof shall be used or occupied and no building or structure shall be erected, enlarged, converted or altered except as provided in this section.

- A. Application.

- (1) Application for the establishment of a Senior Citizen Residential Overlay District shall be made in writing to the Town Board by the owner(s) of the land(s) to be included in the district or by a person or persons holding an option to purchase the lands contingent upon approval of the application for the change of zone. In the event that an application is made by a person or person holding an option to purchase the lands, the application shall be accompanied by a statement signed by all owners of such land indicating concurrence with the application. Upon submission of a complete application, the Town Board may, in its discretion, refer the application to the Town Planning Board for its review and recommendation.
- (2) Application materials. The applicant shall submit a site plan drawn to scale to the Town Board consisting, at a minimum, of the following:
 - (a) A metes and bounds description of the proposed district.
 - (b) A survey of the parcel(s) prepared and certified by a licensed land surveyor.
 - (c) A map drawn to scale showing existing conditions of the parcel, including:
 - [1] The name and address of the owner of record and applicant.
 - [2] The name of the person or firm preparing the map.
 - [3] The date, North arrow and scale.
 - [4] The names of owners of abutting parcels.
 - [5] The acreage of the parcel and the County Tax Map number.
 - [6] The boundaries of the parcel plotted to scale.
 - [7] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel.
 - [8] The location and outline of existing structures both on the parcel and within 100 feet of the property line.
 - [9] The location of any existing storm or sanitary sewers, culverts, waterlines, hydrants, catch basins, manholes, etc., as well as other underground or aboveground utilities within or adjacent to the parcel.
 - [10] The existing zoning and location of zoning boundaries.
 - [11] The location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate

governmental regulatory body.

- [12] The approximate boundaries of any areas subject to flooding or stormwater overflows.
 - [13] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property).
 - [14] Freestanding trees with a caliper of 10 inches or greater located within the parcel.
 - [15] Existing contours at an interval of five feet (or less) and extending no less than 50 feet onto adjoining property.
 - [16] The identification of any other significant natural features.
 - [17] The approximate location and dimensions of principal and accessory buildings on the site, their relationship to one another and to other structures in the vicinity, as well as the number of dwelling units by housing type and size, plus a calculation of the density, in dwelling units per acre.
 - [18] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas and proposed access to the site.
 - [19] The approximate location and nature of pedestrian circulation systems, open space and outdoor recreation areas on the site.
 - [20] The proposed source of water supply and how it is to be brought to the site.
 - [21] A general plan for the collection and disposal of sanitary wastes from the site.
 - [22] A general storm drainage plan and how it is to be connected to the drainage systems of adjoining land.
 - [23] A preliminary site grading plan at intervals of five feet.
 - [24] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.
 - [25] All other elements required in this section.
- (d) A vicinity map showing the proposed use in relation to adjoining uses, transit service, grocery stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions.

- (e) Preliminary floor plans and building elevations.
 - (f) A description of any subsidy program relied on in development of the project and proposed rents or selling prices within a reasonable range.
- (3) Said application shall be considered a zone change application, and any decision of the Town Board to grant such application shall be a legislative act.
- B. Site plan approval required. In addition to and simultaneous with filing of the written application for a zone change as set forth in Subsection A above, the applicant shall file an application for site plan review. Site plan approval by the Town Board shall be required prior to approval of the zone change application. The applicant shall comply with any and all provisions applicable to site plan review, including but not limited to those contained in § 240-26 regarding site plans and Chapter 100 regarding the payment of developer fees.
- C. Planning Board review.
- (1) Referral and recommendation. If, in its discretion, the Town Board refers a zone change application submitted in accordance with this section to the Town Planning Board, the Planning Board shall respond to the Town Board with a recommendation of approval, approval with modifications or denial, unless the application is abandoned as discussed in Subsection C(2) below.
 - (2) Review. In its review of the application, the Planning Board may require such changes in the preliminary plans as are found to be necessary or desirable to meet the requirements of this chapter, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community. The Planning Board shall notify the applicant of such changes and may discuss the changes with the applicant. The applicant may submit to the Planning Board revised preliminary plans incorporating the changes required. Such resubmission shall be made within such time as may be allowed by the Planning Board after the notification by the Planning Board. If such resubmission is not so made in a timely fashion, the application shall be deemed abandoned.
- D. Town Board approval.
- (1) The Town Board may, following any requested Planning Board review, public notice and hearing, and site plan approval, approve the establishment of a Senior Citizen Residential Overlay District. Approval of said district shall be subject to conditions imposed on the approval, which in all cases shall include, whether or not explicitly stated, that all development shall be undertaken in accordance with the approved site plan. Approval of a Senior Citizen Residential Overlay District shall be duly noted on the Zoning Map of the Town of Geddes.

- (2) Criteria for rezoning to Senior Citizen Residential Overlay District. In determining whether or not to approve a Senior Citizen Residential Overlay District, the Town may consider, together with the intent and objectives of this section, whether the proposed district and development meet the following criteria:
- (a) Whether or not the site is served by both public water and public sanitary sewer facilities, and said facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development.
 - (b) Whether or not the site is well drained, and that stormwater generated by development of the site shall not place an undue burden on existing drainage facilities or contribute to downstream flooding.
 - (c) Whether or not the site is located in an area suitable for residential purposes and shall be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, high traffic volumes, incompatible land uses and other environmental constraints.
 - (d) Whether or not the site has slopes generally 5% or less, except for natural buffer areas or other areas not planned for improvements.
 - (e) Whether or not the site contains sufficient natural vegetation and shall be of sufficient size and shape so as to provide for required buffer areas and open space which are intended to enhance the aesthetics of the development and minimize detrimental effects on surrounding properties.
 - (f) Whether or not the site is located within reasonable proximity of necessary day-to-day services and needs of the elderly, such as stores for groceries and pharmaceuticals, banking and health services, places of worship and leisure facilities.
 - (g) Whether or not the site is located such that reasonably safe pedestrian paths link the site with nearby services and activity centers. Roadway traffic volumes and speed, the presence of sidewalks, their slope and surface material, the nature of street crossings and the presence of resting areas shall all be considered in determining the adequacy of pedestrian paths.
 - (h) Whether or not the site is located within reasonable proximity to public transportation service, or, in the alternative, shuttle bus or other transportation service shall be available to the site.
 - (i) Whether or not the site is located such that access to the site can be obtained from a public street which meets current engineering standards of the Town or such other municipal or governmental entity having jurisdiction over same with respect to

roadway width and alignment and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site.

- (j) Whether or not the architectural style of the proposed development, exterior materials, finish and color is consistent with existing community and neighborhood character, and, said buildings shall be placed on the site so as to prevent a regimented institutionalized appearance.
 - (k) Whether or not the development of the site produces undue adverse effects on the surrounding neighborhood.
- E. Special permit approval not required. Approval of the zone change application and site plan as set forth herein shall be sufficient and shall supersede any requirement for a special permit as otherwise set forth in this chapter.
- F. Time limit on validity of approval. Any approval of a Senior Citizen Residential Overlay District approved pursuant to this chapter shall be null and void and the zoning of the parcel shall revert back to its original zoning classification unless a building permit is applied for and granted and actual construction and/or reconstruction is commenced within two years from the date of final approval.
- G. Permitted uses. In a Senior Citizen Residential Overlay District, the principal use shall be multifamily dwelling units especially designed for senior citizens.
- H. Ancillary uses. The following ancillary uses shall be permitted in a Senior Citizen Residential Overlay District:
- (1) Accessory buildings and facilities which are reasonably necessary to meet the proper maintenance, administration, security, off-street parking, storage, fencing, and utility system needs of the development.
 - (2) The following ancillary uses are permitted in a Senior Citizen Residential Overlay District, provided that such facilities are restricted in their use to the residents of the development and their guests:
 - (a) Meeting rooms, multipurpose rooms, lounges, lobby areas or other common spaces;
 - (b) Game rooms, art and craft rooms, workshops, exercise rooms, or other similar indoor recreation or leisure facilities; and
 - (c) Outdoor sitting areas, game areas, or similar outdoor recreation or leisure facilities.
 - (3) The following ancillary uses are permitted in a Senior Citizen Residential Overlay District, provided that such facilities are managed as part of the building and restricted in

their use to the residents of the development:

- (a) A common kitchen or kitchenettes;
- (b) A self-service laundry area; and
- (c) A coin-operated vending machine room.

I. Occupancy restrictions.

- (1) At least 80% of the occupied units are to be occupied by a senior citizen family, as defined and described below:
 - (a) A single person 55 years of age or older;
 - (b) Two or three persons, all of whom are 55 years of age or older;
 - (c) A married couple, the husband or wife of which is 55 years of age or older;
 - (d) One child or grandchild residing with a parent(s) or grandparent(s) who is 55 years of age or older, provided that such child is over the age of 18.
- (2) One unit in a Senior Citizen Residential Overlay District development may be occupied by a project superintendent or manager and his/her family, without restriction as to age. This unit shall not be counted in determining percentages of senior occupancy.
- (3) An adult under 55 years of age may be admitted as a permanent resident, provided that said adult is essential to the long-term care of an elderly resident as certified by a physician duly licensed in the State of New York. Such residential unit shall be considered as meeting the requirements of a senior citizen family for purposes of this section.
- (4) If otherwise qualified hereunder, the temporary occupancy by guests of families who reside in the Senior Citizen Residential Overlay District shall be permitted, provided that such occupancy does not exceed 14 consecutive days and further provided that such occupancy is not repeated until a period of 14 consecutive days has elapsed from the last day of the most recent temporary occupancy by such person(s). Guests staying overnight shall be required to register their temporary occupancy with the project manager or building superintendent. In case of extreme hardship, an application for a temporary extension may be made to the Town Codes Officer.
- (5) The following shall be permitted but shall not count toward the required 80% occupancy by senior citizen families:
 - (a) The surviving under 55 resident spouse of a deceased resident who was 55 years of

age or older;

- (b) The surviving resident child of a person who was 55 years of age or older, following the death of such person when such person is not survived at death by a spouse 55 years of age or older.

J. Residential lot and structure requirements.

- (1) Minimum lot size. Only those parcels consisting of five acres or more of land shall be eligible for designation as a Senior Citizen Residential Overlay District.
- (2) Additional requirements. Residential lot and structure requirements for a multiple-family dwelling at set forth in § 240-12D(1) through (3) regarding Residential B District regulations are required.

K. General requirements.

- (1) Laundry. Self-service laundry facilities (washers and dryers) adequate to serve the tenants of the development shall be provided and maintained.
- (2) Indoor community space. An indoor community space shall be required to provide social and recreational opportunities for project occupants. Included may be such facilities as game rooms, meeting rooms, dining rooms, exercise rooms or other space for active or passive recreation. Such space, exclusive of a common lobby, hallways and basements, shall be provided at the rate of not less than 20 square feet per unit.
- (3) A twenty-four-hour emergency phone number shall be posted in conspicuous locations.
- (4) Outdoor recreation. Usable outdoor recreation space shall be provided at the ratio of 200 square feet per unit. Such space shall consist of both active and passive recreation amenities and may include area for walking paths, games, and shaded sitting areas near units and along paths. Landscaped areas not improved for recreational purposes shall not be deemed to satisfy this requirement.

L. Unit requirements.

- (1) Unit mix. No dwelling unit shall contain more than two bedrooms.
- (2) Unit size. The minimum permitted habitable floor area shall be 500 square feet for efficiency (no bedroom) units, 500 square feet for one-bedroom units and 750 square feet for two-bedroom units.
- (3) Unit density. The maximum number of residents who may reside in a dwelling unit shall be two persons for efficiency and one-bedroom units and three persons for two-bedroom

units.

M. Supplementary regulations.

(1) Landscape buffer areas.

- (a) General requirements. All portions of improved lots which are not used for buildings, parking, driveways, walkways, storage or other similar purpose shall be left in their natural state or devoted to recreation or landscape areas consisting of grass, trees, shrubs and other ground cover in such manner as to minimize erosion and stormwater runoff and maintain or improve the aesthetics of the lot.
- (b) Landscape buffer. Along the rear and side property lines, there shall be provided a landscape buffer having a minimum depth, measured from the property line, equal to 20 feet. No structure, storage, parking or other use shall be permitted within this buffer area. This buffer area shall be installed with evergreens at an initial total height of at least six feet and, when mature, shall be maintained at a total height of not less than eight feet so as to provide effective screening. In instances where there is existing vegetation and/or natural screening within the required landscape buffer, the Town may accept or require the retention of such vegetation or screening, incorporate the same into the landscaping scheme and adjust the amount and/or required height of new evergreen plantings accordingly.
- (c) Landscape strip. Along the frontage of any public street, there shall be provided a landscape strip having a minimum depth of 10 feet measured perpendicular to the street. Said landscape strip shall be planted with grass, shrubs and other ground cover and shall, at a minimum, contain shade trees at the rate of one shade tree per 40 feet of frontage. In instances where there are existing healthy shade trees of desirable species located within or near the minimum front yard setback, the Town may permit or require the retention of these shade trees in lieu of new plantings, provided that the total number of shade trees is no fewer than what would otherwise be required.
- (d) Parking lot landscaping. Parking areas shall be screened from adjacent properties. Any parking area of more than 40 paved spaces shall have not less than 10% of the area lying within the outside perimeter of the parking surface devoted to landscaping plantings of trees and shrubs as approved by the Town. Landscaped areas in and adjacent to parking lots shall be designed to be easily maintained and protected by at least a six-inch nonmountable concrete or granite curbing.
- (e) Refuse containers. Refuse containers (dumpsters) shall be screened from view by means of landscaping or an opaque wall or fence approved by the Town and such containers shall be located on concrete pads.

- (f) All landscaping and screening devices required by this chapter shall be placed so they do not project into or onto adjoining properties. All screening devices and plantings shall be maintained in a healthy, sound and safe condition at all times.
 - (g) All landscaped areas along property lines which are crossed by access drives may be planted with low shrubs no greater than three feet high with a branching habit no less than eight feet wide. No planting shall cause a hazardous condition by interfering with the normal line of sight needed for safe entering and exiting maneuvers by pedestrians and motor vehicles.
- (2) Agreements and covenants. The Town shall have the right to require that an applicant execute such agreements and covenants as may be required by the Town Board. Said agreements or covenants shall be such as may be recorded in the County Clerk's office to constitute a covenant running with the land.
 - (3) Outdoor walks, outdoor ramps and driveways. Due consideration shall be given in planning walks, ramps and driveways to prevent slipping or stumbling, and handrails and ample places for rest shall be provided. Pedestrian paths and walks shall be paved, except for recreational paths and walks, which shall be paved or covered with wood chips or some other appropriate material in the discretion of the Town Board. Gradients of paths and walks shall not exceed 5% and single-riser grade changes in walks shall not be permitted. All outdoor areas available to the residents shall permit them to move about without danger and with minimum effort. Where provided, stairs shall be illuminated and accompanied by handrails and a ramp for wheelchair access.
 - (4) Design. The architectural design of all buildings, the site selection and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens and should take into account the desires and needs for privacy, participation in social and community activities and access to community facilities. At the same time, provisions should be made to accommodate the limitations that some times accompany advanced years so that independent living can be sustained as long as possible.
 - (5) Adequate facilities shall be provided for the removal of snow, trash and garbage and for the general maintenance of the community.
 - (6) Parking: see Article VI.
 - (7) Signs: see Article VII.
 - (8) Supplemental regulations: see Article VIII.
 - (9) Outdoor illuminations see § 240-43.

(10) Miscellaneous.

- (a) Utility service to the site shall be buried.
- (b) Outdoor public address systems or other amplified noise shall be prohibited.

(11) Driveway access.

- (a) General. Driveway access to the site shall be easily identified, adequate to accommodate emergency vehicles and sufficiently illuminated at night.
- (b) Distance to intersection. No driveway access shall be located nearer than 75 feet to an intersection unless it is directly aligned with one of the intersecting streets or except as otherwise directed by the State or County Highway Departments or Departments of Transportation.

(12) Compliance with laws. In addition to the provisions of this local law, the applicant shall comply with all state and federal laws, rules and regulations regarding senior citizen housing.

(13) Report to Town Codes Officer. Following approval of a Senior Citizen Residential Overlay District and the resulting construction and/or reconstruction of any buildings or facilities therein, on a biannual basis, by February 1 for the previous year and by August 1 for the current year, the applicant shall submit a written report to the Town Codes Officer verifying that the applicant has continuously maintained a unit occupancy rate of at least 80% by senior citizen families. In the interim periods between such submission, the applicant shall maintain and be able to produce, upon reasonable notice and request, verification of compliance that the applicant has maintained a unit occupancy rate of at least 80% by senior citizen families.

(14) The Town, in its discretion, shall have the power to waive or modify any of these requirements, provided that such waiver or modification will not be contrary to the purpose and intent of the Senior Citizen Residential Overlay District.

- N. Conflicting provisions. Should any provision of this chapter pertaining to a Senior Citizen Residential Overlay District conflict with the provisions of either New York state or federal law, then the relevant provisions of such New York state or federal law shall apply.
- O. Violations and penalties for failure to comply. Failure to comply with occupancy requirements or any other provisions of this section shall be considered a violation of this chapter, subjecting the owner and the operator of any such facility to the penalties and additional remedies set forth in Article XI of this chapter.
- P. Severability. If any part or provision of this section or the application thereof to any persons

or circumstances shall be judged invalid, such judgment shall be confined to the part or application adjudged to be invalid. Such decision shall not affect the validity of this section as a whole or any part thereof, other than the part so decided to be invalid.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements**

ARTICLE IV, Nonconforming Elements

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements / § 240-20. Modifications. [Amended 1-9-2001 by L.L. No. 1-2001]**

§ 240-20. Modifications. [Amended 1-9-2001 by L.L. No. 1-2001]

Any modification of a nonconforming element subsequent to the enactment of this chapter or amendment hereto, including any addition, enlargement, alteration, structural alteration or change in use, shall be the subject of this article as detailed in the following sections.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements / § 240-21. Nonconforming structures.**

§ 240-21. Nonconforming structures.

