

PREFACE

The Town of Sardinia 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 (local laws, ordinances and certain resolutions) of a general and permanent nature enacted by the Town Board of the Town of Sardinia, 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 or Parts are listed beneath the chapter title in order to facilitate 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 §§ 534.1 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 History. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

Codification Amendments and Revisions

New chapters adopted or sections amended or revised 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 so amended or revised are also 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.

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. 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 §§ 45-5 and 45-6 should be designated § 45-5.1). 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 45 and 46

should be designated Chapter 45A). 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 § 45-30 and Article XVII begins with § 45-31, Article XVIA should contain §§ 45-30.1 through 45-30.6).

Supplementation

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

Acknowledgment

The preparation of this Code has required much time and effort on the part of town officials. The continuing assistance of Philip Feraldi, Town Supervisor; Stephen Miller, Esq., Attorney for the town; and the Town Board is gratefully acknowledged by the editor. The assistance of Brenda Krotz, Town Clerk, and Betsy Marsh, Deputy Town Clerk, is also greatly appreciated. The dedication to the tasks involved in the preparation of this Code by all concerned make it an outstanding achievement of the Town of Sardinia.

The codification of the legislation of the Town of Sardinia 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 Abraham Lincoln observed, "The dogmas of the quiet past are inadequate to the stormy present.... As our case is new, so must we think anew and act anew."

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PART I

ADMINISTRATIVE LEGISLATION

Chapter 1

GENERAL PROVISIONS

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- § 1-8. Code book to be kept up-to-date.**
- § 1-9. Sale of Code book; supplementation.**
- § 1-10. Penalties for tampering with Code.**
- § 1-11. Changes in previously adopted legislation.**
- § 1-12. When effective.**

[HISTORY: Adopted by the Town Board of the Town of Sardinia: Art. I, 8-26-89 as L.L. No. 4-1989. Amendments noted where applicable.]

ARTICLE I
Adoption of Code
[Adopted 8-26-89 as L.L. No. 4-1989]

Be it enacted by the Town Board of the Town of Sardinia as follows:

§ 1-1. Legislative intent.

The local laws, ordinances and resolutions of the Town of Sardinia referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of Sardinia," hereafter termed the "Code," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

§ 1-2. Distribution of local laws, ordinances and resolutions.

Derivation Table

(Sections providing for severability of provisions, repeal of conflicting legislation and effective dates which are covered by provisions of Chapter 1, Article 1, have been omitted from the Code, and such sections are indicated as "omitted" in the table which follows.)

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 4, Appearance Tickets	L.L. No. 2-1979	2-14-79
§ 4-1	Section 1	
§ 4-2	Section 2	Amended 1-9-85; at time of adoption of Code
§ 4-3	Section 3	
	Section 4	Omitted
Ch. 8, Assessor	L.L. No. 1-1985	10-2-85
§ 8-1	Section 1	Amended at time of adoption of Code
§ 8-2	Section 2	
	Section 3	
Ch. 14, Ethics, Code of		8-8-84
§ 14-1	First and second paragraphs	
§ 14-2	Third and fourth paragraphs	
§ 14-3	Fifth paragraph	
§ 14-4	Sixth and seventh paragraphs	
§ 14-5	Eighth paragraph	
§ 14-6	Ninth paragraph	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 14-7		Added at time of adoption of Code
§ 14-8	10 th paragraph	
§ 14-9	11 th paragraph	
§ 14-10	12 th paragraph	
§ 14-11	13 th paragraph	
	14 th paragraph	Omitted
Ch. 19, Offers and Employees		
Article I	L.L. No. 1-1988	8-29-88
§ 19-1	Section 1	
§ 19-2	Section 2	
§ 19-3	Section 3	
Article II		6-16-89
§ 19-4	Fourth paragraph	
§ 19-5	Fifth paragraph	
Ch. 40, Bingo		
		6-2-58; amended in its entirety at time of adoption of Code
§ 40-1		
§ 40-2		
Ch. 44, Building Construction and Fire Prevention		
Article I		
Article II		Adopted at time of adoption of Code
§ 44-1		
§ 44-2		
§ 44-3		
§ 44-4		
§ 44-5		
§ 44-6		
§ 44-7		
§44-8		
Ch. 45, Unsafe Buildings Rescinded at time of adoption of Ch. 46 Unsafe or Dangerous Structures		
July 12, 2012		
Ch. 48, Buildings, Numbering		7-11-84

of § 48-1	Section 1	Amended at time of adoption of Code
§ 48-2	Section 2	Amended at time of adoption of Code
	Section 3	Omitted
New Number (chapter, title, Article, section) Ch. 51, Campgrounds and Recreational Vehicles	Old Number (source)	Adoption or Amendment Date 3-5-74
§ 51-1	Section 1	Amended at time of adoption of Code
§ 51-2	Section 2	Amended at time of adoption of Code
§ 51-3	Section 3	Amended at time of adoption of Code
§ 51-4	Section 4	Amended at time of adoption of Code
§ 51-5	Section 5	Amended at time of adoption of Code
§ 51-6	Section 6	Amended at time of adoption of Code
§ 51-7	Section 7	
§ 51-8	Section 8	
§ 51-9	Section 9	Amended at time of adoption of Code
§ 51-10	Section 10	Amended at time of adoption of Code
§ 51-11	Section 11	Amended at time of adoption of Code
§ 51-12	Section 12	Amended at time of adoption of Code
§ 51-13	Section 13	Amended at time of adoption of Code
§ 51-14	Section 14(a) Section 14(b) Section 15	Omitted Omitted
Ch. 54, Dogs	L.L. No. 1-1987	10-14-87
§ 54-1	Section 1	
§ 54-2	Section 2	Amended at time of adoption of Code
§ 54-3	Section 3	
§ 54-4	Section 4	Amended at time of adoption of Code

§ 54-5	Section 5	Amended at time of adoption of Code
§ 54-6	Section 6	
§ 54-7	Section 7	Amended at time of adoption of Code

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 54-8	Section 8	Amended at time of adoption of Code

§ 54-9	Section 9	
§ 54-10	Section 10	Amended at time of adoption of Code
	Section 11	Omitted
	Section 12	Omitted
	Section 13	Omitted

Ch. 59, Excavations		12-14-83
§ 59-1	Section I	
§ 59-2	Section II	
§ 59-3	Section III	
§ 59-4	Section IV	Amended at time of adoption of Code
§ 59-5	Section V	Amended at time of adoption of Code
§ 59-6	Section VI	
§ 59-7	Section VII	
§ 59-8	Section VIII	
§ 59-9	Section IX	Amended at time of adoption of Code
§ 59-10	Section X	
	Section XI(a)	Omitted
§ 59-11	Section XI(b)	