- A. General maintenance and repair. Except as otherwise provided for in this section, legal nonconforming structures may continue to exist and be maintained and repaired.
- B. Structural alterations, renovations and additions. Alterations, renovations and additions to a legal nonconforming structure may be made upon issuance of a building permit and only to the extent that such alterations, renovations and additions do not increase the degree of nonconformity and only to the extent that any nonconforming use related to such structure is not expanded. Any structure may be altered to decrease its nonconformity upon issuance of a proper building permit.
- C. Damaged structures. Legal nonconforming structures may be repaired and restored to their former condition after sustaining damage by casualty loss or deterioration due to the

elements, except where the damage involves over 50% of the gross floor area of the structure or 50% of the floor area devoted to a nonconforming use or such damage exceeds 50% of the total replacement cost of the damaged structure as determined by a licensed insurance adjuster or other legal representative of the insuring company.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements / § 240-22. Nonconforming uses.**

§ 240-22. Nonconforming uses.

- A. Except as otherwise provided herein, legal nonconforming uses may continue to exist.
- B. A legal nonconforming use may not be enlarged to occupy additional floor area within an existing structure or additional lot space nor be converted to another use except in conformance with this chapter.
- C. No nonconforming use, if changed to a conforming use, shall thereafter be changed back to a nonconforming use.
- D. The provisions of the above § 240-21C relating to the repair and restoration of damaged structures shall apply to conforming structures containing a nonconforming use.
- E. Any nonconforming use of a structure of land which has ceased for a consecutive period of six months, as certified by the Code Enforcement Officer, shall be deemed abandoned and may not be reestablished as a nonconforming use, and, thereafter, such structure or land or portion thereof shall be used in conformity with this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements / § 240-23. Nonconforming lots.**

§ 240-23. Nonconforming lots.

A nonconforming lot in a residential district may be improved with a single-family dwelling, provided that all yard setback and off-street parking requirements can be met.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IV, Nonconforming
Elements / § 240-24. Other nonconforming elements.**

§ 240-24. Other nonconforming elements.

- A. Parking (see Article VI, § 240-27). No modification of a structure, whether an addition or an internal renovation, which increases the floor area devoted to an otherwise conforming use shall be made if such modification introduces or increases the degree of nonconformity with respect to off-street parking requirements.
- B. Signs: see Article VII, § 240-32.
- C. Screening devices: see Article VIII, § 240-42.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE V, Special Permit and
Site Plan Review**

ARTICLE V, Special Permit and Site Plan Review

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE V, Special Permit and
Site Plan Review / § 240-25. Special permit review.**

§ 240-25. Special permit review.

- A. General powers. The Board of Appeals as created by Article IX of this chapter may authorize the issuance of a special permit for those uses requiring a special permit pursuant to each zoning district's regulations.
- B. General findings. As a prerequisite to the approval of any special permit application, the Board of Appeals shall make the following general findings:
 - (1) The proposed use is in compliance with all other applicable regulations of this chapter, inclusive of specific zoning district controls and controls applicable to all zoning districts, and all other applicable local, state and federal regulations.
 - (2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural or other special characteristic.
 - (3) The proposed use is to be developed in such a way as to ensure maximum amenities

available to the site based upon a consideration of the site plan and functional requirements of the proposed use.

- (4) The proposed use is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect existing land use within proximity to the subject site.
- (5) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use.
- (6) Controls for vehicular and pedestrian movement are to be designed to provide for the safety of the general public and the occupants, employees, attendants and other persons for whose benefit the use is intended.
 - (a) In determining whether the proposed controls for vehicular and pedestrian movement are adequate, consideration shall be given to, but need not be limited to, the following characteristics:
 - [1] Location and adequacy of parking and loading facilities.
 - [2] Pedestrian rights-of-way.
 - [3] Traffic regulatory devices.
 - [4] Location, number and design of points of ingress and egress.
 - [5] Accessibility by emergency vehicles with particular emphasis on access to structures and provision for turning and free movement.
 - [6] Provision for snow storage.
 - [7] Age and mobility of all persons for whose benefit the use is intended.
 - [8] Speed limits upon and the general character of public streets in proximity.
 - (b) Compliance with the off-street parking requirements (Article VI) found in this chapter shall not constitute a determination that the foregoing requirements have been satisfied.
- (7) The proposed use shall not generate any adverse environmental impact upon surrounding properties, including but not limited to the emission of dust, noise, vibration, heat, glare, odor or electronic interference. In addition, drainage facilities on the site should be appropriate for the proposed development and be properly integrated into off-site drainage systems.

- C. Criteria. In making a determination concerning compliance with any one or more of the general findings set forth in Subsection B above, consideration shall be given, but need not be limited to, the following elements:
- (1) Geometric characteristics of all structures and related improvements.
 - (2) Aesthetic characteristics, including design, texture, materials, colors and illumination.
 - (3) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.
 - (4) The nature and intensity of development in proximity to the special permit property.
- D. Special conditions. In addition to the general findings prescribed for all special permits, the individual uses hereinafter enumerated shall be subject to the following conditions:
- (1) Home occupation.
 - (a) Intent. The home occupation regulations in this chapter are intended to permit residents living in a single-family dwelling to conduct limited service activities within their dwelling with the clear understanding that the primary usage of the dwelling shall continue to be residential and that the home occupation shall be a totally subordinate activity. This chapter intends, by establishing the following special conditions, to ensure the secondary role of the home occupation through the imposition of all necessary restrictions so that the character, integrity and viability of the surrounding residential neighborhood shall be maintained.
 - (b) Number. Only one home occupation shall be allowed within a dwelling unit and only within units that have direct and separate access to the exterior of the structure.
 - (c) Location. Such activity shall be confined to the principal structure, and no accessory building, accessory structure, garage or yard shall be used in conjunction therewith, except for required parking spaces.
 - (d) The home occupation must be conducted only by the person or persons owning and residing in the dwelling unit and may involve no persons other than those residing on the subject premises. [Amended 6-11-2002 by L.L. No. 2-2002]
 - (e) Floor area. The gross floor area used or occupied in conjunction with the home occupation shall not involve more than 50% of the gross floor area of the first floor of the dwelling unit. The Board of Appeals shall determine what constitutes the first floor and what, if any, common areas are to be excluded from the floor area calculation. The Board of Appeals may allow use of other floor levels in conjunction with the home occupation, provided that the cumulative floor space so used does not

exceed 75% of the first floor and that such additional floor levels are not used as customer areas.

- (f) Exterior evidence. There shall be no exterior display or indication of the home occupation activity visible to the general public, including but not limited to:
 - [1] Outdoor sales or display of items for sale.
 - [2] Signs, except for one nonilluminated professional identification sign no greater than four square feet in size. The actual size, design and placement of the sign shall be approved by the Board of Appeals upon consideration of such factors as the size of the dwelling unit and its setback from the street, the amount of adjacent vehicular traffic and the character of the neighborhood.
 - [3] On-site parking of commercial vehicles advertising the home occupation, unless housed in a garage.
 - [4] Any variation in the residential character of the property, such as but not limited to the construction of a separate entrance, other exterior structural alteration or the addition of paved or unpaved areas to accommodate parking for the home occupation, except as otherwise provided herein.
 - [5] The outdoor storage of any materials or goods associated with the home occupation.
 - [6] The storage or parking of construction equipment or vehicles, machinery or building materials.
- (g) Nuisances. The home occupation shall not create any hazards to neighboring persons or property and shall not cause any electronic interference, excessive noise, vibration, smoke, dust, odors, heat or glare on surrounding properties.
- (h) Off-street parking. No change to the existing driveway and/or parking area is permitted except by Town Board approval. In addition, the following requirements shall be met by any home occupation:
 - [1] One off-street parking space shall be provided for each resident employee of the home occupation.
 - [2] One off-street parking space shall be provided for each nonresident employee of the home occupation.
 - [3] At least one off-street parking space shall be required for customer parking for any home occupation. In addition, the Board of Appeals may require up to one

off-street parking space for each 200 square feet of gross floor area used in the home occupation.

(i) Prohibited uses. Prohibited uses shall be as follows:

- [1] On-premises sale of merchandise, stock-in-trade or display of items for sale, other than incidental supplies necessary for and consumed in the conduct of such home occupation, unless conducted in a bed-and-breakfast facility within an area not exceeding 350 square feet and located on the first floor of said facility. [Amended 6-11-2002 by L.L. No. 2-2002; 4-12-2005 by L.L. No. 3-2005]
- [2] Instruction in music, dance, fine arts or crafts for more than two students within any common period of time.
- [3] Restaurants and taverns.
- [4] Product/component manufacture or fabrication.
- [5] Motor vehicle repair or dismantling.
- [6] Small engine repair.
- [7] Large appliance repair.
- [8] Kennels, veterinary clinics or animal hospitals and maintaining nondomestic animals out-of-doors.
- [9] Mortuaries or undertaking establishments.
- [10] Nursing or convalescent homes.
- [11] Rooming or boarding houses.
- [12] Storage or display of materials, goods, supplies or equipment related to the operation of a home occupation so that it is visible from outside any structure located on the premises. [Added 6-11-2002 by L.L. No. 2-2002]

(j) Additional conditions. The Board of Appeals may impose additional restrictions as needed to protect the health and safety of the community and to protect the residential character of the surrounding neighborhood.

(k) The Code Enforcement Officer shall be required to conduct a biannual inspection of the premises upon which the home occupation is conducted in order to assure compliance with this subsection, the special permit, as granted, and all other rules, laws and regulations, including but not limited to the New York State Uniform Fire

Prevention and Building Code. [Added 6-11-2002 by L.L. No. 2-2002]

- (1) Any home occupation use which was legally established as of May 1, 2002, which is rendered nonconforming by the enactment of this local law,^{EN(50)} shall be grandfathered as a prior nonconforming use except with respect to the storage or display of materials, goods, supplies or equipment in violation of § 240-25D(1)(i)[12]. [Added 6-11-2002 by L.L. No. 2-2002]
- (2) Gasoline station.
 - (a) Site standards. Site standards shall be as follows:
 - [1] Minimum lot area: 17,500 square feet.
 - [2] Minimum lot frontage: 100 feet.
 - [3] Maximum lot coverage: 40%. Lot coverage for a gasoline station shall be the aggregate percentage of the lot area covered by buildings or structures, including the principal building, canopies and pump islands, but not including light poles, sign standards or fences.
 - [4] A gasoline station lot shall not be located within 300 feet of any lot occupied by a school, hospital, library or religious use. Measurement shall be made between the nearest respective lot lines.
 - [5] Pump islands shall be set back at least 25 feet from the street line as measured to the curb of said island, although the Board of Appeals may require a greater setback based on lot size, public safety considerations and traffic flow requirements.
 - [6] Buffer.
 - [a] A ten-foot-wide landscaped area shall be provided along all gasoline station property lines, excluding points of ingress and egress. The landscaped area shall be planted with a mixture of shrubs, trees and fencing not less than six feet high which will create an opaque screen along the rear property line and all side lines which do not front on public streets.
 - [b] All landscaped areas along property lines which are crossed by access drives may be planted with low shrubs no greater than three feet high and trees with a branching habit not less than eight feet high. Furthermore, no planting shall cause a hazardous condition by interfering with the normal line of sight (350 feet in either direction) needed for safe entering and exiting maneuvers

by motor vehicles.

[c] Landscaped areas shall be designed to be easily maintained and protected by at least a six-inch nonmountable concrete or granite curbing.

[d] Landscaping plans shall be prepared by a registered New York State landscape architect except as otherwise authorized by the Board of Appeals. All landscape plans shall be subject to the review of the Board of Appeals.

[7] Ingress and egress. The ingress and egress points for a gasoline station shall be located a minimum of 40 feet from the intersection of right-of-way lines on a Town road and shall comply with applicable requirements on state, county or village roads, but in no event shall they be less than 40 feet from the intersection of right-of-way lines on said roads.

(b) Operating and safety standards.

[1] The Board of Appeals may set reasonable standards regarding operation of a gasoline station, and these standards may include regulation of storage of vehicles, location of storage of rubbish and used parts, location of repair work, employee parking, maintenance of buffer areas and the general condition of the gasoline station itself.

[2] The Board of Appeals may also set safety standards in addition to those imposed by any applicable building codes in order to ensure the safe design, operation and maintenance of the facility.

(c) Discontinuance of use.

[1] In the event that the gasoline station is closed and/or abandoned, the Code Enforcement Officer is hereby empowered and directed to cause a written notice to be sent by registered mail, return receipt requested, to the owner, operator and motor fuel supplier of said facility, enclosing a certified copy of the provisions of this chapter relating to gasoline stations and advising said parties that such station will be deemed abandoned for the purposes of this chapter at the expiration of six months from the date of said notice unless the gasoline station business activity is resumed prior thereto.

[2] In the event that a gasoline station is determined to be abandoned as provided above, the owner, operator and motor fuel supplier of said gasoline station will be responsible for immediately removing the tanks, gasoline pumps, all identification signs and lighting poles and for painting the exterior, if other than brick, a neutral color. In lieu of removing the tanks, said responsible parties

shall remove the Class I liquids therefrom and fill all tanks with water for a three-month period only and, thereafter, with a solid material. They shall also provide adequate protection against unlawful entry into the buildings and on the property and shall close all vehicular entrances to the property to prevent storage of abandoned vehicles thereon.

- [3] After the determination of abandonment of a gasoline station as provided herein, said owner and/or lessee shall have an additional six-month period, or a total period of one year from the date of the original written notice, within which to petition for an alternate commercial use. If the owner and/or lessee has not petitioned for said alternate commercial use within the prescribed one-year period to obtain a zoning change or permit for some other commercial use, then the Town Board may require the owner and/or lessee to remove all buildings and structures from the site and to level, grade, landscape, seed and maintain the subject property at the owner's and/or lessee's expense.
- [4] In the event of failure to comply with any of the aforementioned within 30 days after the issuance of a written direction to do so by the Code Enforcement Officer, the Town may take such steps as are deemed necessary to enforce these conditions, and any actual and necessary expenses incurred therewith shall be the responsibility and obligation of the owner.
- [5] The Code Enforcement Officer shall be empowered, after a public hearing upon at least five days' public notice, to extend any of the above-noted time limits for a period not to exceed three months for an abandoned station.

(d) Lighting.

- [1] Illumination. In no event shall a lighting device be placed or directed in a fashion that would permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or upon adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- [2] Setback. The location of all lighting devices shall be approved by the Code Enforcement Officer so as not to cause a hazard to on-site and off-site vehicular and pedestrian traffic circulation.

- (e) Revision of special permit for a gasoline station. Any change in the site plan, in the number of pumps, in the method of operation (change from full-service to partial or complete self-service and in the accessory uses at the gasoline station) or any other substantial modification of the gasoline station shall require modification of the original special permit by the Board of Appeals. For gasoline stations existing at the

effective date of this chapter and conforming to the requirements of this chapter, any substantial modification of the station shall require the issuance of a special permit by the Board of Appeals. The Code Enforcement Officer shall determine whether any modification of the gasoline station is substantial enough to require the issuance of a special permit. Gasoline stations existing at the effective date of this chapter and not conforming to the requirements of this chapter shall be considered nonconforming elements as described in Article IV of this chapter.

- (3) Drive-in service facility.
 - (a) There shall be provided sufficient space for the on-premises stacking of at least five vehicles or for five vehicles waiting for service at each drive-in service window or unit.
 - (b) The property on which the drive-in facility is located must have a minimum frontage of at least 100 feet for each street it fronts upon.
 - (c) A landscaped area eight feet in width measured inward from the lot line shall be maintained, exclusive of driveways, on all sides of the property except where required to be wider by transition requirements. (See Article VIII.) Treatment shall be of grass, ornamental stone or evergreens maintained below 2 1/2 feet in height, except where required to be higher by transition requirements, and surrounded by curbing (wood, stone or concrete) four to six inches in height.
- (4) Motor vehicle service and repair. The following requirements are in addition to all applicable requirements of the New York State Uniform Fire Prevention and Building Code:
 - (a) Minimum lot area: 17,500 square feet.
 - (b) Minimum lot frontage: 125 feet along a public right-of-way providing primary access.
 - (c) No site shall be within 300 feet of any lot occupied by a school, hospital, library or religious use. Measurement shall be made between the nearest respective lot lines.
 - (d) Entrance or exit driveways shall be located at least 20 feet from any side or rear lot lines and at least 35 feet from any intersecting street right-of-way lines. Such driveways shall be laid out so as to avoid the necessity of any vehicle backing across any public street right-of-way.
 - (e) No building or accessory structure, except a fence, shall be closer than 35 feet to any boundary line of a residential district or property used for residential purposes.

- (f) All repair or servicing of vehicles must be performed indoors.
 - (g) No unlicensed or dismantled motor vehicles or auto parts may be stored outdoors.
 - (h) No vehicle shall be parked or stored outdoors for the purpose of sale or offering for sale of such vehicle.
- (5) Motor vehicle sales.
- (a) All sales, rental or leasing activities shall be maintained within an enclosed building.
 - (b) The outdoor display of vehicles for sale, rent or lease shall be in an orderly manner in conformance with a plan submitted to the Board of Appeals. Adequate aisle space to move vehicles shall be maintained, and no vehicle shall be parked closer than five feet to any lot line or closer than 15 feet to any boundary line of a residential district or property used for residential purposes. The Board of Appeals may require that all or part of this fifteen-foot area be landscaped (see Article VIII, § 240-41, Transition requirements for adjacent residential-commercial lots, for additional requirements.)
 - (c) In no event shall a lighting device be placed or directed in a fashion that would permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or upon adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. In addition, the location of all lighting devices shall be approved by the Board of Appeals so that they do not cause a hazard to on-site and off-site vehicular and pedestrian traffic circulation.
 - (d) No dismantled motor vehicles or auto parts may be stored outdoors.
 - (e) Parking areas for customer parking shall be maintained free of sale, rental or lease vehicles, and the customer parking areas may be required to be paved, curbed or otherwise delineated by the Board of Appeals. At least five off-street customer parking spaces shall be provided. (See Article VI for additional parking requirements.) The Board of Appeals may increase or decrease this requirement based on the size of the sales lot, number of employees on the premises at any one time and the use of displayed vehicles by employees for their own personal transportation.
- (6) Group residence.
- (a) All group residences shall comply with the licensing standards of the State of New York.
 - (b) The Board of Appeals shall ensure that group residences are properly dispersed throughout the community and not clustered in any one neighborhood. As a general

rule, group residences should not be any closer than three blocks, as measured along block faces, to each other in developed areas or within 1,000 feet of each other in less developed areas. The Board of Appeals may waive these general rules to permit closer spacing if physical barriers exist which restrict the accessibility between group residences or if the size of blocks is so great as to require revision of the rule or if the Board finds that the affected group residences' populations are so small as to not require this spacing.

- (c) The Board shall require off-street parking spaces as described in Article VI, but the requirements for group residence homes with more than six residents may be decreased based on the age of the residents, the residents' ability to drive or own cars and the availability of public transportation.
 - (d) The Board shall ensure that the outward appearance of the group residence is not altered in any way that will negatively impact upon the neighboring residential properties.
- E. Expiration of a special permit. A special permit shall expire if the special use ceases for more than 90 days for any reason. The Code Enforcement Officer shall send a notice to the property owner when the special permit use is deemed to have ceased and again at the end of 90 days when the permit is formally revoked.
- F. Modification to a special permit use or structure.
- (1) Any change or modification to a use or structure requiring special permit approval shall require Board of Appeals review except for the following:
 - (a) Removal or repair of a dangerous condition to a principal or accessory structure when it is determined by an enforcement agency that circumstances exist which, if not corrected, will constitute a threat to the life, health or safety of the general public or such other persons for whose protection such regulations are intended. Such a determination may be verbal or in writing. The term "enforcement agency" shall refer to any public agency or official having jurisdiction to issue orders affecting the life, health and safety of persons within the Town of Geddes.
 - (b) Routine repair, replacement or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including repainting, facade repair and roof replacement of principal and accessory structures.
 - (c) Changes in ownership or management of an establishment which do not change the specific use of the property.
 - (d) Repaving or painting of driveway and parking areas without altering the approved

traffic pattern.

- (e) Routine landscaping and plant replacement or establishment of new landscaped areas without altering the approved vehicular circulation and parking pattern or pedestrian circulation pattern, consistent with any applicable controls in the approved plan concerning height, location and visibility.
 - (f) Repair or replacement, with no substantial change, of existing screening devices.
- (2) If the Board of Appeals determines that a proposed change or modification to a use requiring a special permit is substantial, the Board shall hold a public hearing as if for a new special permit. A change or modification shall be deemed substantial if the proposal:
- (a) Significantly changes the use, design, character or the nature of the development of the property in question;
 - (b) Is detrimental to the appropriate development or use of adjacent lands and buildings;
or
 - (c) Is detrimental to the orderly flow of vehicular and pedestrian traffic on site and/or off site.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE V, Special Permit and
Site Plan Review / § 240-26. Site plan review.**

§ 240-26. Site plan review.

A. Conditions.

- (1) In approving any request for a site plan, the determination may be modified or conditioned in the following ways: the imposition of provisions for financial security to guarantee performance; time limitations on the duration of any activity associated with the use; provisions for the termination, conversion or recertification of the use; and other conditions deemed reasonable under the circumstances of each situation.
- (2) Should the Town Board impose any conditions upon the approval of any such site plan, no building permit shall be issued purporting to authorize construction at variance with any such conditions, and no certificate of occupancy shall be issued unless and until such conditions have been fully met or performed. All improvements to the site shall be completed in strict conformance with the site plan as approved.

- B. Decisions. All decisions of the Town Board shall be by a resolution approving, approving with modifications or disapproving such site plan as has been submitted. The facts supporting the Town Board's determination and its reasons for approval or disapproval shall be set forth in its resolution. The Town Board's resolution shall be filed with the Town Clerk, and one copy shall be mailed to the applicant; the Code Enforcement Officer shall also be notified of the Town Board's decision. All site plans shall be reviewed in accordance with § 274-a of the Town Law.^{EN(51)}
- C. General findings. As a prerequisite to the approval of any site plan, the Town Board shall make the following general findings:
- (1) The proposed use is in compliance with all other applicable regulations of this chapter, inclusive of specific district controls and controls applicable to all districts, and all other applicable local, state and federal regulations.
 - (2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique cultural, historical, geographical, architectural or other special characteristics.
 - (3) The proposed use is to be developed in such a way as to ensure maximum amenities available to the site based upon a consideration of the site plan and functional requirements of the proposed use.
 - (4) The proposed use is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect the existing land use in proximity to the subject site.
 - (5) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use.
 - (6) Controls for vehicular and pedestrian movement are designed to provide for the safety of the general public and the occupants, employees, attendants and other persons for whose benefit the use is intended.
 - (a) In making this determination, consideration shall be given to but need not be limited to the following characteristics:
 - [1] Location and adequacy of parking and loading facilities.
 - [2] Pedestrian rights-of-way.
 - [3] Traffic regulatory devices.

- [4] Location, number and design of points of ingress and egress.
 - [5] Accessibility by emergency vehicles, with particular emphasis on access to structures, and provision for turning and free movement.
 - [6] Provision for snow storage.
 - [7] Age and mobility of all persons for whose benefit the use is intended.
 - [8] Speed limits upon and general character of public streets in proximity.
- (b) Compliance with the off-street parking requirements found in this chapter shall not constitute a determination that the foregoing requirements have been satisfied.
- (7) The proposed use will not generate any adverse environmental impact upon the surrounding properties, including but not limited to the emission of dust, noise, vibration, heat, glare, odor or electronic interference. In addition, drainage facilities on the site should be appropriate for the proposed use and properly integrated into off-site drainage systems.
- D. Criteria. In making a determination of compliance with any one or more of the above general findings set forth in Subsection C above, consideration shall be given but need not be limited to the following elements:
- (1) Geometric characteristics of all structures and related improvements.
 - (2) Aesthetic characteristics, including design, texture, materials, colors and illumination.
 - (3) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.
 - (4) The nature and intensity of development in general proximity to the site.
- E. Time limit on site plan review. Approval of a site plan review by the Town Board shall be valid for a period of 180 days from the date of approval for the purpose of obtaining a building permit. Failure to secure a building permit during this period shall cause the site plan approval to become null and void. Upon application, the Town Board may extend the period of approval for an additional 180 days from the date of original approval; only one such extension shall be granted for any site plan.
- F. Modification to a site plan use or structure. Any modification or change to a use or structure originally requiring a site plan review shall require another Town Board review, except for the following:
- (1) Removal or repair of a dangerous condition in a principal or accessory structure when it

is determined by an enforcement agency that circumstances exist which, if not corrected, will constitute a threat to the life, health or safety of the general public or such other persons for whose protection such regulations are intended. Such a determination may be verbal or in writing. The term "enforcement agency" shall refer to any public agency or official having jurisdiction to issue orders affecting the life, health and safety of persons within the Town of Geddes.

- (2) Routine repair, replacement or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including repainting, facade repair and roof replacement of principal and accessory structures.
- (3) Changes in ownership or management of an establishment which do not change the specific use of the property.
- (4) Repaving or painting of driveway and parking areas without altering the approved traffic pattern.
- (5) Routine landscaping and plant replacement or establishment of new landscaped areas without altering the approved vehicular circulation and parking pattern or pedestrian circulation pattern, consistent with any applicable controls in the approved plan concerning height, location and visibility.
- (6) Repair or replacement of existing screening devices in accordance with the approved site plan.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE V, Special Permit and
Site Plan Review / § 240-26.1. Stormwater pollution prevention plan. [Added
12-11-2007 by L.L. No. 6-2007]**

§ 240-26.1. Stormwater pollution prevention plan. [Added 12-11-2007 by L.L. No. 6-2007]

A stormwater pollution prevention plan consistent with the requirements of Chapter 183 of the Code of the Town of Geddes shall be required for site plan and special permit approvals. The SWPPP shall meet the performance and design criteria and standards in Chapter 183 of the Code of the Town of Geddes. The approved site plan and special permit shall be consistent with the provisions of Chapter 183 of the Code of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and
Loading**

ARTICLE VI, Parking and Loading

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and
Loading / § 240-27. General regulations.****§ 240-27. General regulations.**

- A. For every building erected, altered, extended, modified or changed in use after the effective date of this chapter, there shall be provided off-street parking and loading spaces at least as set forth in this chapter. For purposes of interpretation, the determination of a change in use shall be based upon the uses enumerated in § 240-28 of this chapter. If such a change in use results in a greater required number of parking and loading spaces than is available at the existing structure, then only the net increase in parking and loading spaces shall be required. However, any off-site parking spaces associated with an existing use may not be automatically transferred to a new use, unless approved pursuant to the requirements of this article.
- B. No use or structure in conformance with these requirements on the effective date of this chapter may reduce its existing parking or loading spaces below the minimum required by this chapter.
- C. Existing uses or structures not conforming to the parking and loading requirements may continue; provided, however, that any modification causing an increase in the use of floor area, with or without structural modifications, shall meet the provisions of the parking and loading requirements for only the net additional floor area.
- D. An unspecified use shall have the same parking ratio as the most closely similar use which is included in the schedule^{EN(52)} as determined by the Code Enforcement Officer.
- E. The requirements for a combination of uses on the same lot shall be determined by establishing the requirements for each component use from the parking schedule and adding them together.
- F. Loading spaces as required by this chapter shall not be construed as supplying the required off-street parking spaces.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and Loading / § 240-28. Off-street parking schedule.

§ 240-28. Off-street parking schedule.

In calculating the required number of spaces (for uses whose parking requirements are based on square footage of the structure's floor area), all fractional results shall be rounded to the next-highest whole number. These requirements are minimum requirements and may be increased during a special permit or a site plan review.

A. Residential uses. Parking space requirements for residential uses shall be as follows:

- (1) One-family dwelling unit: one space.
- (2) Multiple-family dwelling unit: 1.5 spaces for each dwelling unit.
- (3) Home occupations: one off-street parking space for each resident employee of the home occupation, plus one parking space for each nonresident employee, plus one parking space for customer parking. In addition, the Board of Appeals may require up to one parking space for each 200 square feet of gross floor area used in the home occupation.
- (4) Group home: for group homes with six or fewer residents: three parking spaces; for group homes with more than six residents: one space, plus one space for each staff member at maximum shift and one space for each three residents.

B. Nonresidential uses. Parking space requirements shall be as follows:

- (1) Religious use: one parking space for every four seats in the main worship area or one space per four persons to be accommodated, whichever is greater.
- (2) Public or private school: five administrative parking spaces, plus, for preschool, elementary and middle/junior high schools, two spaces per classroom and, for high schools, five spaces per classroom.
- (3) Public library or museum: one parking space for each 250 square feet of gross floor area.
- (4) Community center: one parking space for each four persons using the facility at maximum design capacity.
- (5) Eleemosynary use: one parking space for each four persons using the facility at maximum design capacity.
- (6) Nursing or convalescent home: one parking space for each four inpatient beds.

- (7) Retail business:
 - (a) Zero to 25,000 square feet of gross floor area: one parking space for every motor vehicle used directly in the business, plus one space for every 200 square feet of gross floor area.
 - (b) Twenty-five thousand to 400,000 square feet of gross floor area: four parking spaces per 1,000 square feet of gross floor area.
 - (c) Four hundred thousand plus square feet of gross floor area: five parking spaces per 1,000 square feet of gross floor area.
- (8) Bank, without drive-in service facility: one parking space for each 175 square feet of gross floor area.
- (9) Bank, with drive-in service facility: one parking space for each 175 square feet of gross floor area, plus five entrance stacking spaces for each drive-in window or lane and two stacking spaces exiting each drive-in window or lane.
- (10) Restaurant: one parking space for every 60 square feet of gross floor area used for the preparation and serving of food and drink in any form.
- (11) Restaurant, with drive-in facility: one parking space per employee, plus one space for every 50 square feet of floor area used primarily for the consumption of food and beverages by patrons, plus five entrance stacking spaces for each drive-in window or lane and two stacking spaces exiting each drive-in window or lane. In no case shall fewer than 15 parking spaces for customer use be provided.
- (12) Business office: one parking space for every 200 square feet of gross floor area.
- (13) Gasoline station: six parking spaces per station with service bays; three spaces per station with no service bays.
- (14) Motor vehicle service and repair: one parking space for every employee, plus one space for each 500 square feet of gross floor area.
- (15) Car or truck wash: parking spaces equal to five times the capacity of the car wash for purposes of lining up vehicles to enter the car wash bay(s), plus two spaces exiting each bay to accommodate dry-off or exiting maneuvers, plus one space per employee per maximum shift.
- (16) Indoor recreation:
 - (a) Skating rink: one parking space for each 100 square feet of gross floor area.

- (b) Bowling alley: four parking spaces per alley.
 - (c) Pool or billiard parlor: three parking spaces for each table.
 - (d) Swimming pool: one parking space for each 100 square feet of water surface, plus one space for each employee, but not fewer than 10 spaces.
 - (e) Athletic club or center: one parking space for each two employees, plus one space for each four persons, based upon the maximum capacity of all facilities capable of simultaneous use as determined by the Code Enforcement Officer.
 - (f) Other: one parking space for each employee, plus one space for each three persons capable of simultaneous use as determined by the Code Enforcement Officer.
- (17) Motor vehicle sales: one parking space for each 500 square feet of gross floor area, plus one space for each 1,000 square feet of outdoor sales, display or service area. In no case shall fewer than five off-street customer parking spaces be provided. The combination of motor vehicle sales with motor vehicle service and repair shall meet the requirements of motor vehicle service and repair.
- (18) Veterinary clinic or hospital: five parking spaces per veterinarian.
- (19) Mortuary or undertaking establishment: one parking space for each three fixed seats, plus one space for each vehicle owned or leased by the funeral home, plus one space for every 20 square feet of seating area where there are no fixed seats.
- (20) Commercial dry-cleaning and laundry establishment: one parking space for each 500 square feet of gross floor area.
- (21) Kennel: one parking space for each staff person at maximum shift, plus five visitor parking spaces.
- (22) Medical center: one parking space for each three inpatient beds, plus one space for each staff person and other employees on duty at the maximum shift, plus one space for each 100 square feet of gross floor area used for medical, dental or other professional office, clinic facilities or outpatient care purposes, including emergency services.
- (23) Outdoor recreation:
- (a) Miniature golf facility: two parking spaces per hole, plus one space per employee.
 - (b) Outdoor driving range: one parking space per driving tee, plus one space per employee.
 - (c) Other: one parking space for every two participants at maximum capacity.

- (24) Storage yard: one parking space for each 500 square feet of gross floor area of any structures, plus one space for each 1,000 square feet of outdoor sales, display or service area, not including storage areas of materials not for immediate sale, plus one space for each two employees at maximum shift.
- (25) Hotel or motel: 1.25 parking spaces per guest bedroom, plus spaces for accessory uses per the off-street parking requirements of this chapter, with each accessory use treated as if a principal use.
- (26) Industrial use: one parking space for every motor vehicle used directly in the business, plus either one space for every 300 square feet of gross floor area or one space for every two employees on the premises at maximum shift, whichever is the greatest number.
- (27) Vehicular freight service: five parking spaces, plus one space for every two employees on the premises at maximum shift.
- (28) Warehouse business: one parking space for every two employees on the premises at maximum shift.
- (29) Wholesale business: five parking spaces, plus one space for each employee on the premises at maximum shift.
- (30) Research facility: five parking spaces, plus one space for each employee on the premises at maximum shift.
- (31) Power generating facility: one parking space for every two employees on the premises at maximum shift.
- (32) Day-care facility: one parking space for each employee, plus one space for each five children.
- (33) Private club: one parking space for each three persons allowed within the building by the maximum occupancy load as established by the New York State Uniform Fire Prevention and Building Code.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and
Loading / § 240-29. Location of parking.**

§ 240-29. Location of parking.

- A. On-site parking. The total number of required parking spaces designated in the parking schedule shall be located on the same lot as the use which they are intended to serve except

as provided in Subsection B of this chapter. All on-site parking spaces and areas shall be designed and maintained in accordance with § 240-30 of this chapter.

- B. Off-site parking. The Board of Appeals may grant a special permit so that on-site parking requirements for nonresidential uses may be met by the provision of the required parking spaces on a lot off site and within the zoning district wherein the principal use is permitted, provided that:
- (1) The off-site parking is reasonably and safely accessible with all the off-site parking spaces being located within 300 feet of the principal use. For purposes of interpretation of the three-hundred-foot distance, a walking distance (likely pedestrian path) measurement should be used between the parking space and the main entrance of the principal use; direct, straight line distance should not be used unless it coincides with the preceding requirement.
 - (2) The off-site parking area is not to be used for loading spaces.
 - (3) In addition to the special permit criteria mentioned in Article V of this chapter, the applicant for an off-site parking area must also show that the provision of the full amount of required parking on site is not practical because of site size, configuration, topography or other physical elements, because it interferes with the optimal development of the site, such as causing elimination or reduction of buffer areas, because it results in poor internal traffic circulation or because it creates drainage problems on adjoining properties that cannot be solved through other measures.
 - (4) Any transfer of off-site parking rights from one property to another shall require approval by the Board of Appeals. Likewise, any change in use for the property used for off-site parking or for the property to which the off-site area is furnishing parking shall require review by the Board of Appeals to assure that the parking arrangement is still viable. Finally, loss of off-site parking for a use which has been granted an off-site parking special permit shall require a review by the Board of Appeals in order either to create a new off-site parking arrangement or to enforce on-site compliance with the parking regulations.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and
Loading / § 240-30. Parking area design standards.**

§ 240-30. Parking area design standards.