Ch. 63, Flood Damage Prevention	L.L. No. 2-1987	12-9-87
§ 63-1	Section 1.1	
§ 63-2	Section 1.2	
§ 63-3	Section 1.3	
§ 63-4	Section 2.0	
§ 63-5	Section 3.1	
§ 63-6	Section 3.2	
§ 63-7	Section 3.3	
	Section 3.4	Omitted
§ 63-8	Section 3.5	

§ 63-9	Section 3.6
§ 63-10	Section 4.1
§ 63-11	Section 4.2
§ 63-12	Section 4.3
§ 63-13	Section 5.1
§ 63-14	Section 5.2

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
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§ 63-15	Section 5.3
§ 63-16	Section 6.1
§ 63-17	Section 6.2

Ch. 69, Garbage, Rubbish and Refuse

Article I

§ 69-1	Section 1
§ 69-2	Section 2
§ 69-3	Section 3
§ 69-4	Section 4

6-11-75

§ 69-5	Section 5
	Section 6
	Section 7

Amended at time of adoption of Code

Amended at time of adoption of Code

Omitted

Omitted

Ch. 77, Mobile Homes

§ 77-1	Section 1
§ 77-2	Section 2
§ 77-3	Section 3

3-5-74

§ 77-4	Section 4
§ 77-5	Section 5

Amended 5-14-86; at time of adoption of Code

Amended at time of adoption of Code

§ 77-6	Section 6
§ 77-7	Section 7
§ 77-8	Section 8

Amended at time of adoption of Code

Amended at time of adoption of Code

§ 77-9	Section 9
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§ 77-10	Section 10
§ 77-11	Section 11

Amended 5-14-86; at time of adoption of Code

§ 77-12	Section 12
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Amended at time of adoption of Code

§ 77-13	Section 13
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§ 77-14	Section 14	Amended at time of adoption of Code
§ 77-15	Section 15	
	Section 16(a)	Omitted
§ 77-16	Section 16(b)	

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Ch. 82, Parks	L.L. No. 1-1981	7-21-81
§ 82-1	Section 1	
§ 82-2	Section 2, first paragraph	
§ 82-3	Section 2, second paragraph	Amended at time of adoption of Code
§ 82-4	Section 3	
§ 82-5	Section 4	Amended at time of adoption of Code
§ 82-6	Section 5	
§ 82-7	Section 6	
§ 82-8	Section 7	
§ 82-9	Section 8	
§ 82-10	Section 9	Amended at time of adoption of Code
§ 82-11	Section 10	
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§ 82-18	Section 17	
§ 82-19	Section 18	
§ 82-20	Section 19	
§ 82-21	Section 20	
§ 82-22	Section 21	
§ 82-23	Section 22	
§ 82-24	Section 23	Amended at time of adoption of Code
	Section 24	Omitted
	Section 25	Omitted
Ch. 88, Peddling and Soliciting		7-11-84
§ 88-1A	Section 1	
	Section 2	Deleted at time of adoption of Code

§ 88-1B	Section 3	
§ 88-2		Added at time of adoption of Code
§ 88-3	Section 4	Amended at time of adoption of Code
§ 88-4	Section 5	
New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 88-5	Section 6	
§ 88-6	Section 7	
	Section 8	Deleted at time of adoption of Code
§ 88-7	Section 9	
§ 88-8	Section 10	
§ 88-9	Section 11	Amended at time of adoption of Code
	Section 12	Omitted
Ch. 93, Snowmobiles	L.L. No. 1-1973	1-17-73
§ 93-1	Section 1	Amended at time of adoption of Code
§ 93-2	Section 2	
§ 93-3	Section 3	
	Section 4	Omitted
Ch. 99, Taxation	L.L. No. 2-1985	10-30-85
Article I		
§ 99-1	Section 1	
	Section 2	Omitted
Article II		Adopted at time of adoption of Code
§ 99-2		
§ 99-3		
§ 99-4		
§ 99-5		

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

All local laws, ordinances and resolutions of a general and permanent nature of the Town of Sardinia in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

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

The repeal of local laws, ordinances and resolutions provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, resolutions, 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 Sardinia prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Sardinia, 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 Sardinia.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Sardinia.
- E. Any local law, ordinance or resolution of the Town of Sardinia 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 Sardinia or any portion thereof.
- F. Any local law, ordinance or resolution of the Town of Sardinia 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 Sardinia or other instruments or evidence of the town's indebtedness.
- G. Local laws, ordinances or resolutions 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. The dedication of property.
- I. Any local laws, ordinances or resolutions relating to salaries.
- J. Any regulations adopted regarding zoning and the Zoning Map and amendments thereto.
- K. Any regulations adopted regarding vehicles and traffic.
- L. All legislation adopted subsequent to September 1, 1988.

§ 1-5. Severability.

If any clause, sentence, paragraph, section, Article or part of this local law or of any local law, ordinance or resolution cited in the table in § 1-2 hereof, or any local law, ordinance or resolution included in this Code through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1-6. Copy of Code on file.

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

§ 1-7. Amendments to Code.

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

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

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

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

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

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Sardinia, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Sardinia to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than two hundred fifty dollars (\$250) or imprisonment for a term of not more than fifteen (15) days, or both.

§ 1-11. Changes in previously adopted legislation.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Sardinia, as distributed and designated in the table in § 1-2 hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one (1) or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)¹
- C. The following sections are hereby added or amended to provide for penalties for offenses of a fine not to exceed two hundred fifty dollars (\$250) or imprisonment for a term not to exceed fifteen (15) days, or both, for each offense.²

§ 1-12. When effective.

¹ Editor's Note: Pursuant to § 1-11B, the following sections, Articles and chapters were added or amended: §§ 4-2, 8-1, 14-7, Ch. 40, Art. II of Ch. 44, §§ 48-1B, 51-1, 51-2, 51-3, 51-4, 51-5P, Q, T(3) and U, 51-6B, C and D, 51-9B, 51-10B(1), (5) and (6), 51-12, 54-2, 54-4, 54-5A(1), 54-7, 54-8A, C, D, 54-10, 59-4G, 59-5, 69-4, 69-5, 77-3, 77-5U, 77-8B, 77-9, 77-11D, E, G, H and I, 77-12, 82-3, 82-5B, 82-10, 88-2, 88-3, 93-1 and Art. II of Ch. 99. In addition, the following original sections were deleted: Sections 2 and 8 of the ordinance adopted 7-11-84. A complete description of these changes is on file in the Town Clerk's office.

² Editor's Note: Pursuant to § 1-11C, the following sections were amended: §§ 48-2, 51-13, 59-9, 77-14, 82-24 and 88-9.

This local law shall take effect upon filing with the Secretary of State and State Comptroller as required by § 27 of the Municipal Home Rule Law.