Parking area design standards shall be as follows:

A. Single-family dwelling.

- (1) Single-family dwellings are exempt from all paving, screening and buffering requirements applicable to parking areas.
- (2) Within the yard area between the front lot line and the front yard setback line, all vehicles must park in the established driveway. No vehicle may be parked on the landscaped portion of the yard.
- (3) In no case may more than 25% of any front yard area be paved or used for driveways and off-street parking.

B. Multiple-family dwellings and nonresidential uses.

- (1) Exemption. Parking facilities existing on the effective date of this chapter shall be exempt from compliance with these design standards unless a change of use has subsequently occurred or the Code Enforcement Officer determines that an unsafe condition exists and requires modifications to the parking.
- (2) Access and layout. The curb cut, driveway and parking areas shall be designed so that all vehicular movements to and from the public right-of-way may be made in a forward direction. The layout of the parking area shall permit entering and exiting without moving other parked vehicles; also, the layout shall not require that a vehicle enter a street in order to move from one aisle to another aisle within a parking area. Finally, the layout of the parking area shall ensure that parking maneuvers can be accomplished without driving, maneuvering or encroaching upon or into any street, public right-of-way, walkway or any buffer strip or yard where parking is prohibited.
- (3) Entrances and exits. Curb cuts shall not be located within 20 feet of the nearest curb cut within a site or a curb cut on any adjoining property. For properties less than 60 feet in width, this distance requirement does not apply, and single, combined entrances and exits are to be encouraged for these properties.
- (4) Driveways. Each driveway leading from the curb cut to the parking area shall have a suitable area for stacking of vehicles waiting to enter parking spaces. The paved area of these driveways, exclusive of parking spaces, shall be a minimum of 10 feet in width for one-way traffic and 20 feet in width for two-way traffic up to a maximum of 24 feet, unless required to be larger or smaller by another, higher jurisdiction.
- (5) Location of parking. Required parking spaces may not be located in a required front yard or in a required buffer area.
- (6) Size of spaces. Parking space dimensions shall be at least nine feet in width and 18 feet in length, and aisles between rows of parked cars shall be at least 20 feet in width. The

Board of Appeals during special permit reviews and the Town Board during site plan reviews may increase or decrease these requirements based on the angle at which vehicles are to be parked, the general size of vehicles to be using the parking facility and on any special characteristics of the site or the use proposed for the site, provided that the safety and general welfare of the public are not jeopardized.

- (7) Landscaping and snow storage.
- (a) Screening (fencing). On each side that a parking area abuts or faces upon a residential use or a residentially zoned property, the view of that parking area from the residential property or properties shall be effectively screened with an opaque fence or a dense planting of evergreens. Such screening shall be maintained within the property boundary at a height of six feet in the rear and side yard areas (see § 240-41).
 - (b) Snow storage. Each parking lot or area shall provide sufficient space on site for snow storage. Buffer areas may be used to store snow; however, snow may not be placed in the front yard or in the public right-of-way to a height that impairs the visibility of drivers entering or leaving the site. The Board of Appeals in its special permit review and the Town Board during its site plan review may require the provision of additional snow storage areas.
 - (c) Buffers. A landscaped buffer shall be installed and maintained on all sides where a parking area abuts adjoining properties or a public right-of-way except as provided in the following Subsection B(7)(d). The buffer shall have a minimum width of five feet measured inward from the property line, unless required to be larger by either transition or special permit requirements. Decorative materials, including but not limited to plants, shrubs, trees, stone, brick, etc., may be placed in the buffer to delineate the buffer from the parking pavement and to enhance the appearance of the site.
 - (d) Adjacent parking areas. Upon petition of adjoining nonresidential property owners, the Town Board may reduce or eliminate a required side or rear yard to interconnect adjacent parking lots, provided that such approval would not be detrimental to the internal circulation of either parking lot, that neither lot adjoins a residential use or a residentially zoned area, that adequate provisions for snow storage are provided and that the number of separate curb cuts is no greater than three.
 - (e) Front yard visibility. No front yard buffer, including associated decorative materials, may exceed 2.5 feet in height above grade. Trees are allowed, provided that they are trimmed to provide a seven-foot clearance to the lowest branches and the trees are no

closer than 10 feet to the edge of a driveway and 10 feet to the front property line.

(f) Handicapped spaces.

[1] A minimum number of designated handicapped parking spaces shall be included in the required parking in the amounts indicated below:

Required Off-Street Parking Spaces	Minimum Number to be Designated as Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
Above 100	1 per 25 spaces

[2] Each handicapped space shall be 13 feet wide by 18 feet long and be suitably marked by the international handicap designation. Handicapped spaces shall be placed as close to the principal entrance to the building as reasonable.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VI, Parking and
Loading / § 240-31. Off-street loading facilities.**

§ 240-31. Off-street loading facilities.

In accordance with § 240-27, all commercial buildings shall provide at the minimum on-site space for loading and unloading trucks and other delivery vehicles as set forth below. In calculating the required number of spaces, all fractional results shall be rounded to the nearest whole number.

A. Loading schedule. Loading space requirements shall be as follows:

- (1) Retail business or medical center:

Gross Leasable Area of Buildings (square feet)	Number of Spaces
5,000 to 9,999	1
10,000 to 19,999	2
20,000 to 39,999	3
40,000 to 59,999	4
Each 50,000 over	1 additional

- (2) Restaurant, business office, bank, indoor recreation, mortuary or undertaking establishment or research facility, if over 5,000 square feet of gross floor area: one loading space.
- (3) Wholesale business, hotel, motel, industrial use, vehicular freight service, warehouse business, commercial dry-cleaning and/or laundry establishment:

Gross Leasable Area of Building (square feet)	Number of Spaces
Under 20,000	1

Gross Leasable Area of Building (square feet)	Number of Spaces
20,000 to 79,999	2
80,000 to 139,999	3
140,000 to 199,999	4, plus 1 space for each additional 100,000 square feet over 200,000 square feet

- B. Loading space dimensions. Each loading space shall be 12 feet in width by 50 feet in length with a clear height of 14 feet, unless otherwise specified by the appropriate Board during any site plan or special permit review procedure based on the type and size of delivery vehicles anticipated.
- C. Location and controls.
- (1) All loading spaces shall be located in the side or rear yard portions of a site and may not encroach into any buffer area or require the use of adjoining land for maneuvering.
 - (2) Loading spaces and access thereto shall be kept clear of parked vehicles, other than those used specifically for loading and delivery purposes, trash enclosures, mechanical equipment and any other obstructions.
 - (3) Loading spaces shall have adequate vehicular access in a manner which does not interfere with required or provided parking spaces or integral maneuvering or turnaround areas, access driveways or areas leading to access driveways. Vehicular maneuvering areas integral to a loading space shall not be within a street or a public right-of-way.
 - (4) Loading spaces shall be located in the same lot as the principal use.
 - (5) Loading spaces shall be arranged so that:
 - (a) Any vehicle entering a street or public right-of-way can do so traveling in forward motion.
 - (b) A vehicle entering the area containing loading spaces shall not be required to enter a street or public right-of-way to move from one location to any other location within the area containing loading space.
- D. Modification of loading requirements. The Board of Appeals when reviewing special permit

applications and the Town Board when reviewing site plan applications may require additional or fewer loading spaces for any use if they find that, for that particular use, the required minimum number of spaces is not sufficient or is excessive, provided that the safety and general welfare of the public is not jeopardized, and further provided that such modification shall not exceed 50% of the spaces required in the loading schedule of this chapter. In addition, the size of the loading space may be varied by the appropriate Board during the same review process, as noted above, although the size of the space may not be decreased to less than 10 feet in width by 30 feet in length.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs**

ARTICLE VII, Signs

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-32.
Applicability.**

§ 240-32. Applicability.

The regulations contained in this article shall apply to all signs erected after the effective date of this chapter. Except as hereinafter provided, no sign shall be erected or structurally altered except in conformity with the provisions of this section.

- A. Legal nonconforming signs. Signs erected prior to June 8, 1942, or signs erected prior to the effective date of this chapter which conform to the 1942 Zoning Ordinance of the Town of Geddes^{EN(53)} or were established by special permit or variance thereof may remain if they do not conform to the provisions of this chapter, provided that the use and/or occupancy for which they were established continues to exist in the building and provided that the signs remain in structurally sound condition. Such signs shall not be changed or structurally altered in any manner except for routine maintenance.
- B. Illegal signs. Signs erected after June 8, 1942, which do not conform to the 1942 Zoning Ordinance of the Town of Geddes and which do not conform to the provisions of this section shall have no legal status and shall be removed or altered to conform to the provisions contained herein within a period of one year from the effective date of this chapter.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

**GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-33.
Definitions.**

§ 240-33. Definitions.

Various terms used in this article shall be interpreted or defined as follows:

ADDRESS SIGN -- A sign containing only the name of an occupant, a building number and/or the street address of the property on which the sign is located.

AWNING SIGN -- Any lettering or graphic display located on the front or side of any awning, canopy or marquee projecting from a building facade.

BILLBOARD -- A sign that advertises a business, industry, service, product or other activity which is conducted, provided, offered or sold on a lot other than the lot on which the sign is located.

BUSINESS SIGN -- A sign which directs attention to a business, commodity, industry, service, entertainment or other activity which is offered, sold or conducted on the lot upon which the sign is located.

DIRECTIONAL OR INFORMATIONAL SIGN -- A sign designed to contain information exclusively as a public service and of a noncommercial nature, such as the location of facilities designed for the public convenience and accommodation, e.g., rest rooms, public telephones and bus stops.

DOUBLE-FACED OR V-TYPE SIGN -- A sign with two faces back to back or with two faces at an angle to one another.

FLASHING -- An illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN -- A sign not attached to or part of a building but separate by itself and supported by one or more uprights, braces or other structural elements in or upon the ground; examples are pole signs and masonry freestanding signs.

PROJECTING SIGN -- A sign that is affixed to the exterior of a building or structure and extends more than one foot horizontally from the building wall or vertical face of the structure. The term shall include signs on awnings, canopies and marquees.

ROOF SIGN -- A sign which is either situated entirely above the upper edge of any building wall or parapet or erected or painted on or above the roof covering any portion of a building, including signs supported on the roof or on an independent structural frame or located on any roof structure, including but not limited to a penthouse, stairwell, elevator housing, roof shed or

other mechanical housing.

SIGN -- Any material, structure, device or other representation, including any part thereof, which is comprised of lettered or pictorial material or upon which lettered or pictorial matter is placed and which is used to advertise or promote the interests of any person or business. Such signs are intended to be placed in view of the general public out-of-doors or on the exterior of any structure or building, including interior and exterior window surfaces. Signs may include letters, words, symbols, emblems, sign frames, signboards, insignias, banners, pennants, fluttering devices, models and flags, although flags and insignias of any nation or state are not considered signs.

SIGN AREA -- The surface area of a sign calculated as follows: the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, as included within the definition of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. The total area of all faces of signs designed to be viewed from more than one direction shall be computed and considered as one area, such as on double-faced and V- and sandwich-type signs.

SIGN HEIGHT -- The vertical distance from the uppermost point of a sign, including sign structure or structural trim, to the average ground level directly below the sign.

WALL SIGN -- A sign which is attached and parallel to an exterior wall of a building or structure or part thereof, projecting not more than one foot therefrom. This term shall include a sign painted upon the exterior building face.

WINDOW SIGN -- A sign painted or affixed on glass or other window material or placed within one foot of the window, but not including graphics used in connection with the customary window display of products or services rendered on the premises.

WINDOW SIGN, TEMPORARY -- A sign situated on the interior of a window which is intended to be removed after such period of time as set forth in this article. Such sign shall be lettered, drawn, printed or affixed on paper or other material before placement on the window or within one foot of the window.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-34.
Intent.**

§ 240-34. Intent.

The purpose of this article of this chapter is to:

- A. Protect private property values from infringement by nearby signs.
- B. Reduce sign or advertising distraction and any physical obstructions that may affect motorists or pedestrians traveling on public rights-of-way.
- C. Create a more attractive business and economic climate.
- D. Protect the public investment in and the character and dignity of public buildings, open spaces and thoroughfares.
- E. Protect the overall physical appearance of the community by lessening the objectionable effects of competition in respect to the size and placement of signs.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-35.
General prohibitions.**

§ 240-35. General prohibitions.

The prohibitions contained in the following section of this chapter shall apply to all signs in all zoning districts in the Town of Geddes:

- A. Hazards to public safety. Signs which, by their use or simulation of colors, design or placement, tend to confuse, detract from or in any other way obstruct the utilization of traffic regulatory devices are prohibited. Signs shall not be located in such a manner as to restrict vision or impair safety.
- B. Obstructions. No sign shall obstruct, by physical or visual means, any fire escape, window, door or any opening providing ingress or egress designed for fire or safety equipment, any passageway from one part of a structure or roof to another portion thereof, any opening required for ventilation or any opening which is required to remain unobstructed by any applicable law.
- C. Illumination. Any illuminated sign or lighting device shall employ only lights emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or so directed as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or privately owned adjacent premises so as to cause glare or reflection. Holiday decorations and lights, when displayed from November 15 to January 6, shall not be considered signs or parts of signs. No sign in a commercial

district erected after the date of adoption of this chapter shall be illuminated between the hours of 12:00 midnight and 6:00 a.m. without the written approval of the Code Enforcement Officer.

- D. Projections. No sign shall be erected on or project over any public street or public right-of-way unless as hereinafter provided. No sign shall project over a vehicular driveway on private property at an elevation of less than 14 feet above grade.
- E. Placement. No sign shall be placed upon or attached to any public or private utility pole, lamppost, fire hydrant, bus shelter, sidewalk, bridge, tree or similar installation or improvement, whether situated upon public or private property.
- F. Public property. No sign shall be placed or erected on any public property without first obtaining written approval of the Town Board.
- G. Other prohibited signs. Billboards, roof signs, portable, mobile or movable signs, and banners, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices are prohibited.
- H. Freestanding. Freestanding signs shall be prohibited except where expressly permitted by this section.
- I. Sign heights. No shall shall be erected or maintained on the face of a building so that any portion shall extend above the base of the roofline.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-36.
Exemptions.**

§ 240-36. Exemptions.

The provisions of this article shall not apply to signs established pursuant to governmental authority or used for the identification of public buildings, facilities and activities sponsored by or of an official character such as traffic regulation devices authorized by the Vehicle and Traffic Law of the State of New York, civil defense warnings, railroad crossing designations, bus stops and any other signs authorized and required under local, state or federal law or which contain information required and designed for the protection and safety of the general public, such as danger areas, work areas, utility warnings, safety warning devices and similar notices. The provisions of this article shall also not restrict the placement of handicapped parking or directional signs on any private property.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-37.
Signs allowed without permits.**

§ 240-37. Signs allowed without permits.

The following signs are permitted in any use district without a sign permit and shall be limited to one such sign per lot unless otherwise indicated:

- A. One nonilluminated address sign attached to the building and not exceeding one square foot in area.
- B. Nonilluminated signs (more than one per lot permitted) regulating the use of a property, such as "no hunting," "no fishing" or "posted," each of no more than two square feet in area.
- C. Temporary signs of the following nature:
 - (1) One nonilluminated freestanding or wall sign advertising the sale, lease or rental of the premises upon which the sign is located, not to exceed four square feet in area in Residential A, Residential B, Residential C and Residential D Districts or eight square feet in Commercial A, Commercial B, Commercial C, Industrial A and Industrial B Districts. Such a sign shall be removed within five days after the sale of the premises has been agreed upon.
 - (2) One nonilluminated freestanding sign announcing a real estate open house or a garage or estate sale to be erected or placed on the property where such event will take place, not to exceed four square feet in area. Such sign shall be removed within one day after the event has been held, and in no instance may the sign be maintained on the property for a period exceeding one week.
 - (3) One nonilluminated wall or freestanding sign denoting the architect and firm, engineering firm or contractor placed on the premises where construction, repair or renovation is in progress, but expressly excluding products, services or other forms of advertising, not exceeding 12 square feet in area in Residential A, Residential B, Residential C and Residential D Districts or 32 square feet for lots in Commercial A, Commercial B, Commercial C, Industrial A and Industrial B Districts. Such sign shall be removed within 10 days after completion of the project.
 - (4) Signs which are designed exclusively to inform the general public of a fund-raising campaign, political campaign, social event, civic undertaking, annual festivity or related enterprise of a temporary nature sponsored by a nonprofit organization or governmental unit. No more than two such signs shall be permitted per lot, and they shall not exceed a

total of 12 square feet. Such signs shall be removed within three days after the event and may not be placed on public property except by written permission of the Town Board.

- (5) Temporary window signs (no limit on the number) in Commercial A, Commercial B, Commercial C and Industrial A Districts calling attention to a promotional sale or similar event for a period not to exceed three weeks, provided that said signs shall not exceed 50% of the area of the window (glass surface) on which they appear. Such signs shall be removed within three days following the event advertised.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-38.
Signs requiring permits.**

§ 240-38. Signs requiring permits.

The following signs shall require a sign permit:

- A. Signs permitted for nonresidential uses in any use district: no more than two signs, illuminated or nonilluminated, per curb cut solely for the purpose of traffic control on private property, each not exceeding two square feet in area.
- B. Signs in residential districts.
 - (1) For any nonresidential use or building permitted in residential districts: one wall or freestanding sign for each street frontage not to exceed 20 square feet in area. The sign(s) may either be nonilluminated or illuminated by indirect light only. No wall sign or portion thereof shall extend above the first story of the building wall to which it is attached, and no freestanding sign shall exceed a height of six feet measured to the top of the sign or be closer than five feet to a public sidewalk or property line.
 - (2) For multiple-family dwellings with over six units in a Residential B District: one wall or freestanding sign for each street frontage which may either be nonilluminated or illuminated by indirect light only and may not exceed 16 square feet in area. No wall sign or portion thereof shall extend above the first story of the building wall to which it is attached, and no freestanding sign shall exceed a height of six feet measured to the top of the sign.
 - (3) For each home occupation allowed by special permit: one nonilluminated professional identification sign no larger than four square feet in size. The exact size, design and placement shall be approved by the Board of Appeals upon consideration of such factors as the size of the dwelling unit and its setback from the street, the amount of adjacent

vehicular traffic and the character of the neighborhood.

- (4) For a mobile home park in a Residential D District: one freestanding sign for each street frontage which may either be nonilluminated or illuminated by indirect light only and each may not exceed 16 square feet in area. Each freestanding sign shall not exceed six feet in height measured to the top of the sign. In addition, two wall signs to designate the sales office or the location of the model mobile home shall be permitted, each not to exceed two square feet in size.

C. Signs in commercial districts.

- (1) Commercial buildings containing fewer than four business establishments. One permanent freestanding sign for the building and/or one wall sign for the identification of each commercial establishment by trade name only shall be allowed.
 - (a) Freestanding sign. This may be nonilluminated or illuminated by indirect light only. The freestanding sign may not be a rotating sign and may identify only the commercial trade, not the products sold or the price of the products sold. Such a freestanding sign shall not exceed 25 square feet of area per side or a total sign area of 50 square feet. The height of such sign shall not exceed 15 feet, and the minimum height to the bottom of the sign shall be eight feet.
 - (b) Wall sign. This may be nonilluminated or illuminated by indirect light only. The wall sign shall not exceed one square foot per linear foot of the building frontage measured at the user's main entrance, but in no event shall the total of the freestanding sign and the wall sign exceed 100 square feet.
 - (c) Commercial buildings located on a corner lot. In addition to the one freestanding and/or one wall sign allowed for a commercial building, such a building located on a corner lot shall be permitted one additional wall sign facing the secondary street, provided that the wall signs do not exceed one square foot of sign area per linear foot of the building frontages on both the primary and secondary streets, and provided that the total area of the signs on the property (freestanding and/or wall) does not exceed 125 square feet.
- (2) Buildings, shopping centers or malls containing groups of four or more stores:
 - (a) Freestanding sign(s):
 - [1] Illuminated or nonilluminated.
 - [2] Maximum height: 25 feet.

[3] Minimum height to the bottom of sign face: eight feet.

[4] The number and size of these signs are indicated below:

Size of Center (square feet)	Number of Freestanding Signs Allowed	Size of Each Sign (square feet)
Under 50,000	1	50
50,000 to 500,000	1	100
Over 500,000	2	120

*NOTE: Gross square footage of floor area.

- (b) Wall sign(s): There may be one sign, nonilluminated or illuminated by indirect light only for each business. The wall sign for each business shall be one square foot for each front linear foot of the business establishment, but in no case over 150 square feet.
- (3) In addition to the wall and freestanding signs permitted in commercial districts, one permanent window sign per window is allowed, except that no more than two window signs for each ground floor business establishment are permitted. The area of each window sign shall not exceed 25% of the area of the windowpane to which it is attached or no more than four square feet, whichever is less. No window signs shall be allowed in windows above the first story. Also, no awning signs shall be permitted, unless by special permit from the Board of Appeals, and any such awning sign shall be in lieu of window signs, shall only be on the first-floor awnings and may not exceed a total sign area of 10 square feet per business establishment. Also, no sign shall project from an awning or be hazardous to pedestrian traffic.
- (4) For the following uses permitted in the commercial districts, the requirements of Subsection B(1) shall apply:
- (a) Public library or museum.
 - (b) Public park or playground.

- (c) Religious use.
- (d) Utility structure.
- (e) Community center.
- (f) Day-care facility.
- (g) Private club.
- (h) Outdoor recreation.
- (i) Mortuary or undertaking establishment.

D. Signs in industrial districts.

- (1) For uses permitted in both the industrial and commercial districts, the sign regulations from Subsection C above shall apply.
- (2) For uses permitted only in the industrial districts, the following sign regulations will apply:
 - (a) Property address numbers shall not exceed four square feet with a maximum one foot in height and shall be prominently placed on the face of each structure to facilitate the ease of recognition of addresses.
 - (b) One wall sign for identification shall be permitted not exceeding 1 1/2 square feet of sign area per linear foot of building frontage measured at the user's main entrance, but not to exceed 100 square feet. The sign may be nonilluminated or illuminated by indirect light only.
 - (c) In addition to the one wall sign allowed for an industrial building, such a building located on a corner lot shall be permitted one additional wall sign facing the secondary street, provided that the wall signs do not exceed 1 1/2 square feet of sign area per linear foot of the building frontages on both the primary and secondary streets, and provided that the total area of the signs on the property does not exceed 125 square feet.

E. Signs in gasoline stations:

- (1) No more than three business signs not to exceed a maximum of 40 square feet or no more than four signs if located on a corner lot and not to exceed 50 square feet. These business signs shall be wall signs affixed to the principal building and/or to the pump island canopy.

- (2) One proprietor identification sign not exceeding two square feet shall be allowed.
 - (3) Price and/or type of service signs located on the pumps or pump island shall be allowed. Such signs shall be limited to a total of six square feet for each pump island.
 - (4) Signs required to be posted by governmental regulatory agencies shall be exempt from these regulations and shall not be counted in any of the square footage requirements of Subsection E(1), (2) and (3) of this section.
- F. Signs for drive-in service facilities. For commercial establishments with drive-in service facilities, the following requirements shall be used rather than those of Subsection C(1):
- (1) No more than two wall signs, the combined area of which shall not exceed one square foot for each one foot of linear frontage of the building along the street up to a maximum of forty square feet or no more than three signs if located on a corner lot and the combined area of which signs shall not exceed one square foot for each one foot of linear frontage of the building along the primary and secondary streets up to a maximum of 50 square feet.
 - (2) Subject to Board of Appeals approval, one freestanding sign on private property only and not to exceed 30 square feet in total area. This sign shall have a minimum ground clearance of five feet and a maximum height of 12 feet and shall be set back at least 10 feet from any lot line.
 - (3) Subject to Board of Appeals approval, a drive-in restaurant may substitute a freestanding menu sign for one of the permitted wall signs. This menu sign may be illuminated, may be no greater than 16 square feet in area and may not be greater than five feet in height. The allowable square footage for the menu sign may also include a small one-square-foot sign for the order microphone post.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VII, Signs / § 240-39.
Permits and enforcement.**

§ 240-39. Permits and enforcement.

- A. Sign permit. As of the effective date of this chapter, a sign permit issued by the Code Enforcement Officer shall be required prior to undertaking any sign work as defined herein. No sign permit shall be required for sign maintenance as defined herein or for those signs described in § 240-37.
- (1) Sign work: the construction, placement, replacement, relocation, major repair, alteration

or modification of a sign or its structural appurtenances.

- (2) Sign maintenance: routine repairs, including repainting, bulb replacement or repair of electrical or mechanical parts. Repainting shall not be considered routine maintenance if undertaken to advertise a new occupant of the property or business.
- B. Application for a sign permit. Any application for a sign permit shall be made in writing to the Code Enforcement Officer upon forms provided by such official. These forms shall be created by the Code Enforcement Officer and shall designate sign permit fees as approved by the Town Board. A sign permit is required in addition to any building permit issued for the erection or alteration of a building or structure; issuance of a building permit shall not constitute approval for the signage of a building.
- C. Issuance of a sign permit. Upon the filing of an application for a sign permit, the Code Enforcement Officer shall determine whether the proposed sign is in compliance with the requirements of this chapter and other laws of the Town. The Code Enforcement Officer shall examine the plans, specifications and other data submitted to him or her with the application and shall also view the premises on which the sign is to be constructed or now exists. If the proposed sign is in compliance with this chapter and other laws of the Town, the Code Enforcement Officer shall, within 10 working days from the filing of the completed application, issue a sign permit for the erection of the proposed sign. If the authorized sign has not been installed within 180 days from the date of issuance of the permit, then the permit shall expire, and a new application must be made for any sign work.
- D. Revocation of a sign permit.
- (1) Any sign work not performed in conformance with the provisions of this chapter, including sign work performed without a permit and any sign maintained in an unsafe condition so as to be a potential detriment to the public health and safety, shall constitute a violation of the provisions of this chapter.
 - (2) In the event of such a violation, the Code Enforcement Officer shall give written notice specifying the violation to the owner of the sign, if known, and to the owner of the land on which the sign is located to conform to the provisions of this chapter or other Town laws or to remove such sign. The sign shall be brought into conformance within 15 days of the date of said notice. If the violation is not corrected within the specified time, the Code Enforcement Officer shall revoke any existing sign permit, may cause the sign to be removed and may subject the owner to any such penalties as such be applicable under this chapter.
- E. Removal of certain signs.
- (1) If the Code Enforcement Officer shall find that any sign regulated by this chapter is

unsafe, not secure or is a potential menace to the public, he or she shall give written notice to the owner of the sign, if known, and also to the owner of the land upon which the sign is located, who shall remove or repair said sign within 10 days from the date of said notice. If the unsafe sign is not removed or repaired, the Code Enforcement Officer shall revoke the sign permit issued, if any, for such sign as herein provided and/or may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign is (was) located. The Code Enforcement Officer may cause any sign which is a source of immediate peril to persons or property or any temporary sign not removed at the expiration of its permitted time period (§ 240-37C) to be removed summarily and without notice.

(2) Abandoned signs.

- (a) Any sign which, in the determination of the Code Enforcement Officer, is abandoned or no longer advertises a bona fide business conducted or a product sold on the premises shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which said sign shall be found within 30 days after written notification from the Code Enforcement Officer. Where a business activity has been discontinued for a period of 90 days, the related sign(s) shall be presumed to be abandoned unless the owner, beneficial user or other party in interest files a written certification with the Code Enforcement Officer that such sign is to be utilized within 30 days following such ninety-day period.
- (b) Abandoned signs not removed by the owner within 30 days after notice to remove such signs may be removed by the Town, with all incurred costs and expenses assessed against the property on which such sign is located.
- (c) Any sign which the Code Enforcement Officer has ordered removed pursuant to a violation notice under Subsection D which remains in violation shall be considered an abandoned sign and subject to removal by the Town as provided above.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations**

ARTICLE VIII, Supplementary Regulations

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary**

Regulations / § 240-40. Yards.

§ 240-40. Yards.

Required yards shall be open and unobstructed except as noted below:

- A. Any enclosed porch or an unenclosed porch having a solid foundation and capable of being enclosed shall be treated as part of the principal building for determining the location of the required yards or for the calculation of lot coverage.
- B. Decks more than one foot above grade shall be treated as part of the principal building for determining the location of the required yards or for the calculation of lot coverage.
- C. Eaves with an overhang of not more than two feet, rainwater leaders, windowsills, open steps, bay windows (not more than 12 feet wide, at one floor level only and for a distance not to exceed two feet) and other such similar fixtures may extend into any required yard.
- D. Fences and uncovered patios at ground level may be erected or constructed anyplace on a lot without regard to yard requirements, provided that fences comply with the applicable requirements of § 240-42 of this chapter.
- E. Campers, motor homes, recreational vehicles, snowmobiles, boats and similar recreation-oriented vehicles may not be parked or stored out-of-doors in the required front yard in a residential use district, except in the established driveway. In addition, such vehicles may not be parked within five feet of any side or rear lot line.
- F. Parking spaces may be located in a rear or side yard but may not, other than by Town Board approval for a single-family dwelling containing a home occupation or a residential office, be located in the required front yard of any lot used for residential purposes or in the required front yard of a lot situated within a residential district. Likewise, parking spaces shall be subject to the previously mentioned prohibitions within the required side yard contiguous to the side street of a corner lot.
- G. Loading spaces may be located in a rear or side yard but may not be located in the required front yard of a lot located within a residential district. Likewise, loading spaces shall be prohibited within the required side yard contiguous to the side street of a corner lot located within a residential district.
- H. Driveways for access to parking and loading spaces may be located in any yard, provided that the driveway is not designed specifically to accommodate a parking or loading space(s) in conjunction with and in addition to the driveway, and further, provided, that the location of the driveway complies with other applicable requirements of this chapter.

- I. Accessory structures such as flagpoles, lampposts, bird feeders and lawn ornaments may be located in any yard except as otherwise prohibited in this chapter or in other Town laws.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-41. Transition requirements for adjacent
residential-commercial lots.**

§ 240-41. Transition requirements for adjacent residential-commercial lots.

A. General regulations.

- (1) A landscaped buffer area shall be constructed as a required condition for the issuance of a building permit in commercial or industrial zoning districts where properties abut residential districts, except when a residential use is constructed on the abutting commercially or industrially zoned property.
- (2) The construction and maintenance of the required buffer area shall be the responsibility of the owner of the commercially or industrially zoned property for which a building permit is requested.
- (3) No parking, loading, driveway or structural encroachment shall be permitted within a required buffer area.

B. Specific requirements.

- (1) Side and rear yard transition. Where a lot in a commercial or industrial zoning district abuts a lot in a residential zoning district, there shall be provided along such abutting lot lines a buffer area of 10 feet. This buffer area shall be screened with either a wall, solid fence or a fence and evergreens installed at a height of at least four feet and maintained to a height of six feet above grade level. Such screening devices shall be placed so they do not project into adjoining properties, except trees above seven feet in height. All screening devices and plantings shall be maintained in a sound and safe condition at all times. Plantings, except trees, shall not exceed 2 1/2 feet in height if placed within 10 feet of the front lot line (see § 240-42 for further requirements).

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-42. Screening devices/fences.**

§ 240-42. Screening devices/fences.

- A. Permit. No screening device/fence, except natural vegetation, shall be installed prior to the issuance of a building permit by the Code Enforcement Officer.
- B. Height and location.
 - (1) Front yard. Screening devices permitted within required front yards may not exceed four feet in height and shall be of an open design, such as chain link, ornamental iron, rail and picket, with a uniform ratio of space to fence material of at least one to one. Opaque fences, such as basket-weave or stockade, are prohibited within the required front yard. On corner lots, that portion of a lot contiguous to a public right-of-way shall be considered as front yard area for the purpose of applying the regulations herein.
 - (2) Side and rear yards. No fence or wall shall exceed six feet in height within required side and/or rear yards.
 - (3) Within commercial or industrial districts only, screening devices may be up to eight feet in height in side and rear yards.
- C. Prohibitions. Barbed wire or electrified screening devices are prohibited.
- D. Placement and maintenance.
 - (1) Screening devices shall be placed and maintained so that they do not project into adjoining properties and so they do not infringe upon any public right-of-way.
 - (2) All screening devices and plantings shall be maintained in a sound, safe and orderly condition at all times.
 - (3) All portions of a lot enclosed by a screening device shall be made accessible for fire-fighting purposes.
 - (4) The finished side of a fence shall face the adjoining landowner. The support side of the fence shall face the owner or installer of the fence. [Added 5-14-1991 by L.L. No. 4-1991]
- E. Nonconforming screening devices. Where a lawful screening device exists at the effective date of adoption or amendment of this chapter that could not be constructed under the terms contained herein because of its height, visibility characteristics, location or any other requirement concerning said screening device, such screening device may be maintained so long as it remains otherwise lawful, subject to the following provisions:
 - (1) No such screening device may be enlarged or altered in a way which increases its

nonconformity, but any such screening device or portion thereof may be altered to decrease its nonconformity.

- (2) Where a screening device is damaged due to any cause, including deterioration due to the elements, or is declared unsafe, and the cost of restoration or correction exceeds 50% of the replacement cost of the entire screening device, then the screening device shall not be corrected and restored except in compliance with the provisions of this section.
- (3) Should such a screening device or portion thereof be relocated within a lot, that portion which is relocated shall be subject to the provisions of this section.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-43. Outdoor illumination.**

§ 240-43. Outdoor illumination.

No illumination shall cause direct light rays to cross any property line. All outdoor floodlight sources such as are used for, but not limited to, athletic fields, courts, swimming pools, parking lots, security and building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing a hazard to motorists and pedestrians or causing direct light rays to fall on neighboring properties. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one footcandle in intensity.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-44. Satellite receiving antennas.**

§ 240-44. Satellite receiving antennas.

- A. Intent. The purpose of these regulations is to establish standards and criteria to avoid adverse aesthetic and safety impacts of satellite receiving antennas in order to preserve and protect the visual qualities and general welfare of the Town of Geddes.
- B. A satellite receiving antenna shall be considered an accessory structure and subject to the issuance of a building permit before installation or construction on a lot.
- C. No building permit for a satellite receiving antenna shall be issued without the written permission of the Code Enforcement Officer.
- D. A satellite receiving antenna shall meet the following minimum restrictions before being

approved by the Code Enforcement Officer:

- (1) No freestanding satellite receiving antenna shall exceed 10 feet in diameter.
 - (2) No satellite receiving antenna attached to a roof shall exceed four feet in diameter, and it shall not rise above the highest point of the roof of the structure.
 - (3) A freestanding satellite receiving antenna shall be located in the rear yard only and shall be screened from view from any public right-of-way. The bottom of a freestanding receiving antenna dish shall not be more than three feet above grade level measured vertically.
 - (4) Only one satellite receiving antenna shall be located on a lot.
 - (5) No portion of a satellite receiving antenna shall be closer to a lot line than five feet.
 - (6) For nonresidential uses, no freestanding satellite receiving antenna shall be located in any required parking, loading or buffer area.
- E. The application for a building permit for a satellite receiving antenna shall include a dimensioned site plan depicting structures on the property, the location of the antenna and the location of any required screening or fencing. In addition, construction drawings showing the proposed method of installation shall be included.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-44.1. Commercial mobile service facilities. [Added
6-11-2002 by L.L. No. 3-2002]**

§ 240-44.1. Commercial mobile service facilities. [Added 6-11-2002 by L.L. No. 3-2002]

No commercial mobile service facility shall hereafter be located, constructed, erected, changed, altered, used or added to except in conformity with the following provisions.