Chapter 4

APPEARANCE TICKETS

§ 4-1. Purpose.

§ 4-2. Authorization to issue.

§ 4-3. Personal service.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 2-14-79 as L. L. No. 2-1979. Section 4-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Building construction and fire prevention — See Ch. 44.

Dogs — See Ch. 54.

Vehicles and traffic — See Ch. 111.

Zoning — See Ch. 115.

§ 4-1. Purpose.

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

§ 4-2. Authorization to issue. [Amended 1-9-85³]

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

- (1) Code Enforcement Officer: building, zoning and planning; fire prevention and safety; licensing of occupations or businesses; and the New York State Uniform Fire Prevention and Building Code.
- (2) Constables: parking; public health, safety and welfare; licensing of occupations or businesses; Article 7 of the Agriculture and Markets Law and Chapter 54, Dogs; and any other town laws.

§ 4-3. Personal service.

An appearance ticket other than for a parking violation shall be served personally.

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

Chapter 8

ASSESSOR

§ 8-1. Appointment.

§ 8-2. Termination of prior terms of office.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 10-2-85 as L. L. No. 1-1985. Section 8-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Taxation — See Ch. 99.

§ 8-1. Appointment.⁴

From and after October 2, 1985, there shall be but one (1) Assessor for the Town of Sardinia, Erie County, New York, who shall be appointed to said office as provided in § 310 of the Real Property Tax Law of the State of New York as amended.

§ 8-2. Termination of prior terms of office.

Upon the expiration of forty-five (45) days from and after the adoption of this chapter, the term or terms of office of all now existing Assessors of the Town of Sardinia then in office shall terminate.

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

Chapter 14

ETHICS, CODE OF

- § 14-1. Purpose; construal of provisions.
- § 14-2. Definitions.
- § 14.3. Conflicts of interest.
- § 14-4. Prohibited acts.
- § 14.5. Penalties of offenses.
- § 14-6. Board of Ethics established.
- § 14.7. Requests for opinions.
- § 14-8. Promulgation of rules and regulations; records.
- § 14-9. Referral to County Board of Ethics.
- § 14-10. Distribution and posting of provisions.
- § 14-11. Copies to be filed with State Comptroller.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 8-8-84. Section 14-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 19.

§ 14-1. Purpose; construal of provisions.

- A. Pursuant to the mandate set forth in § 806 of the General Municipal Law of the State of New York, the Town Board of Sardinia realizes the need for a Code of Ethics and a Board of Ethics to review said code. The Sardinia Town Board realizes that it is essential, to maintain public confidence in government, that there be a published and articulable set of rules and regulations establishing standards of conduct, to provide sanctions for the nonobservance of such rules and to provide for the avoidance of conflicts of interest of municipal officers and municipal employees.
- B. The provisions contained herein are supplemental to any enjoined acts, conflicts of interest provisions or procedures as set forth in the statutes of the State of New York and also in addition to common law rules and case law relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

§ 14-2. Definitions.

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

TOWN – Any board, counsel, commission, district or other agency, department or unit of the government of Sardinia being comprised of elected officials or persons appointed by the Town Board.

TOWN EMPLOYEE – Any officer or employee of the Town of Sardinia, either paid or unpaid, whether serving full-time or part-time or advisory capacity, and this shall include both elected and appointed personnel.

§ 14-3. Conflicts of interest.

No town employee shall have any interest, be it financial or not, direct or indirect, or pursue any business or transaction or professional activity or incur any obligation whatsoever which is in substantial conflict with the proper exercise, function and discharge of his/her duties in the public domain and interest.

§ 14-4. Prohibited acts.

- A. The following is a list of acts which, by this Code of Ethics, are prohibited. Said list is not meant to be all inclusive but is indicative of acts upon which disciplinary action may be had. No town employee shall:
- (1) Accept other employment which will interfere with his or her discretion and/or independence of judgment in the exercise of his/her official capacity.
 - (2) Accept employment or pursue any other business or professional activity which necessitates him or her to disclose or use for personal benefit any confidential information gained by reason of his/her authority, position or title.
 - (3) Use, attempt or conspire to use his/her official position, influence or title to secure any privileges or exemptions to himself/herself or for the benefit of others.
 - (4) Engage in any transaction as an official, representative or agent of the town with any business entity, be it a sole proprietorship, joint venture, partnership or corporation, in which he or she has a direct or indirect financial interest that, upon examination, may tend to be in conflict with the proper and reasonable discharge and exercise of his/her official capacity.
 - (5) By his or her conduct give any basis for indication to form an impression that he/she is susceptible or liable to be improperly influenced or that he/she is affected by the rank, title, position, capacity, influence or relationship of any party or person.

- (6) Make personal investments and enterprises, business or the like that he or she believes is or may become directly or indirectly involved in decisions to be made by him or her or for which otherwise creates a conflict of interest between his/her duty as a public official and his/her private interest, be persons other than town employees as defined herein, but shall include at least one (1) person who is an elected or appointed town employee of the Town of Sardinia. The Board of Ethics established herein is for the purpose of giving advisory opinions to town employees, upon written request by same, and the Board of Ethics may, upon request of the Town Board, make recommendations to the Town Board as to any proposed changes or amendments to this chapter. It is understood that the opinions of the Board of Ethics shall be strictly advisory in nature and confidential, and at no time shall the identity of the town employee making the request for an opinion to the Board of Ethics be disclosed, except to authorized persons and agencies as determined by the Board of Ethics. Such opinions may be on the advice of counsel employed by the Board of Ethics or by the Town Attorney.

§ 14-7. Requests for opinions.⁵

- A. The Board of Ethics shall accept written requests for opinions concerning the possible violation of the Sardinia Code of Ethics and/or Article 18 of the General Municipal Law by the activities and/or interests of town officers and employees in the following circumstances, and only in the following circumstances:
 - (1) A request from any town officer or employee concerning his own activities and/or interests; or
 - (2) A request from the Town Board concerning the activities and/or interests of any town officer or employee.
- B. Requests by the Town Board may involve either inquiries initiated by the Town Board itself or inquiries which the Town Board has received from a member of the public in the form of a signed and dated written inquiry bearing the signer's residence address and which the Town Board has referred to the Board of Ethics, accompanied by the Town Board's own request that the Board of Ethics, accompanied by the Town Board's own request that the Board of Ethics consider the matter and render an advisory opinion. In no event shall the Board of Ethics render any advisory opinions on its own initiative or in response to inquiries received directly from members of the public.
- C. In considering such requests, the Board of Ethics shall follow the following procedures:

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

- (1) If any request involves the activities or interests of any member of the Board of Ethics, the Town Board shall appoint a temporary replacement to sit in such member's place.
- (2) The Board shall afford individuals whose activities and interests are involved in the request an opportunity to appear before the Board and be heard, unless the Board concludes that, on the face of the request, the activities and/or interests in question clearly involve no violation of the Code of Ethics or Article 18 of the General Municipal Law. The Board also may afford an opportunity to appear and be heard to such other persons as the Board, in its discretion, feels might provide information useful in considering the request.
- (3) In considering requests and preparing advisory opinions, the Board shall have the advice of the Town Attorney.
- (4) Advisory opinions requested under Subsection A(1) above shall be rendered to the party making the request and, if the opinion concludes that there has been an actual violation of the Code of Ethics and/or Article 18 of the General Municipal Law, a copy thereof shall be provided to the Town Board. Advisory opinions requested under Subsection A(2) above shall be rendered to the Town Board.

§ 14-8. Promulgation of rules and regulations; records.

The Board of Ethics is hereby empowered to establish and make known its own rules and regulations as to its procedures and form, and there shall be adequate and appropriate records of its opinions and proceedings kept.

§ 14-9. Referral to County Board of Ethics.

It is recognized and understood that the County of Erie has had a Board of Ethics in existence since December 29, 1970. It is hereby also understood that this Board may, at its opinion, refer matters to the County Board of Ethics.

§ 14-10. Distribution and posting of provisions.

Pursuant to § 806, Subdivision 2, of the General Municipal Law of the State of New York, the Town Supervisor shall, upon adoption of this chapter, forward a copy of the Code of Ethics to every officer and employee of this municipality, be said officer and employee elected or appointed. The failure to distribute any such copy or failure of any officer to receive such copy shall have no effect on the immediate compliance with this Code of Ethics, nor would the enforcement of the provisions contained therein. The Town Supervisor shall cause a copy of this chapter to be kept posted in each public building under the jurisdiction of the municipality and in a place conspicuous to its officers and employees. Failure to comply with this provision shall have no effect on the duty of officers and employees to comply with this code, nor would the enforcement of the provisions therein.

§ 14-11. Copies to be filed with State Comptroller.

Within thirty (30) days after the adoption of this code, the Town Clerk shall file a copy of same in the office of the State Comptroller. Should there be any subsequent amendment to this Code of Ethics, the Town Clerk shall, within thirty (30) days after the adoption of the amendments, file the amendments in the office of the State Comptroller.

Chapter 19

OFFICERS AND EMPLOYEES

**ARTICLE I
Terms of Office**

- § 19-1. Purpose.
- § 19-2. Length of term.
- § 19-3. When effective.

**ARTICLE II
Town Clerk to be Tax Collector**

[HISTORY: Adopted by the Town Board of the Town of Sardinia: Art. I, 8-29-88 as L.L. No. 1-1988; Art. II, 6-16-89 by resolution. Amendments noted where applicable.]

**ARTICLE I
Terms of Office
[Adopted 8-29-88 as L.L. No. 1-1988]**

§ 19-1. Purpose.

The purpose of this Article is to change the term of office of the Town Supervisor, Tax Collector,⁶ Highway Superintendent and Town Clerk from two (2) to four (4) years, pursuant to the enabling authority of § 10 of the Municipal Home Rule Law.

§ 19-2. Length of term.

The terms of office of any Town Supervisor, Tax Collector,⁶ Highway Superintendent or Town Clerk elected after the effective date of this Article shall be four (4) years.

§ 19-3. When effective.

This Article shall become effective upon approval by a majority of the qualified electors of the Town of Sardinia voting at the next general election.⁷

⁶ Editor's Note: A resolution adopted 6-16-89 abolished the position of Tax Collector. See now Art. II of this chapter.

⁷ Editor's Note: This local law was passed at referendum 11-8-88.

ARTICLE II
Town Clerk to be Tax Collector
[Adopted 6-16-89 by resolution]

§ 19-4. Office abolished.

The Sardinia Town Board does hereby abolish the elected office of Tax Collector for the Town of Sardinia as provided by Subdivision 1 § 36 (Chapter 634), Article 3, of the Town Law.

§ 19-5. Duties of Town Clerk.

It shall be the duty of the Town Clerk of the Town of Sardinia to collect and receive all county and town taxes and assessments that may be levied in the town, and the Town Clerk shall have all the powers and be subject to all the duties of a collector with respect to the collection of such taxes, the deposit of receipts and the return of the unpaid taxes, as provided by Subdivision 1 of § 35 (Chapter 634), Article 3, of the Town Law.

Chapter 20

ALTERNATE MEMBERS

- § 20-1. Legislative intent.
- § 20-2. Declaration on policy.
- § 20-3. Definitions.
- § 20-4. Authorization/Effect.
- § 20-5. Supersession of Town Law.
- § 20-6. Miscellaneous.
- § 20-7. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 3-10-2004 as L.L. No. 1-2004.]

§ 20-1. Legislative intent.

This local law shall apply to the appointment, terms, functions, and powers of alternate members appointed to serve on the Planning Board and Zoning Board of Appeals in the Town of Sardinia.

§ 20-2. Declaration on policy.

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

§ 20-3. Definitions.

PLANNING BOARD – means the Planning Board of the Town of Sardinia, as established by the Town Board, pursuant to the provisions of Section 271 of the Town Law.

ZONING BOARD OF APPEALS – means the Zoning Board of Appeals of the Town of Sardinia as established by the Town Board, pursuant to the provisions of Section 267 of the Town Law.

MEMBER – means an individual appointed by the Town Board to serve on the Town Planning Board or Zoning Board of Appeals pursuant to the provisions of the local law or ordinance that first established such Planning Board or Zoning Board of Appeals.

ALTERNATE MEMBER – means an individual appointed by the Town Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

§ 20-4. Authorization/Effect.

- A. The Town Board of the Town of Sardinia hereby enacts this local law to provide a process for appointing "alternate" members of the Planning Board and Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.
- B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Town Board or other duly authorized appointing authority, for a term of three (3) years with the terms to expire on December 31st of the third year after the date of their appointment.
- C. The Chairperson of the Planning or Zoning Board of Appeals may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting, or Zoning Board of Appeals meeting, at which the substitution is made.
- D. All provisions of stated law relating to the Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office, and service on other boards, as well as any provisions of a local law/ordinance relating to training, continuing education, compensation, and attendance, shall also apply to alternate members.

§ 20-5. Supersession of Town Law.

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

- (1) Section 271 of the Town Law relating to the appointment of members to Town Planning Board; and/or
- (2) Section 267 of the Town Law relating to the appointment of members to a Town Zoning Board of Appeals.

§ 20-6. Miscellaneous.

- A. This local law shall be deemed to supersede and repeal any other local laws to the extent that they be inconsistent herewith.
- B. If any part of the local law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this local law shall remain in full force and effect as if the invalidated portion had not been enacted.
- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Sardinia to further regulate the subject matter of this local law.