A. Findings.

- (1) While the federal government has regulated the commercial mobile service industry, it has reserved to local governments the power to regulate such uses with regard to placement, construction, and other related issues.
- (2) Local governments may not exclude such uses or unreasonably discriminate among providers of functionally equivalent services.
- (3) According to federal law, local governments may not regulate such uses on the basis of

radio frequency radiation (rfr).

- (4) The technology underlying commercial mobile service requires that transmitting facilities be located in proximity to one another, as low-frequency signals are passed from one service cell to another, in relay fashion.
- (5) The Town has an interest in minimizing the number of towers that are located within its borders.
- (6) The installation of tower structures can have an aesthetically detrimental impact upon surrounding properties, especially in residential areas.
- (7) In many cases, antennas mounted on existing structures can provide the same level of commercial mobile service with minimal or no aesthetic impacts upon neighboring uses.
- (8) Where the construction of new towers is necessary in order to provide commercial mobile services, often it is possible to house more than one such provider on a given structure, thus reducing the proliferation of new tower construction.

B. Purpose. The Town acknowledges the need, demand and national policy supporting the availability of commercial mobile services to the public. At the same time, the Town recognizes the valid concerns and interests its residents have in the aesthetic enjoyment of their homes and properties. The purpose of these provisions relating to commercial mobile services is to provide for the health, safety and welfare of the residents of the Town, to encourage the location of commercial mobile service towers, to the extent they are needed, in nonresidential areas of the Town, to encourage the shared use of existing and new towers as a means of reducing the overall need for towers in the Town, to minimize the adverse impacts of commercial mobile service facilities located in the Town, and to balance the sometimes competing needs of such uses and their neighbors while at the same time accommodating the public interest in and demand for such services. This section is intended to comply with the Federal Telecommunications Act of 1996.

C. Approvals required for commercial mobile service facilities.

- (1) Antennas and accessory equipment related thereto, other than towers, are permitted in all use districts in the Town, provided they are placed on existing structures, 30 feet or more in height, other than one-family and two-family dwellings, subject to the following:
 - (a) Located in nonresidential zoning districts and 20 feet in antenna height, or less--site plan approval.
 - (b) Located in nonresidential districts and in excess of 20 feet in antenna height--special use permit.

- (c) Located in residential districts--special use permit.
- (2) Towers and accessory equipment related thereto are permitted in commercial and industrial districts, subject to the following:
 - (a) Towers, 180 feet in height or less--site plan approval.
 - (b) Towers, over 180 feet in height in height, but not greater than 250 feet in height--special use permit.
- (3) Commercial mobile service antennas or towers, other than those specifically allowed under this Subsection C, are not permitted.

D. General guidelines and requirements.

- (1) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such lot and building requirements, the dimensions of the entire lot shall control, even though such antenna or tower may be located on leased parcels within such lots.
- (2) Expansion of preexisting nonconforming uses. Towers that are constructed and antennas that are installed in accordance with these provisions shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (3) Compliance with other laws.
 - (a) All commercial mobile service facilities must meet or exceed all applicable federal, state and local laws, rules and regulations, including, but not limited to, any rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended, at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations within six months of the effective date of such changes or amendments, unless a more restrictive compliance schedule is mandated by the controlling agency, in which case the more restrictive compliance schedule will apply.
 - (b) The operator of any commercial mobile service facility sited within the Town of Geddes shall submit certification on an annual basis, signed by a New York State licensed professional engineer, verifying that such facility is in compliance with all applicable federal, state and local radio frequency radiation (rfr) emission standards. Such annual certification shall be delivered to the Town Code Enforcement Officer

during the month of December of each calendar year. This requirement shall be considered an implied condition to any site plan, special permit and/or use variance granted for such facilities.

- (4) Compliance with building codes. The owner of any commercial mobile service facility shall locate, construct, erect, use and maintain such facility in accordance with all applicable building codes.
- (5) Height restrictions. The building height restrictions otherwise applicable in the zoning use district in which a commercial mobile service facility is located shall not apply to facilities approved in accordance with these regulations. When measuring structure height in connection with antennas on existing structures, height shall be measured from the mean elevation, at finished grade, to the highest point of the existing structure. When measuring antenna height in connection with antennas mounted on existing structures, such height shall be measured from the point of such existing structure at which the antenna is mounted to the highest point of the antenna.
- (6) Maximum tower height. In no event shall any tower exceed a height of 250 feet. Tower height shall be measured from the average elevation at grade level to the highest point of the tower structure, including all antennas and accessory equipment attached thereto.
- (7) Tower inspections. Towers shall be inspected annually on behalf of the tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Town Code Enforcement Officer no later than December 31 of each calendar year.
- (8) Tower design preference. Whenever feasible, tower construction shall be of a monopole design.
- (9) Maintenance and repair; hours. All commercial mobile service facilities shall be maintained in good order and repair. Routine maintenance and repair shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, except for emergency repairs which may be undertaken at any time with prior notice to the Town Code Enforcement Officer.
- (10) Existing structures. By way of illustration, existing structures, as referred to in these regulations governing the siting of commercial mobile service facilities, shall include but not be limited to signs, church spires, belfries, cupolas, domes, monuments, water towers, preexisting tower structures, windmills, chimneys, smokestacks, buildings, utility towers, clock towers, silos, barns or other agricultural buildings, steeples, radio or television towers and commercial parking lot light poles.

- (11) Restriction, multiple towers. No more than one tower may be permitted on any parcel of land.
- (12) Tower separation. A minimum radius of 2,000 feet must be maintained between any proposed tower and any existing tower, whether located in the Town of Geddes or in any adjacent municipality.

E. Aesthetics and design standards.

- (1) Fencing. The base of any tower and anchors on guyed towers shall be surrounded by an opaque security fence, eight feet in height. Such fence shall enclose the base of the tower as well as any and all accessory equipment and structures used in connection therewith.
- (2) Landscaping. All commercial mobile service facilities located, installed or constructed at ground level, including towers, tower anchors, accessory structures to towers or antennas or fencing surrounding such uses, shall be visually screened from adjoining residential properties and public rights-of-way by one row of native evergreen shrubs or trees capable of forming a continuous hedge of at least 10 feet in height within two years of planting. Additional vegetative screening maybe required, as needed, in order to minimize adverse visual impacts on neighboring properties. 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 the appropriate site plan or special permit review and approval. Such landscaping shall be preserved, maintained and replaced, as needed.
- (3) Signs. Signs shall not be permitted on commercial mobile service towers, antennas or related accessory facilities except for signs displaying owner contact information and safety instructions. Such signs shall not exceed five square feet in surface area unless otherwise prescribed by the FCC or the FAA.
- (4) Lighting. Commercial mobile service facilities shall not be artificially lighted, unless so required by the FAA. If lighting is so required, the lighting alternatives and design used shall be as mandated by the FAA.
- (5) Utility connections. All utility connections to commercial mobile service facilities shall be installed beneath the ground surface.
- (6) Color.
 - (a) Towers. Towers shall either be maintained with a galvanized finish, painted grey or, subject to any FAA restrictions, be painted a neutral color, so as to reduce visual obtrusiveness.
 - (b) Antennas. Antennas and accessory equipment installed on existing structures shall be

painted a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- (c) Accessory structures located at ground level. Accessory equipment and structures (other than towers) located at ground level shall be painted neutral colors that will blend with their natural surroundings to the maximum extent possible.
 - (7) Tower access and parking. A road and parking for one vehicle shall be provided in order to assure adequate emergency and service access. Maximum use of existing roads and drives shall be made, and at all times ground and vegetation disturbance shall be minimized.
 - (8) Antennas affixed to the face of existing structures. Antennas affixed to the face of existing structures may not protrude in excess of five feet horizontally between the antenna and the existing structure face.
 - (9) Tower collocation. Commercial mobile service towers shall be designed to provide for collocation (use) by at least three providers, or designed so that they can be retrofitted to accommodate at least three providers, unless such collocation is not feasible as demonstrated by competent engineering or technical proof.
 - (10) Accessory equipment located on building roofs. Any accessory equipment located on building roofs shall be located so as not to be seen or to minimize visibility from ground level.
 - (11) System connections. Where technologically feasible, connections between commercial mobile service facilities and the system of which they are a part shall be made by use of land line cable rather than by parabolic or dish antennas. When such antenna links are technologically necessary, they shall be located, painted and otherwise situated so as to minimize visual impacts. In no case shall the diameter of such an antenna exceed six feet.
 - (12) Tower setbacks. Towers shall not be located closer than 200 feet to the nearest residential property line or a distance equal to the height of such tower, whichever is greater. In all other cases, towers shall be set back from adjoining properties a distance equal to at least the height of such tower.
 - (13) Visibility. All commercial mobile service facilities shall be sited, located and designed so as to have the least possible practical visual impact on the environment and surroundings.
- F. Factors and considerations in granting special use permits for commercial mobile service

facilities. The following factors and considerations shall be considered by the Zoning Board of Appeals in reviewing applications for special use permits related to commercial mobile service facilities in addition to the standards and findings required in Article V.

- (1) The applicant must demonstrate that location of the commercial mobile service facility, as proposed, is necessary to meet the frequency reuse and spacing needs of the applicant's system and to provide adequate service and coverage to the intended area.
- (2) The applicant must demonstrate that all reasonable measures have been taken to minimize the visual impacts of the proposed facilities.
- (3) Additional standards and factors to be considered in reviewing special use permits relating to towers:
 - (a) Height of the proposed tower.
 - (b) Proximity of the proposed tower to residential structures and residential district boundaries.
 - (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding existing tree coverage and foliage.
 - (f) Design of the proposed tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (g) Proposed ingress and egress to site.
 - (h) Alternatives analysis. The applicant must demonstrate that there are no available existing structures, towers or alternative technologies that would eliminate or reduce the need for construction of a new tower and that would accommodate the applicant's coverage and service needs. Evidence submitted to demonstrate that no such alternative is reasonably available may consist of the following:
 - [1] No existing towers or structures are located within the geographic area (search ring) which meet the applicant's engineering requirements.
 - [2] Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - [3] Existing towers or structures do not have sufficient structural strength or space to support applicant's proposed needs.
 - [4] The applicant's proposed antenna would cause electromagnetic interference with

the existing or planned antennas on the existing towers or structures or that such existing or planned antennas would cause such interference with the applicant's antenna.

- [5] The existing tower or structure owner is unwilling to provide access or the fees, costs or contractual provisions required by the owner of the existing tower or structure in order for the applicant to collocate on such tower or structure are unreasonable. Costs exceeding new tower construction are presumed to be unreasonable.
- [6] The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
- [7] There is no governmental (federal, state or local) property available to the applicant within the geographic area (search ring) which will meet the applicant's engineering requirements.

G. Application materials and supporting documentation.

- (1) The following information shall be submitted in support of any application (site plan, special permit, variance) for a commercial mobile service facility. This information is required in addition to any other information or documents required under sections of this chapter pertaining to site plan review, special use permits or variances.
 - (a) Full application on forms provided by the Town.
 - (b) Environmental assessment form (EAF), including a visual environmental assessment form (VEAF).
 - (c) Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial mobile service facility.
 - (d) A site plan. An applicant seeking approval for siting a commercial mobile service facility shall submit a site plan in conformance with this chapter which, in addition to the items required to be shown thereunder, shall include the following items:
 - [1] The exact location of the proposed facility, including any mounting devices, appendages, support structures and accessory equipment, storage cabinets, or other materials used in connection therewith.
 - [2] The location of any structures on which such proposed facility is to be constructed, erected or established.
 - [3] The maximum height, each, of the proposed facility and any structure on which

it is proposed to be affixed.

- [4] The location, type and intensity of any lighting.
- [5] Property boundaries, adjacent uses and zoning classifications.
- [6] Names and addresses of adjacent property owners, as contained in public records.
- [7] Landscaping and screening plan, including existing vegetation.
- [8] Location and nature of utility services and connecting land line.
- [9] Location and nature of access.
- [10] Details showing compliance with these regulations.

(2) Additional submission requirements for towers:

- (a) Identification and description of any anticlimb device.
- (b) A report from a licensed professional engineer which describes the tower, including its height and design, demonstrates the tower's compliance with applicable structural standards and describes the tower's capacity, including the number and types of antennas it can accommodate.
- (c) A legal description (metes and bounds) of the site on which the tower is proposed to be located.
- (d) The site plan shall also show distances between the proposed tower structure and structures on adjoining properties within 500 feet, together with the names and addresses of all property owners within 500 feet of the boundary of the property on which the tower is proposed, as contained in public records.
- (e) A rendering, to scale, of the proposed tower, including any proposed attachments, accessory equipment, cabinets or other items used in connection therewith, showing measurements.
- (f) As-built drawings, within 30 days after completion of tower construction.
- (g) The make and model of the planned facility.
- (h) The manufacturer's design data pertaining to installation.
- (i) The applicant's maintenance and inspection schedule.
- (j) A safety analysis and certification by a licensed professional engineer that the

proposed facility will be in compliance with all applicable FAA and FCC laws and regulations.

- (k) Inventory of existing sites. Each applicant shall provide an inventory of its existing tower sites within the Town regardless of ownership or within one mile of the border thereof, including specific information regarding the height, location and design of each tower facility. The Town may share this information with other applicants without representing or warranting that such sites are available or suitable.
- H. Removal of unused towers, demolition bond. An applicant for a special use permit to construct a commercial mobile service tower shall agree to remove such tower and related facilities if it becomes obsolete or ceases to be used for its intended purpose for a period of 12 months. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Board of Appeals shall require the applicant to provide a demolition bond or other security acceptable to the Town, for the purpose of removing such facilities in case the applicant fails to do so as required above.
- I. Fees.
- (1) An applicant for site plan approval, variance or special use permit for a commercial mobile service facility shall submit fees, as provided in Chapter 100 and established from time to time by resolution of the Town Board, to reimburse the Town for the costs of reviewing such applications.
 - (2) The Board of Appeals may retain technical consultants as it deems necessary to provide assistance in the review of the site location alternatives analysis. The applicant shall bear all reasonable costs associated with such consultation, which shall be assessed as an additional application fee. These additional costs shall be limited to the consultant's review of the site location alternatives analysis and its report to the Board of Appeals.
- J. Exemptions. The following are exempt from the provisions of this section:
- (1) Commercial mobile service facilities located on Town of Geddes property.
 - (2) Private, noncommercial television and radio antennas.
 - (3) Routine repairs and maintenance of commercial mobile services facilities may be undertaken without restriction, provided that such routine repair and maintenance activity is conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.
 - (4) Law enforcement, fire control, E911 and medical emergency facilities.
 - (5) Emergency repairs to commercial mobile service facilities at any time, provided that

prior notice is given to the Town Code Enforcement Officer.

- K. Waivers. In approving a site plan or special use permit, the Board of Appeals or the Town Board, as the case may be, may waive any of the provisions of these regulations when it finds that doing so will have no detrimental impact on surrounding properties or on the public health, safety and welfare and that such waiver is in keeping with the purposes herein set forth.
- L. Power to impose conditions. In granting any site plan approval or special use permit for a commercial service facility, the Board of Appeals or the Town Board, as the case may be, may impose conditions to the extent that such Board concludes that such conditions are necessary to minimize any adverse effect of the proposed facility on neighboring properties.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-45. Amusement game center.**

§ 240-45. Amusement game center.

- A. An amusement game center may be established only after issuance of a license by the Code Enforcement Officer and only in the following districts: Commercial A, Commercial B, Commercial C and Industrial A Districts.
- B. Whenever an amusement game center is established in conjunction with other uses, such other uses shall be limited to the following: restaurants, bowling alleys, billiard parlors and bars.
- C. No amusement game center shall be located closer than 300 feet to the lot lines of any school, hospital, library or religious use.
- D. No amusement game center shall have more than three electronic or mechanical game devices if associated with another use. If the amusement game center is the principal use in a structure, the maximum number of game devices shall be determined by the Code Enforcement Officer, in consultation with the Town Board, taking into account the size of the building, available parking and surrounding land usage and patterns of vehicular and pedestrian traffic flow both on site and/or off site.
- E. No such game devices shall be situated within any establishment or premises until such time as a license shall have been issued for such game devices by the Code Enforcement Officer. The Code Enforcement Officer, with the approval of the Town Board, may set license fees, license application format and time periods for the license as deemed proper.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-46. Frontage.**

§ 240-46. Frontage.

Every dwelling hereafter built or erected shall be on a lot having frontage upon a street.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE VIII, Supplementary
Regulations / § 240-46.1. Stormwater pollution prevention plan. [Added
12-11-2007 by L.L. No. 6-2007]**

§ 240-46.1. Stormwater pollution prevention plan. [Added 12-11-2007 by L.L. No. 6-2007]

A stormwater pollution prevention plan consistent with the requirements of Chapter 183 of the Code of the Town of Geddes shall be required. The SWPPP shall meet the performance and design criteria and standards in Chapter 183 of the Code of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IX, Administration
and Enforcement**

ARTICLE IX, Administration and Enforcement

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IX, Administration
and Enforcement / § 240-47. Enforcement.**

§ 240-47. Enforcement.

The provisions of this chapter shall be enforced by the Code Enforcement Officer,^{EN(54)} who shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of this chapter.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II

GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IX, Administration and Enforcement / § 240-48. Building permits.

§ 240-48. Building permits.