§ 20-7. Effective date.

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

Chapter 21

TRAINING AND ATTENDANCE

§ 21-1. Title.

§ 21-2. Legislative intent and purposes.

§ 21-3. Training requirements and procedures.

§ 21-4. Training requirements and procedures.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 4-8-2010 as L.L. No. 1-2010.]

§ 21-1. Title.

This Local Law shall be known and cited as "Training and Attendance Requirements for Members of the Planning Board and Zoning Board of Appeals."

§ 21-2. Legislative intent and purposes.

§ 21-3. Training requirements and procedures.

- A. Each member of the Planning Board and Zoning Board of Appeals shall complete a minimum of four (4) hours of training each calendar year as required under Town Law Sections 267 and 271.
- B. The training requirements may be satisfied by educational activities substantially devoted to planning, zoning, community design, environmental issues, economic development, local government functions and practices, or other land use issues, such as 1) attending conferences, seminars or workshops; 2) participating in on-line training or tutorials; 3) attending college courses; and, 4) any other educational activities considered acceptable by the respective Board Chair. Training may be offered by a municipality, regional or county planning office or commission, county, regional or state planning federation, state agency, statewide municipal association, college or university or other similar entity.
- C. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- D. Any new member appointed to fill the last twelve (12) months of a term shall not be required to have attended training to be reappointed to a first full term, but must comply thereafter with the requirements of this Section.

- E. Each member shall provide the Chair of the respective Board with proof of attendance and/or completion of any training. The Chair of the respective Board shall notify the Town Board, prior to the Town's annual organizational meeting, if any member of the Planning Board or Zoning Board of Appeals failed to complete the required training in the preceding year.
- F. A member may apply to the Town Board for a waiver from the minimum four (4) hour training for any years of their appointed term due to a hardship and/or lack of reasonable training.

§ 21-4. Training requirements and procedures.

- A. Members of the Planning Board and Zoning Board of Appeals are expected to attend all regularly scheduled meetings, except in cases of illness, family emergency or personal commitments whose scheduling is not within the control of the member (e.g., weddings, anniversaries, birth of a child or grandchild, etc.).
- B. If a member is unable to attend a scheduled meeting he or she shall, as soon as practicable, notify the Chair of the respective Board. Except in the case of illness or other emergency, notice shall be provided at least twenty four (24) hours in advance and the absent member shall make arrangement to provide the designated alternate with any documents necessary to prepare for and participate at the meeting.
- C. Planning Board members must attend at least one meeting each month, and may not miss more than six (6) meetings in any year.
- D. Zoning Board of Appeals members may not miss more than two (2) successive meetings or more than fifty percent (50%) of the meetings in any year.
- E. The Chair of each respective Board shall notify the Town Board if any member has failed to comply with the attendance requirements set forth above.
- F. A member may apply to the Town Board for a waiver from the attendance requirements set forth in this local law based on hardship.

Chapter 24

SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Town of Sardinia are set forth from time to time by the Town Board. Information concerning current salary and compensation figures is on file in the office of the Town Clerk, where it is available for examination during regular office hours.]

PART II

**GENERAL
LEGISLATION**

Chapter 31

RIGHT TO FARM

§ 31-1. Title.

§ 31-2. Legislative intent and purposes.

§ 31-3. Definitions.

§ 31-4. Right-to-farm declaration.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 12-12-2007 as L.L. No. 3-2007.]

§ 31-1. Title.

This Local Law shall be known and cited as, "A Local Law of the Town of Sardinia Establishing the Right to Farm Legislation."

§ 31-2. Legislative intent and purposes.

The Sardinia Town Board finds, declares, and determines that agriculture is vital to the Town of Sardinia, New York, because it is a livelihood and provides employment for agri-service; provides locally produced fresh commodities; agricultural diversity promotes economic stability; agriculture maintains open space and promotes environmental quality; and agricultural land does not increase the demand for services provided by local governments. In order to maintain a viable farming economy in the Town of Sardinia, farmers must be afforded protection allowing them the right to farm. When non-agricultural land uses extend into agricultural areas, agricultural operations may become the subject of nuisance suits. As a result, agricultural operations are sometimes forced to cease operation or are discouraged from making investments in agricultural improvements.

It is the purpose of this law to reduce the loss to the Town of Sardinia of its, agricultural resources by limiting the circumstances under which farming may be deemed a nuisance and to allow agricultural practices inherent to and necessary for the business of farming to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

§ 31-3. Definitions.

AGRICULTURAL PRACTICES – shall mean all activities conducted by a farmer on a farm to produce agricultural products and which are inherent and necessary to the operation of a farm, and the on-farm production, processing and marketing of agricultural products, including, but not limited to, the collection, transportation, distribution, storage and land application of animal wastes; storage, transportation and use of equipment for tillage, planting, harvesting, irrigation, fertilization, and pesticide

application; storage and use of legally permitted fertilizers, limes, and pesticides, all in accordance with local, state, and federal law and regulations and in accordance with manufacturers' instructions and warnings; storage, use, and application of animal feed and foodstuffs; construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products, and livestock, for the sale of agricultural products, and for the use of farm labor as permitted by local and state building codes and regulations, including the construction and maintenance of fences.

AGRICULTURAL PRODUCTS – shall mean those products as defined in Section 301(2) of Article Twenty-five-AA (25-AA) of the Agricultural and Markets Law.

FARM – shall mean the land, buildings, and machinery used in the production, whether for profit or otherwise, of agricultural products.

FARMER – shall mean any person, organization, entity, association, partnership, or corporation engaged in the business of agriculture, for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock, poultry, furbearing animals, or fish, the harvesting of timber, or the practicing of horticulture or apiculture.

GENERALLY ACCEPTED AGRICULTURAL PRACTICES – shall mean those practices which are feasible, lawful, inherent, customary, necessary, reasonable, normal, safe, and typical to the industry or unique to the commodity as they pertain to the practices listed in Section 2(a) entitled "agricultural practices."

RESOLUTION COMMITTEE – shall be made up of the Chairman of the Planning Board or designee, and a member of one other standing committee of the Town designated by the Supervisor.

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

§ 31-4. Right-to-farm declaration.

Farmers, as well as those employed, retained, or otherwise authorized to act on behalf of farmers, may lawfully engage in agricultural practices within the Town of Sardinia at all such times and in all such locations as are reasonably necessary to conduct the business of agriculture. For any agriculture practice, in determining the reasonableness of the time, place, and methodology of such practice, due weight and consideration shall be given to both traditional customs and procedures in the farming industry as well as to advances resulting from increased knowledge and improved technologies.

Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

1. Reasonable and necessary to the particular farm or farm operation
2. Conducted in a manner which is not negligent or reckless
3. Conducted in conformity with generally accepted agricultural practices
4. Conducted in conformity with all local, state, and federal laws and regulations
5. Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health and safety of any person, and
6. Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways

Nothing in this Local Law should be construed to prohibit an aggrieved party from recovering damages for bodily injury or wrongful death due to failure to follow sound agricultural practices, as set forth in this section.

Chapter 32

ADULT USE

- § 32-1. Purpose.
- § 32-2. Definitions.
- § 32-3. Restrictions affecting adult uses.
- § 32-4. Prohibition regarding public observation.
- § 32-5. Conflicting provisions.
- § 32-6. Severability.
- § 32-7. Penalties.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 7-14-1999 as L.L. No. 1-1999.]

§ 32-1. Purpose.

Based on a Town of Sardinia Planning Board's study, it is recognized that buildings and establishments operated as adult uses have serious objectionable operational characteristics (secondary effects). In order to promote the health, safety, and general welfare of the residents of the Town of Sardinia, this section of the Code is intended to restrict adult uses to nonresidential, nonbusiness and noncommercial areas of the Town of Sardinia and otherwise regulate their operation. Moreover, in light of the fact that the operational characteristics of adult uses increase the detrimental impact on a community when such uses are concentrated, this section is intended to promote the health, safety, and general welfare of the residents of the Town of Sardinia by regulating the concentration of such uses.

§ 32-2. Definitions.

As use in this section, the following terms shall have the meanings indicated:

ADULT BOOKSTORE – An establishment or business, whether retail or wholesale, having a portion of its stock-in-trade, books, magazines, and other periodicals, films and viewing materials for sale, display or viewing on the premises; by use of motion picture devices or any coin-operated means, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

ADULT LIVE ENTERTAINMENT – An establishment or business where an adult male or female exposes parts of their body identified in specified anatomical areas.

ADULT MOTION PICTURE THEATER – An area or enclosed or unenclosed building or structure or portion of a building or structure used for presenting materials 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.

ADULT USE – Any establishment or 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 bookstores, adult live entertainment and adult motion picture theaters.

BODY RUB ESTABLISHMENT – An area or establishment having a business where body rubs, sports rubs, hot oil body rubs, body shampoos or similar services are administered. This definition shall not be construed to include a hospital, bona fide medical or health establishment, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath, duly licensed physical therapist, licensed massage therapist (as defined in the provisions of NY Board of Regents Law Article 155) or barbershops, beauty shop and beauty salons in which massages are administered only to the scalp, face, neck or shoulder as required for beautification purposes only.

BUSINESS – Any commercial enterprise, association or arrangement for profit.

DISSEMINATION – The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a customer, member of the public or business invitee of any material distinguished or characterized by art emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

PERSON – Any person, firm, partnership, corporation, association of legal representative, acting individually or jointly.

SPECIFIED ANATOMICAL AREAS –

- (1) Less than the completely and opaquely covered human genitals, pubic region or female breast below a point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES –

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.

- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

§ 32-3. Restrictions affecting adult uses.

Adult uses shall be permitted in the Town of Sardinia, subject to the following restrictions:

- (1) No adult use shall be allowed within one thousand (1,000) feet of another existing adult use.
- (2) No adult use shall be located within three hundred (300) feet of the boundaries of any zoning district which *is* zoned for residential use.
- (3) No adult use shall be located within one thousand (1000) feet of the following pre-existing uses: school, nursery school, day care facility, place of worship, public park, public or private camp/recreation area.
- (4) No adult use shall be located in any zoning district except in the M - Manufacturing and Industrial District.
- (5) No adult use shall be located within (500) feet of any lot line of a pre-existing residential use building.

§ 32-4. Prohibition regarding public observation.

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 property other than that of the adult use. This provision shall apply to any display, decoration, sign, show window, screen or other opening.

§ 32-5. Conflicting provisions.

This local law on adult uses shall supercede the Zoning Ordinance of the Town of Sardinia in all matters concerning adult uses as defined herein.

§ 32-6. Severability.

If any word, clause, sentence, paragraph, section, subpart or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, said judgment shall not effect the balance of the local law.

§32-7. Penalties.

Any person, corporation or business entity who violates any provision of this code shall be subject to a fine of up to \$200.00 per day for the duration of the violation, and in addition

shall be subject to the enforcement provisions of Section 268 of the Town Law of the State of New York.

Chapter 40

BINGO

§ 40-1. Authorization.

§ 40-2. Conduct of games on Sundays.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 6-2-58⁸; amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

§ 40-1. Authorization.

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

§ 40-2. Conduct of games on Sundays.

Games of bingo may be conducted under any license issued under this chapter on the first day of the week, commonly known and designated as "Sunday," unless it shall be otherwise provided in the license issued for the holding, operating and conducting thereof, pursuant to the provisions of this chapter authorizing the conduct of bingo under this chapter on that day.

⁸ Editor's Note: This chapter passed referendum at a special election held 6-23-58.

Chapter 44

BUILDING CONSTRUCTION AND FIRE PREVENTION

ARTICLE I Standards

ARTICLE II Enforcement

- § 44-1. Purpose and intent.**
- § 44-2. Definitions.**
- § 44-3. Code Enforcement Officer and Inspectors.**
- § 44-4. Building permits.**
- § 44-5. Construction inspections.**
- § 44-6. Stop work orders.**
- § 44-7. Certificates of Occupancy/Certificates of Compliance.**
- § 44-8. Notification regarding fire or explosion.**
- § 44-9. Unsafe building and structures.**
- § 44-10. Operating permits.**
- § 44-11. Fire safety and property maintenance inspections.**
- § 44-12. Complaints.**
- § 44-13. Record keeping.**
- § 44-14. Program review and reporting.**
- § 44-15. Violations.**
- § 44-16. Fees.**
- § 44-17. Intermunicipal Agreements.**
- § 44-18. Repeal of previous local law.**
- § 44-19. Partial invalidity.**

§ 44-20. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 12-28-2006 as L.L. No. 2-2006.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.
Flood damage prevention — See Ch. 63.
Zoning — See Ch. 115.

**ARTICLE I
Standards**

[Pursuant to Article 18 of the Executive Law, the New York State Uniform Fire Prevention and Building Code will be the controlling provisions in regard to building construction in the Town of Sardinia. A copy of the Uniform Fire Prevention and Building Code Is on file in the office of the Town Clerk.]

**ARTICLE II
Enforcement**

§ 44-1. Purpose and intent.

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this local law.

§ 44-2. Definitions.

In this local law:

BUILDING PERMIT – shall mean a permit issued pursuant to section 4 of this local law. The term "Building Permit" shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this local law.

CERTIFICATE OF OCCUPANCY/ CERTIFICATE OF COMPLIANCE – shall mean a certificate issued pursuant to subdivision (b) of section 7 of this local law.