- A. No building or structure or part thereof shall be moved, constructed, enlarged, demolished, structurally altered or remodeled, including any change, interior or exterior, in overall dimensions, type of use or number or type of occupancy, until a building permit has been issued by the Code Enforcement Officer for each such building or structure. However, no building permit shall be required for the performance of ordinary repairs which are not structural in nature.
- B. The Code Enforcement Officer shall in no case grant any building permit for any building or structure which does not comply with the provisions of this chapter, and, where prior approval of the Board of Appeals or the Town Board is required, the Code Enforcement Officer shall grant a building permit only upon written order of such Board.
- C. Building permit application. The building permit application shall include a plan, in duplicate, showing the actual dimensions of the lot where the activity is to take place; the actual size and location on the lot of the building, structure, accessory buildings or other pertinent features (such as parking spaces, signs and landscaping) already existing; the location and other pertinent details of the work to be undertaken through the issuance of the permit; and other such information as shall be required by the Code Enforcement Officer in order to conform to the provisions of this chapter and the New York State Uniform Fire Prevention and Building Code.
- D. Building permit statute of limitations. If no substantial construction has started on a project for which a building permit was issued within one year of the time of first issuance, then the Code Enforcement Officer shall revoke the building permit and require that a new permit be issued for any subsequent activity.
- E. The Code Enforcement Officer, after approval by the Town Board, shall maintain a building permit fee schedule that shall accompany each building permit application.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IX, Administration and Enforcement / § 240-49. Planning Board. [Amended 3-8-2011 by L.L. No. 1-2011]

§ 240-49. Planning Board. [Amended 3-8-2011 by L.L. No. 1-2011]

Before a public hearing is ordered by the Town Board to consider an amendment, supplement, change, modification or repeal to the Town of Geddes Official Zoning Map or to the text of the Zoning Ordinance of the Town of Geddes, the petition shall be referred to the Planning Board, which shall submit its recommendation to the Town Board within 30 days of receipt of the referral. If the Planning Board does not respond within 30 days, the Town Board shall consider that an approval recommendation has been submitted and shall proceed with its review of the petition. The Town Board may grant the Planning Board additional time for its review upon written request for such an extension of time from the Planning Board.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE IX, Administration
and Enforcement / § 240-50. Board of Appeals.**

§ 240-50. Board of Appeals.

A. Creation, appointment and organization.

- (1) A Zoning Board of Appeals, referred to herein as the "Board of Appeals" or "Board," is hereby created in accordance with the provisions of Article 16, § 267, of the Town Law of the State of New York. The Board shall consist of five members appointed by the Town Board to serve in accordance with the Town Law.
- (2) Such Board of Appeals shall, consistent with the Town Law, determine its own rules and procedures and shall file all decisions with the Town Clerk as required by the Town Law.
- (3) Alternate Board of Appeals members. The Town Board, by resolution, may appoint an alternate member to the Board of Appeals. Such member, if appointed, would serve when a regular member of the Board of Appeals is absent or unable to participate on an application or matter before the Board of Appeals. An alternate member of the Board of Appeals shall be appointed for a term of one year. [Added 3-9-2004 by L.L. No. 1-2004]
 - (a) The Chairperson of the Board of Appeals may designate the duly appointed alternate member to substitute for a regular member of the Board when such regular member is unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all of the powers and responsibilities of a regular member of the Board. Such designation shall be entered into the minutes of the Board of Appeals meeting at which the substitution is made.
 - (b) All provisions of state law relating to Board of Appeals member eligibility, removal, compatibility of office, and service on other boards, as well as any provision of a

local law, rule, regulation or policy relating to training, continuing education, compensation and attendance shall apply to any alternate member of the Board of Appeals appointed pursuant to this section.

B. Powers and duties of the Board of Appeals. The Board of Appeals shall have all the powers and duties prescribed by Article 16, § 267, of the Town Law of the State of New York and subsequent amendments thereto, which are generally summarized as follows:

(1) Interpretation. After public hearing upon appeal from a decision by an administrative official, the Board of Appeals shall decide any questions involving the interpretation of any provision of this chapter, including the determination of the exact location of any zoning district boundary if there is uncertainty concerning its location.

(2) Special permits. Special permit uses as enumerated in Article III of this chapter shall be permitted only upon approval of the Board of Appeals, provided that such uses shall be found to comply with the requirements of this chapter. Before making its decision concerning a special permit use, the Board of Appeals shall review and make findings with respect to the general findings and special criteria as set forth in Article V of this chapter.

(3) Variances.^{EN(55)}

(a) Use variances.

[1] The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of these regulations, shall have the power to grant use variances, as defined herein.

[2] No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[a] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

[b] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

[c] That the requested use variance, if granted, will not alter the essential character of the neighborhood.

[d] That the alleged hardship has not been self-created.

[3] The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(b) Area variances.

[1] The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of these regulations, to grant area variances as defined herein.

[2] In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

[a] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

[b] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

[c] Whether the requested area variance is substantial.

[d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

[e] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

[3] The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

C. Procedure.

(1) The Board of Appeals shall act in strict accordance with the procedure specified by the

Town Law of the State of New York and by this chapter. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this chapter that is involved and shall set forth the interpretation that is claimed or the details of the variance being applied for, along with the grounds on which it is claimed that the variance should be granted, or the general findings and manner of complying with all special criteria required before issuance of a special permit.

- (2) Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board in each particular case. Each resolution shall be filed in the office of the Town Clerk by case number under one or another of the following headings: interpretations, special permits or variances. All documents pertaining to each case shall also be filed in the case file of the Town Clerk. The Board of Appeals shall notify the Town Board of each special permit and variance granted under this chapter.
- (3) Imposition of conditions. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.^{EN(56)}

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE X, Amendments**

ARTICLE X, Amendments

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE X, Amendments /
§ 240-51. Power to amend.**

§ 240-51. Power to amend.

The Town Board may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal the regulations and provisions of this chapter after public notice and hearing as provided by the Town Law of the State of New York.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XI, Penalties;
Additional Remedies; Complaints**

ARTICLE XI, Penalties; Additional Remedies; Complaints

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XI, Penalties;
Additional Remedies; Complaints / § 240-52. Penalties for offenses. EN**

§ 240-52. Penalties for offenses. EN⁽⁵⁷⁾

Any and every violation of the provisions of this chapter by the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist; the lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist; the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist; and the general agent, architect, builder, contractor or any other person, corporation or firm who (which) knowingly commits, takes part or assists in any such violation or who (which) maintains any building or premises in which such violation shall exist is hereby declared to be an offense. Each offense is punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for a conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, 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.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XI, Penalties;
Additional Remedies; Complaints / § 240-53. Additional remedies.**

§ 240-53. Additional remedies.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained or any building, structure or land is used or any land is divided into lots, blocks or sites in violation of this chapter, the proper local authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises; and upon the failure or refusal of the proper local officer, board or body of the Town to institute any such appropriate action or proceeding for a period of 10 days after written request by a resident taxpayer of the Town so to proceed, any three taxpayers of the Town residing in the district wherein such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in like manner as such local officer, board or body of the Town is authorized to do.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XI, Penalties;
Additional Remedies; Complaints / § 240-54. Complaints.**

§ 240-54. Complaints.

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint, immediately investigate and file a written report with the Town Board within 20 days of receipt of the complaint.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XII, Repealer; Effect
on Prior Actions**

ARTICLE XII, Repealer; Effect on Prior Actions

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XII, Repealer; Effect
on Prior Actions / § 240-55. Repealer.**

§ 240-55. Repealer.

The Zoning Ordinance of the Town of Geddes and the Zoning Map of the Town of Geddes, both adopted on June 8, 1942, and all subsequent amendments thereto, are hereby repealed on and as of the effective date of this chapter.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XII, Repealer; Effect
on Prior Actions / § 240-56. Effect on prior actions.**

§ 240-56. Effect on prior actions.

The addition of this chapter shall not affect or impair any permit granted, any act done, offense committed, right accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time this chapter takes effect under any prior Zoning Ordinance of the Town of Geddes. All actions and procedures commenced under or by virtue of such prior ordinance and pending at the time this chapter takes effect may be prosecuted and defended in the same manner as they might have been if this chapter had not been adopted.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN**

ARTICLE XIII, Medical and Hazardous Waste Facilities EN(58)

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-57. Statement of authority.**

§ 240-57. Statement of authority.

This article is authorized based upon current technology and terminology but is not inclusive of the most current versions of:

- A. Title 40, Code of Federal Regulations, Part 260 (40 CFR 260), General Regulations for Hazardous Waste Management.
- B. Title 40, Code of Federal Regulations, Part 261 (40 CFR 261), EPA Regulations for Identifying Hazardous Waste.

- C. Title 40, Code of Federal Regulations, Part 262 (40 CFR 262), EPA Regulations for Hazardous Waste Generators.
- D. Title 40, Code of Federal Regulations, Part 263 (40 CFR 263), EPA Regulations for Hazardous Waste Transporters.
- E. Title 40, Code of Federal Regulations, Part 264 (40 CFR 264), EPA Regulations for Owners and Operators of Permitted Hazardous Waste Facilities.
- F. Title 40, Code of Federal Regulations, Part 265 (40 CFR 265), EPA Interim Status for Owners and Operators of Hazardous Waste Facilities.
- G. Title 40, Code of Federal Regulations, Part 266 (40 CFR 266), EPA Standards for Management of Specific Hazardous Wastes and Facilities.
- H. The New York State Constitution, Article IX, Section 2.
- I. The provisions of the New York Municipal Home Rule Law.
- J. The provisions of the Statute of Local Governments.
- K. The relevant provisions of the Town Law of the State of New York.
- L. The relevant provisions of the Environmental Conservation Law.
- M. The Zoning Chapter of the Town of Geddes.
- N. The general police power vested with the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-58. Title; statement of purpose.**

§ 240-58. Title; statement of purpose.

- A. This article shall be known as "An amendment to the Zoning Chapter of the Town of Geddes, Zoning Chapter 240, as amended, to regulate medical and hazardous waste facilities located within the Town of Geddes." The disposal and/or landfilling of any medical or hazardous wastes is regulated by, or permitted, under this article.
- B. This article is adopted based upon current technology and terminology but is not inclusive of the most current versions of the federal, state and local medical and hazardous waste regulations for the purpose of promoting the health, safety and general welfare of the community and in furtherance of the following related and more specific objectives, in

addition to those objectives set forth in Article III, §§ 240-18 and 240-19 of the Zoning Chapter of the Town of Geddes:

- (1) To guide and regulate the operations of medical and hazardous waste facilities. This includes handling and recovery, hazardous waste transfer stations and storage and processing facilities.
 - (2) To protect surrounding land uses from potential noise, odors, dust, water quality, traffic, disease transmission and other health-related impacts that occur as a result of these operations.
- C. The Town Board of the Town of Geddes hereby finds that, recently, the Town of Geddes has received and reviewed applications for medical and hazardous waste facilities. Additional applications for such approvals are expected to be received in the future. The existing Zoning Chapter of the Town of Geddes neither identifies nor describes these types of facilities, nor does the existing Zoning Chapter provide for adequate regulation of such facilities. Recent local events related to this issue indicate a clear and immediate need for the immediate review and enactment of revisions to the Zoning Chapter of the Town of Geddes standards to properly regulate such facilities.
- D. The Town Board of the Town of Geddes believes it to be in the general public interest to provide an opportunity for the limited conduct of certain types of medical and hazardous waste facilities within the unincorporated portions of the Town. The Town Board also recognizes the possibility for these type of facilities to create an incompatible land use scenario with surrounding land uses and the need to carefully consider the types, operations and zoning districts in which such operations may occur in order to protect the public health, safety and welfare of the citizens and property owners of the Town of Geddes.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-59. Definitions.**

§ 240-59. Definitions.

- A. All references to Subpart 360-10 shall mean 6 NYCRR Subpart 360-10, Regulated Medical Waste Storage, Containment and Disposal. All references to Part 370, and subparts thereof, shall mean 6 NYCRR Part 370, Hazardous Waste Management System: General. All references to Part 371, and subparts, thereof, shall mean 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. All references to Part 372, and subparts thereof, shall mean 6 NYCRR Part 372, Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities. All references to Subpart 373-1 shall mean 6

NYCRR Subpart 373-1, Hazardous Waste Treatment, Storage and Disposal Facility Permitting Requirements.

B. All references to 40 CFR 260 mean Title 40, Code of Federal Regulations, Part 260, General Regulations For Hazardous Waste Management. All references to 40 CFR 261 mean Title 40, Code of Federal Regulations, Part 261, EPA Regulations For Identifying Hazardous Waste. All references to 40 CFR 262 mean Title 40, Code of Federal Regulations, Part 262, EPA Regulations For Hazardous Waste Generators. All references to 40 CFR 263 mean Title 40, Code of Federal Regulations, Part 263, EPA Regulations for Hazardous Waste Transporters. All references to 40 CFR 264 mean Title 40, Code of Federal Regulations, Part 264, EPA Regulations for Owners and Operators of Permitted Hazardous Waste Facilities. All references to 40 CFR 265 mean Title 40, Code of Federal Regulations, Part 265, EPA Interim Status for Owners and Operators of Hazardous Waste Facilities. All references to 40 CFR 266 mean Title 40, Code of Federal Regulations, Part 266, EPA Standards for Management of Specific Hazardous Wastes and Facilities.

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

CFR -- Code of Federal Regulations.

FACILITY -- All contiguous land, structures, other appurtenances and improvements on the land used for treating or storing hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them).

HAZARDOUS WASTE -- A solid waste, or combination of radioactive and/or solid wastes, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed; as defined in 6 NYCRR Part 371, Section 371.1(d).

NYCRR -- The Official Compilation of Codes Rules and Regulations of the State of New York.

REGULATED MEDICAL WASTE (RMW) -- Any medical waste in a solid state, as defined in 6 NYCRR Part 360 Subdivision 360-1.2(a), generated in the diagnosis, treatment (e.g., provision of medical services) or immunization of human beings or animals, in research pertaining thereof or in the production or testing of biologicals that is not excluded or exempted under Subparagraph 360-17.2(h)(2) of said Part 360.

STANDARDIZED LOAD -- A specific quantity and configuration of RMW representative of the type of RMW to undergo treatment, which has been established by the facility's approved

operation plan.

STORAGE -- The holding of hazardous waste on a temporary basis in such a manner as not to constitute disposal, at the end of which time the hazardous waste is treated, disposed of or stored elsewhere.

TRANSFER STATION -- A transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-60. Regulated uses.**

§ 240-60. Regulated uses.

- A. Medical waste storage and processing facilities.
- B. Hazardous waste storage and processing facilities.
- C. Medical and hazardous waste transfer stations.
- D. Medical and hazardous waste incinerators.
- E. Facilities that process or store deicer, windshield-washer solvent and the waste from the manufacturing of swimming pool chemicals.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-61. Application procedures.**

§ 240-61. Application procedures.

The applicant shall provide the following information, as prepared by a New York State licensed professional engineer, to the Zoning Board for review at the time of application:

- A. A site plan that indicates property lines, buildings and appurtenances, roads, parking areas, drainage patterns, elevation contours, location of residences, potable wells and surface water bodies, including wetlands, both on the subject site and within 200 feet of the boundaries thereof. All requirements of the Zoning Chapter must be met. All of the requirements of 40 CFR 260, 40 CFR 261, 40 CFR 262, 40 CFR 263, 40 CFR 264, 40 CFR 265 and 40 CFR 266

must be met.

- B. A facility operations plan must be submitted in writing, indicating the times of operation and the expected quantities of material to be received and processed for approval by the Code Enforcement Officer. This plan must include an outline of hourly and daily emissions, maintenance schedules, equipment and processes, including distribution, as well as the time frame other materials will remain on site.
- C. A description of the source, quantity and quality of material proposed to be received, processed and/or incinerated at the facility.
- D. A detailed description of facility operations. This description must include a list of equipment to be used, the type and expected daily number of transport vehicles, expected travel routes and the method of application.
- E. Odor, dust and vector control plan.
- F. Written notification that the requirements of Part 360, Part 370, Part 371, Part 372 and Part 373-1 have been met. If a New York State Department of Environmental Conservation (NYSDEC) permit is required, written notification from the NYSDEC must be submitted. All State Environmental Quality Review (SEQR) and permit applications and determinations shall be coordinated at the discretion of the Zoning Board and/or otherwise is required by law. In all circumstances, if the provisions of this article impose a more stringent standard, such provision shall control. If a NYSDEC permit is not required, the applicant must comply with the requirements of the Part 360 regulations and all revisions thereof and the requirements of this article to the satisfaction of the Town Zoning Board.
- G. A contingency plan for use in the event of an on-site emergency. The contingency plan must be submitted to and approved by the Town of Geddes Zoning Board after referral to the appropriate fire company, hazardous materials cleanup unit, police department, ambulance service and other emergency service agencies.
- H. Financial assurance estimates, a proposed form of surety and a current letter of credit.
- I. A proposed facility plan that includes floor area ratios, layout and architectural details of structures must be submitted.
- J. The facility must meet all of the requirements of the special permit and site plan review process, Article V, §§ 240-25 and 240-26.
- K. A landscape plan and a soil and erosion control plan must be submitted.

GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and Hazardous Waste Facilities EN / § 240-62. Facility requirements.

§ 240-62. Facility requirements.

- A. This article specifically excludes any of the facilities listed in § 240-60 above which may be owned and/or operated by the Town of Geddes.
- B. All proposed facilities must comply, at a minimum, with all current state requirements pursuant to Part 360, Part 370, Part 371, Part 372 and Part 373-1.
- C. All proposed facilities must comply, at a minimum, with all current Federal requirements pursuant to 40 CFR 260, 40 CFR 261, 40 CFR 262, 40 CFR 263, 40 CFR 264, 40 CFR 265 and 40 CFR 266.
- D. All proposed facilities, regardless of size, must comply with the requirements of this article.
- E. Proposed facilities must demonstrate compliance with the New York State Public Authorities Law and the approved Onondaga County Solid Waste Management Plan or receive approval from the Onondaga County Office of the Environment or successor agencies.
- F. All facility uses covered under this article are considered special uses and therefore, require a special use permit and site plan approved by the Zoning Board and in accordance with §§ 240-18 and 240-19 of the Code of the Town of Geddes, as amended, regardless of whether a building permit is required. These facilities may be permitted as a special use in the following zoning districts only:

Zoning Districts

Special Uses	Industrial A	Industrial B
RMW/Hazardous Waste Incinerating Facility	P	A
RMW/Hazardous Waste Storage Facility	P	A
RMW/Hazardous Waste Transfer Station	A	A

Key to Abbreviations:

Zoning Districts

Special Uses

Industrial A

Industrial B

A = Allowed by special use permit

P = Prohibited

NOTE: The uses above are prohibited in all other zoning districts in the Town of Geddes.