CODE ENFORCEMENT OFFICER – shall mean the Code Enforcement Officer appointed pursuant to subdivision (b) of section 3 of this local law.

CODE ENFORCEMENT PERSONNEL – shall include the Code Enforcement Officer and all Inspectors.

COMPLIANCE ORDER – shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this local law.

ENERGY CODE – shall mean the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR – shall mean an inspector appointed pursuant to subdivision (d) of section 4 of this local law.

OPERATING PERMIT – shall mean a permit issued pursuant to section 10 of this local law. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this local law.

PERMIT HOLDER – shall mean the Person to whom a Building Permit has been issued.

PERSON – shall include an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP WORK ORDER – shall mean an order issued pursuant to section 6 of this local law.

TEMPORARY CERTIFICATE – shall mean a certificate issued pursuant to subdivision (d) of section 7 of this local law.

TOWN – shall mean the Town of Sardinia.

UNIFORM CODE – shall mean the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 44-3. Code Enforcement Officers and Inspectors.

- (a) The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this local law. The Code Enforcement Officer shall have the following powers and duties:
- (1) to receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
 - (2) upon approval of such applications, to issue Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating

- Permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) to conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy/Certificates of Compliance, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this local law;
 - (4) to issue Stop Work Orders;
 - (5) to review and investigate complaints;
 - (6) to issue orders pursuant to subdivision (a) of section 15 (Violations) of this local law;
 - (7) to maintain records;
 - (8) to collect fees as set by the Town Board of this Town;
 - (9) to pursue administrative enforcement actions and proceedings;
 - (10) in consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this local law, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this local law; and
 - (11) to exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this local law.
- (b) The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- (c) In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this local law.
- (d) One or more Inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code

Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this local law. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

(e) The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board of this Town.

§ 44-4. Building permits.

- (a) Building Permits Required. Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.
- (b) Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
 - (2) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (4) installation of fences which are not part of an enclosure surrounding a swimming pool;
 - (5) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (6) construction of temporary motion picture, television and theater stage sets and scenery;

- (7) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (8) installation of partitions or movable cases less than 5'-9" in height;
 - (9) painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (11) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (12) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- (c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- (d) Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) a description of the proposed work;
 - (2) the tax map number and the street address of the premises where the work is to be performed;
 - (3) the occupancy classification of any affected building or structure;
 - (4) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

- (5) at least 2 sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (e) Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (d) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.
- (f) Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- (g) Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- (h) Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.
- (i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within [3] months following the date of issuance. Building Permits shall expire as provided on the Permit. A Building Permit which has become invalid or

which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

- (j) Revocation or suspension of Building Permits. If the Code Enforcement Officer determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Officer shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- (k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

§ 44-5. Construction inspections.

- (a) Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The Permit Holder shall notify the Code Enforcement Officer when any element of work described in subdivision (b) of this section is ready for inspection.
- (b) Elements of work to be inspected. The following elements of the construction process shall be inspected made, where applicable:
 - (1) work site prior to the issuance of a Building Permit;
 - (2) footing and foundation;
 - (3) preparation for concrete slab;
 - (4) framing;
 - (5) building systems, including underground and rough-in;
 - (6) fire resistant construction;
 - (7) fire resistant penetrations;
 - (8) solid fuel burning heating appliances, chimneys, flues or gas vents;

(9) Energy Code compliance; and

(10) a final inspection after all work authorized by the Building Permit has been completed.

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

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 44-6. Stop work orders.

(a) Authority to issue. The Code Enforcement Officer is authorized to issue Stop Work Orders pursuant to this section. The Code Enforcement Officer shall issue a Stop Work Order to halt:

(1) any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(2) any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or

(3) any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

(b) Content of Stop Work Orders. Stop Work Orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

(c) Service of Stop Work Orders. The Code Enforcement Officer shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by

certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

- (d) Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.
- (e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under section 15 (Violations) of this local law or under any other applicable local law or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

§ 44-7. Certificates of Occupancy/Certificates of Compliance.

- (a) Certificates of Occupancy/Certificates of Compliance required. A Certificate of Occupancy/Certificate of Compliance shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy/Certificate of Compliance.
- (b) Issuance of Certificates of Occupancy/Certificates of Compliance. The Code Enforcement Officer shall issue a Certificate of Occupancy/Certificate of Compliance if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy/Certificate of Compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the Certificate of Occupancy/Certificate of Compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the Certificate of Occupancy/Certificate of Compliance:

- (1) a written statement of structural observations and/or a final report of special inspections, and
 - (2) flood hazard certifications.
- (c) Contents of Certificates of Occupancy/Certificates of Compliance. A Certificate of Occupancy/Certificate of Compliance shall contain the following information:
- (1) the Building Permit number, if any;
 - (2) the date of issuance of the Building Permit, if any;
 - (3) the name, address and tax map number of the property;
 - (4) if the Certificate of Occupancy/Certificate of Compliance is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy/Certificate of Compliance is issued;
 - (5) the use and occupancy classification of the structure;
 - (6) the type of construction of the structure;
 - (7) the assembly occupant load of the structure, if any;
 - (8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) any special conditions imposed in connection with the issuance of the Building Permit; and
 - (10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy/Certificate of Compliance and the date of issuance.
- (d) Temporary Certificate. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed [6]

months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

- (e) Revocation or suspension of certificates. If the Code Enforcement Officer determines that a Certificate of Occupancy/Certificate of Compliance or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.
- (f) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time of submission of an application for a Certificate of Occupancy/Certificate of Compliance or for Temporary Certificate.

§ 44-8. Notification regarding fire or explosion.

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

§ 44-9. Unsafe building and structures.

Unsafe structures and equipment in this Town shall be identified and addressed pursuant to the provisions of the Property Maintenance Code of the State of New York.

§ 44-10. Operating permits.

- (a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
 - (2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
 - (3) use of pyrotechnic devices in assembly occupancies;

- (4) buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

- (b) Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- (c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.
- (d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

ALTERNATIVE 1: (e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

ALTERNATIVE 2: (e) Duration of Operating Permits. Operating Permits shall remain in effect until reissued, renewed, revoked, or suspended.

- (f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

- (g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this local law must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

§ 44-11. Fire safety and property maintenance inspections.

- (a) Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at the following intervals:
- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every [specify interval consistent With local conditions, not to exceed thirty-six (36) months].
- (b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer at any time upon:
- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;

provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

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

§ 44-12. Complaints.

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

- (a) performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- (b) if a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in section 15 (Violations) of this local law;
- (c) if appropriate, issuing a Stop Work Order;
- (d) if a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 44-13. Record keeping.