- G. An applicant may not apply for more than one special use permit for operations or facilities regulated by this article.

CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and Hazardous Waste Facilities EN / § 240-63. Construction requirements.

§ 240-63. Construction requirements.

- A. The facility must be constructed on a stable surficial soil (suitable base material) to ensure stability and all-weather accessibility.
- B. Approach roads to the facility, and access roads within the facility, must be constructed for all weather conditions and maintained in passable conditions at all times to allow for access by fire-fighting and emergency response equipment. Access to these roads must be approved by the New York State Department of Transportation and the United States Department of Transportation.
- C. The site and facilities must be generally level and well drained and must be free of standing water, with the exception of fire suppression or other mitigative facilities.
- D. Surface water drainage must be diverted away from the operating and storage areas.
- E. The facility must have adequate water supply for operations, fire prevention and dust control.
- F. Buffer areas at the facility shall be maintained as vegetative berms to facilitate filtration of pollutants from stormwater runoff, to retard off-site odor migration and to prevent the dispersal of material off site. The facility must meet the setback requirements specified in Article III, §§ 240-18 and 240-19 of the Zoning Chapter of the Town of Geddes.

- G. All facility operations areas and materials storage areas visible from public streets or adjacent residential uses shall be screened from public view by a landscaped buffer or other method acceptable to the Town Zoning Board.
- H. Access to the site shall be controlled to prevent unauthorized dumping during nonbusiness hours. The operator shall establish a procedure and mechanism for proper disposal of orphaned waste at an approved disposal facility.
- I. In no case will any facility operation be located on a one-hundred-year floodplain or regulated wetland.
- J. The loading and unloading areas must be adequate in size and design to facilitate efficient unloading and loading of transport vehicles and the unobstructed movement of vehicles.
- K. The facility may be sited only as a special permit use as specified in § 240-25.
- L. The facility must be designed in accordance with specifications in the attached schedule.^{EN(59)}
- M. All medical and hazardous waste material must be stored in the main processing structure.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-64. Operations requirements.**

§ 240-64. Operations requirements.

The owner must submit an operations plan which provides an overview of daily operations and maintenance schedules, equipment, including, without limitation, construction vehicles, and schedules for the transfer of medical and hazardous waste. The term "operations" shall include the storage of any and all materials. The operations plan must demonstrate that the following criteria will be met:

- A. Dust from operation areas and roadways shall be controlled so as not to migrate off site.
- B. No materials shall be allowed to disperse off site.
- C. All odors must be controlled in a manner to prevent a nuisance to off-site properties and as described in the operations plan.
- D. The owner/operator must maintain daily operational records for the facility, quarterly and yearly vehicle quantities of each type of waste material entering and leaving the facility and the mechanism used for processing the waste material. This information must be summarized

and submitted to the Code Enforcement Officer in the form of a facility report every three months from the date of approval or at more frequent intervals if, in the judgement of the Zoning Board, such more frequent submittals are required.

- E. Provisions for vector and insect control must be made as to limit on-site and off-site impacts.
- F. Any changes to the facility design or operations as submitted to the Town Zoning Board in the original application shall be submitted to the Town Zoning Board for review and approval as a site plan modification.
- G. The noise limitations, resulting from the facility operations, at the facility property lines shall be no greater than the following:
 - (1) From 6:00 a.m. to 10:00 p.m.: 60 decibels (dBA).
 - (2) From 10:00 p.m. to 6:00 a.m.: 50 decibels (dBA).
- H. No operations shall be conducted on the following holidays:

New Years Day

Memorial Day

Fourth of July

Labor Day

Thanksgiving Day

Christmas Day

- I. At a minimum, all requirements of 6 NYCRR Subpart 360-10.4 must be met.
- J. At a minimum, all requirements of 40 CFR 264 must be met.
- K. The owner or operator of any facility used for storage or containment of RMW must comply with the applicable requirements set forth in 6 NYCRR 360-1.14.
- L. Approval for acceptance of RMW at a storage or containment facility may be withdrawn by the NYSDEC for noncompliance with the operation plan. The permittee may request a hearing after such withdrawal in accordance with 6 NYCRR Subpart 621.14.

- M. All RMW received at the facility must be transported by permitted transporters in accordance with 6 NYCRR 364.9.
- N. Delivery of unauthorized waste, contamination of any person or other emergencies must be reported in writing to the NYSDEC regional solid waste engineer.
- O. The storage, containment and disposal of RMW must comply with the requirements of 6 NYCRR 360-10.5 and 10.6.
- P. Facility personnel must successfully complete the personnel training required in the personnel training plan as described in 6 NYCRR 360-10.3(c) within six months of the date of their employment.
- Q. A new or revised operation plan for storage or containment of RMW must be prepared and submitted for approval whenever there is a proposed change for incineration or storage procedures.
- R. At a minimum, all requirements of 6 NYCRR Part 370 and 6 NYCRR Part 372 must be met.
- S. The operations plan must be in compliance with the State Uniform Fire Prevention and Building Code, Part 1196, Fire Department Notification.
- T. The Town Board will approve the specific amount of money that must be accrued by the applicant to return the site to its original state if operations cease.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 / PART II
GENERAL LEGISLATION / Chapter 240, ZONING / ARTICLE XIII, Medical and
Hazardous Waste Facilities EN / § 240-65. Penalties for offenses.**

§ 240-65. Penalties for offenses.

The failure to maintain and operate the site as required by these regulations shall be grounds for enforcement as noted in Articles IX, X and XI of the Zoning Chapter of the Town of Geddes, and any revisions thereof, with the following attendant penalties therein:

- A. If the Town Building Inspector or his/her deputy determines that a facility is operating in contravention with its approved site plan and/or facilities operations plan or special use permit the Inspector shall serve notice to the owner and/or operator of the facility as specified in § 240-48 of the Zoning Chapter of the Town of Geddes.
- B. Such notice will require the owner and operator to take action immediately after service of the notice. If the violation is not remedied within a reasonable time after said notice, fines may be imposed by the Town of Geddes, consistent with the nature of the violation, in the

amount of \$500 per calendar day of the estimated facility closure cost.

- C. In addition to other remedies provided by law, any appropriate action proceeding, whether by legal process or otherwise, may be taken to correct or abate such violation of this Zoning Chapter.
- D. Notwithstanding the above, if the Town Code Enforcement Officer or his/her deputy determines that immediate remedial action must be taken to prevent a potentially hazardous condition from causing damage to persons and/or property, the owner and/or operator of the facility or the person on the site with the most authority of the owner and/or operator, if different, shall be served with a written notice advising of the immediate action to be taken and that failure to immediately undertake such action and pursue to completion with due diligence shall result in a call of all or a portion of the financial security without further notice.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 /
DISPOSITION LIST**

DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Geddes adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Information regarding legislation which is not included in the Code nor on this list is available from the office of the Town Clerk. The last legislation reviewed for the original publication of the Code was L.L. No. 2-1998, adopted 3-3-1998. A complete listing, including disposition, of all legislation reviewed in conjunction with the original publication of the Code is on file in the office of the Town Clerk.

**CODE OF THE TOWN OF GEDDES NEW YORK, v17 Updated 05-01-2014 /
DISPOSITION LIST / § DL-1. Disposition of legislation.**

§ DL-1. Disposition of legislation.

Local Law Number	Adoption Date	Subject	Disposition
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Local Law Number	Adoption Date	Subject	Disposition
1-1999	2-9-1999	Senior citizens exemption amendment	Ch. 200, Art. II
2-1999	2-9-1999	Persons with disabilities and limited incomes exemption	Ch. 200, Art. V
3-1999	4-13-1999	Vehicles and traffic amendment	Ch. 220
4-1999	4-13-1999	Zoning Map amendment	NCM
5-1999	7-6-1999	Animals: dog control amendment	Ch. 65, Art. I
6-1999	8-10-1999	Vehicles and traffic amendment	Ch. 220
7-1999	12-14-1999	Adult entertainment moratorium	NCM
1-2000	2-8-2000	Vehicles and traffic amendment	Ch. 220
2-2000	6-13-2000	Adult entertainment moratorium extension	NCM
3-2000	7-11-2000	Developer fees	Ch. 100
1-2001	1-9-2001	Adoption of Code	Ch. 1, Art. I
2-2001	2-13-2001	Extension of moratorium on adult uses	NCM
3-2001	2-13-2001	Taxation: senior citizens exemption amendment	Ch. 200, Art. II
4-2001	2-13-2001	Taxation: persons with disabilities and limited incomes amendment	Ch. 200, Art. IV
5-2001	3-13-2001	Solid waste	Ch. 180
6-2001	3-13-2001	Zoning Map amendment	NCM
7-2001	5-8-2001	Zoning amendment	Ch. 240

Local Law Number	Adoption Date	Subject	Disposition
8-2001	6-12-2001	Park regulations	Ch. 143
9-2001	6-12-2001	Moratorium on home occupation uses	NCM
10-2001	9-19-2001	Vehicles and traffic amendment	Ch. 220
11-2001	12-11-2001	Extension of moratorium on home occupations	NCM
12-2001	12-11-2001	Moratorium on the erection and construction of new commercial mobile service facilities	NCM
1-2002	3-12-2002	Zoning amendment	Ch. 240
	3-12-2002	Vehicles and traffic amendment	Ch. 220
	5-14-2002	Vehicles and traffic amendment	Ch. 220
2-2002	6-11-2002	Zoning amendment	Ch. 240
3-2002	6-11-2002	Zoning amendment (commercial mobile service facilities)	Ch. 240
4-2002	9-10-2002	Zoning Map amendment	NCM
1-2003	6-10-2003	Zoning amendment	Ch. 240
2-2003	6-10-2003	Zoning Map amendment	NCM
1-2004	3-9-2004	Zoning amendment	Ch. 240
2-2004	4-13-2004	Dog control amendment	Ch. 65, Art. I
3-2004	7-13-2004	Zoning Map amendment	NCM
4-2004	7-13-2004	Zoning Map amendment	NCM

Local Law Number	Adoption Date	Subject	Disposition
5-2004	9-14-2004	Zoning Map amendment	NCM
6-2004	11-9-2004	Littering amendment; solid waste amendment	Chs. 135, 180
1-2005	1-11-2005	Zoning Map amendment	NCM
2-2005	2-8-2005	Mutual aid	Ch. 28
3-2005	4-12-2005	Zoning amendment	Ch. 240
4-2005	9-13-2005	Taxation: volunteer fire fighters and ambulance workers exemption	Ch. 200, Art. VI
1-2006	10-10-2006	Vehicles and traffic amendment	Ch. 220
2-2006	11-14-2006	Vehicles and traffic amendment	Ch. 220
1-2007	2-13-2007	Superintendent of Highways compensation	NCM
2-2007	2-26-2007	Taxation: senior citizens exemption amendment	Ch. 200, Art. II
3-2007	2-26-2007	Taxation: persons with disabilities and limited incomes exemption amendment	Ch. 200, Art. V
4-2007	6-12-2007	Taxation: alternative veterans exemption amendment	Ch. 200, Art. IV
5-2007	8-14-2007	Swimming pools amendment	Ch. 195
6-2007	12-11-2007	Stormwater management; subdivision of land amendment; zoning amendment	Chs. 183; 190; 240

Local Law Number	Adoption Date	Subject	Disposition
7-2007	12-11-2007	Storm sewers: illicit connections, activities and discharges	Ch. 182, Art. I
1-2008	2-12-2008	Taxation: senior citizens exemption amendment	Ch. 200, Art. II
2-2008	2-12-2008	Taxation: persons with disabilities and limited incomes exemption amendment	Ch. 200, Art. V
3-2008	8-12-2008	Authorization for cluster zoning technique in Nick's Way subdivision	NCM
1-2009	2-10-2009	Zoning Map amendment	NCM
2-2009			Number not used
3-2009	5-12-2009	Zoning Map amendment	NCM
4-2009	5-12-2009	Zoning Map amendment	NCM
1-2010	1-12-2010	Abandoned vehicles amendment	Ch. 215
2-2010	1-12-2010	Zoning Map amendment	NCM
3-2010	2-9-2010	Taxation: Cold War veterans exemption	Ch. 200, Art. VII
4-2010	12-14-2010	Animals: dog control amendment; licensing and identification of dogs amendment	Ch. 65, Arts. I and II
5-2010	12-14-2010	Receiver of Taxes and Assessment: abolishment of position	Ch. 33, Art. I

Local Law Number	Adoption Date	Subject	Disposition
1-2011	3-8-2011	Planning Board; subdivision of land amendment; zoning amendment	Chs. 31; 190; 240
2-2011	8-9-2011	Stormwater management amendment	Ch. 183
3-2011	9-13-2011	Stormwater management amendment	Ch. 183
1-2012	4-10-2012	Vehicles and traffic amendment	Ch. 220
2-2012	5-8-2012	Residency requirements: Town Comptroller	Ch. 38, Art. I
3-2012	6-12-2012	Cold War veterans tax exemption amendment	Ch. 200, Art. VII
4-2012	9-11-2012	Stormwater management amendment	Ch. 183
5-2012	12-11-2012	Vehicles and traffic amendment	Ch. 220

Endnotes

1 (Popup - Popup)

Editor's Note: In accordance with § 1-11B, the chapters, parts and sections which were added, amended, adopted or deleted by this local law are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 1-9-2001 by L.L. No. 1-2001." Schedule A, which contains a complete description of all changes, is on file in the town offices.

2 (Popup - Popup)

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

3 (Popup - Popup)

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

4 (Popup - Popup)

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

5 (Popup - Popup)

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

6 (Popup - Popup)

Editor's Note: This local law was originally adopted as Ch. 138, but was renumbered to fit into the organization of this Code.

7 (Popup - Popup)

Editor's Note: This local law passed at mandatory referendum 2-22-2011.

8 (Popup - Popup)

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

9 (Popup - Popup)

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

10 (Popup - Popup)

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

11 (Popup - Popup)

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

12 (Popup - Popup)

Editor's Note: Former § 60-11, requiring permission of the Supervisor to hold a dance charging an admission fee, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

13 (Popup - Popup)

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

14 (Popup - Popup)

Editor's Note: Former § 65-8, Seizure fee, as amended, was repealed 12-14-2010 by L.L. No. 4-2010.

15 (Popup - Popup)

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

16 (Popup - Popup)

Editor's Note: Former § 75-4, regarding registration of bicycles, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

17 (Popup - Popup)

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

18 (Popup - Popup)

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

19 (Popup - Popup)

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

20 (Popup - Popup)

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

21 (Popup - Popup)

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

22 (Popup - Popup)

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

23 (Popup - Popup)

Editor's Note: This ordinance was adopted following the results of the Special Election held July 10, 1978.

24 (Popup - Popup)

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

25 (Popup - Popup)

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

26 (Popup - Popup)

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

27 (Popup - Popup)

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

28 (Popup - Popup)

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

29 (Popup - Popup)

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

30 (Popup - Popup)

Editor's Note: As to circus or similar parades, see Ch. 60, § 60-8.

31 (Popup - Popup)

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

32 (Popup - Popup)

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

33 (Popup - Popup)

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

34 (Popup - Popup)

Editor's Note: This local law also repealed former Ch. 180, Solid Waste, adopted 2-11-1992 by L.L. No. 3-1992.

35 (Popup - Popup)

This local law was originally adopted as Ch. 26 but was renumbered to maintain the organization of the Code.

36 (Popup - Popup)

Editor's Note: Schedule A is included at the end of this chapter.

37 (Popup - Popup)

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

38 (Popup - Popup)

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

39 (Popup - Popup)

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

40 (Popup - Popup)

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

41 (Popup - Popup)

Editor's Note: Former § 195-7, Lighting, was repealed 8-14-2007 by L.L. No. 5-2007.

42 (Popup - Popup)

Editor's Note: This local law stated that it would be effective 1-1-2006.

43 (Popup - Popup)

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

44 (Popup - Popup)

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

45 (Popup - Popup)

The 4-way stop intersection on Salisbury Road at Lathrop Road, which immediately followed this entry, was repealed 3-12-2002. See now § 220-2.

46 (Popup - Popup)

Editor's Note: Former Subsection B, designating the intersection of Blueberry Lane and East Kimberly Drive as a miscellaneous stop intersection, was repealed 9-19-2001 by L.L. No. 10-2001.

47 (Popup - Popup)

Editor's Note: See § 220-4, Three-way stop intersections.

48 (Popup - Popup)

Editor's Note: Former Subsection K, designating the intersection of Osceola Road and South Niagara Avenue as a miscellaneous stop intersection, added 7-11-1995 by L.L. No. 2-1995, which immediately followed this subsection, was repealed 9-19-2001 by L.L. No. 10-2001.

49 (Popup - Popup)

Editor's Note: The Zoning Map is on file in the Town offices.

50 (Popup - Popup)

Editor's Note: "This local law" refers to L.L. No. 2-2002, adopted 6-11-2002.

51 (Popup - Popup)

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

52 (Popup - Popup)

Editor's Note: See § 240-28.

53 (Popup - Popup)

Editor's Note: The 1942 Zoning Ordinance comprised former Ch. 65, Zoning, of the 1974 Code, adopted 6-8-1942, as amended.

54 (Popup - Popup)

Editor's Note: A resolution adopted 10-20-1987 provided that the Code Enforcement Officer shall be under the direction of the Chief of Police.

55 (Popup - Popup)

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

56 (Popup - Popup)

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

57 (Popup - Popup)

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

58 (Popup - Popup)

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

59 (Popup - Popup)

Editor's Note: A copy of the schedule is on file in the Town offices.