- (a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:
 - (1) all applications received, reviewed and approved or denied;
 - (2) all plans, specifications and construction documents approved;
 - (3) all Building Permits, [Certificates of Occupancy/Certificates of Compliance], Temporary Certificates, Stop Work Orders, and Operating Permits issued;

- (4) all inspections and tests performed;
- (5) all statements and reports issued;
- (6) all complaints received;
- (7) all investigations conducted;
- (8) all other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this local law, including; and
- (9) all fees charged and collected.

(b) All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

§ 44-14. Program review and reporting.

- (a) The Code Enforcement Officer shall annually submit to the Town Board of Town a written report and summary of all business conducted by the Code Enforcement Officer and the Inspectors, including a report and summary of all transactions and activities described in section 13 (Record Keeping) of this local law and a report and summary of all appeals or litigation pending or concluded.
- (b) The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- (c) The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 44-15. Violations.

- (a) Compliance Orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this local law; (4) specify

the provision or provisions of the Uniform Code, the Energy Code, or this local law which is/are violated by the specified condition or activity; (5) specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order,

- (b) Appearance Tickets. The Code Enforcement Officer and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- (c) Civil Penalties. In addition to those penalties proscribed by State law, any Person who violates any provision of the Uniform Code, the Energy Code or this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town.
- (d) Injunctive Relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of or to enforce, any provision of the Uniform Code, the Energy Code, this local law, or any term or condition of any Building Permit, Certificate of Occupancy / Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this local law, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this local law, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the [specify executive officer or body] of this Town.
- (e) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section,

and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in section 6 (Stop Work Orders) of this local law, in any other section of this local law, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 381 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in subdivision (2) of section 381 of the Executive Law.

§ 44-16. Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of Occupancy/Certificates of Compliance, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this local law.

§ 44-17. Intermunicipal Agreements.

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

§ 44-18. Repeal of previous local law.

The adoption of this Local Law shall repeal and replace the existing Chapter 44 of the Town of Sardinia Code, which had been adopted by Local Law Number Four of 1989 on August 26, 1989.

§ 44-19. Partial invalidity.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

§ 44-20. Effective date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Chapter 46

UNSAFE OR DANGEROUS STRUCTURES

- § 46-1. Declaration of purpose.
- § 46-2. Inspection.
- § 46-3. Report.
- § 46-4. Service of notice.
- § 46-5. Contents of notice.
- § 46-6. Filing of notice, effective period, vacation.
- § 46-7. Hearing.
- § 46-8. Removal of structure.
- § 46-9. Assessment of costs.
- § 46-10. Action to abate immediate hazards.
- § 46-11. Severability.

[HISTORY: Adopted by the Town Board of the Town of Sardinia on July 12 2012 as L.L. No. 2-2012.]

§ 46-1. Declaration of purpose.

Abandoned and neglected properties can pose a safety hazard to the public. The purpose of this provision is to set forth the procedures by which the Town can ensure that unsafe building and structures are either repaired or demolished by the owner of the property on which they are located, and in the event that the owner fails to do so, for the Town to remove said building and structures and to recover its expenses.

§ 46-2. Inspection.

Whenever it appears to the Code Enforcement Officer that a building or structure is so deteriorated or damaged, by any cause, and that the building or structure has become, or is in danger or becoming, dangerous or unsafe to the public, the Code Enforcement Officer shall cause said building or structure to be inspected. The Code Enforcement Officer, may request, if appropriate, that the Town Board authorize him/her to retain the services of a qualified engineer to assist the Code Enforcement Officer in determining whether the structure is unsafe and what action should be taken to make the building or structure sound, and/or whether the building or structure should be removed and/or demolished.

§ 46-3. Report.

If the Code Enforcement Officer finds that the condition of the building or structure is such that it is dangerous or unsafe to the public, he/she shall file a report with the Town Board stating his conclusions and recommendations as to the actions required to be taken to either make the building or structure safe and sound, or that the building or structure should be removed and/or demolished. Such report shall set forth the facts supporting the Code Enforcement Officer's conclusions and recommendations.

§ 46-4. Service of notice.

- A. The Town Board, upon receipt of a Report from the Code Enforcement Officer shall cause a notice to be served on the owner or some one of the owner's executors, legal representative, agents, lessees or any other person having a vested or contingent interest in the same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representative, agents, lessees, or any other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register.
- B. If service of the notice is by registered mail, a copy of said notice shall be posted on the premises.

§ 46-5. Contents of Notice.

The notice provided for in Section §46-4 A and B shall contain the following:

- (a) A description of the premises.
- (b) A statement of the particulars in, which the building or structure is unsafe or dangerous.
- (c) An order requiring the same to be made safe and secure or removed and a statement that the work required may be commenced immediately and when it shall be completed.
- (d) A statement that the Town Board will hold a hearing at a specified time and place, to determine if the Town shall repair, or otherwise make safe and secure, or remove the building or structure and fill any excavation in connection therewith, if the order is not obeyed and for the assessment of all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the costs of actually removing said building or structure, against the land on which said building or structures are located.

§ 46-6. Filing Notice, Effective Period, Vacation.

A copy of the notice shall be filed in the Erie County Clerk's office. The County Clerk shall file the notice in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules. When, filed the notice shall have the same effect as a notice of pendency, except as otherwise provided in this Section. The notice shall be effective for a period of one year from the filing date, unless earlier vacated by order of a judge or justice of a court of record or upon the consent of the Town Attorney, as authorized by the Town Board. Upon the filing of an order or consent vacating the notice, the County Clerk shall mark the notice and any record or docket thereof as cancelled of record.

§ 46-7. Hearing.

There shall be a hearing before the Town Board, notice of which and the time and place thereof to be specified in the notice to repair or demolish.

§ 46-8. Removal of Structure.

Following the hearing, the Town Board shall provide for the removal of any building or structure which the Town Board determines to be unsafe, or take whatever other action the town Board deems appropriate in its sole discretion, in the event that the owner fails or refuses to repair or remove the same within the time provided.

§ 46-9. Assessment of Costs.

The Town Board may assess all the costs and expenses incurred by the Town in connection with the proceedings to remove or secure a danger or unsafe building or structure, or other action take it deems appropriate, including without limitation, the costs of actually removing said building or structure, against the land on which said building or structure is located.

§ 46-10. Action to Abate Immediate Hazards.

If, as a result of the inspection required under Section 46-2, the Code Enforcement Officer determines that the condition found dangerous or unsafe constitutes an immediate hazard to persons or property, he/she may take any or all of the following actions:

- (a) Order the building, or structure involved, vacated in which event it shall not thereafter be occupied until a new certificate of occupancy has been issued as provide in the Zoning Ordinance and Building Code;
- (b) Close any street or sidewalk abutting the land involved or with the area of immediate peril;
- (c) Erect or cause to be erected temporary barricades, warning devices or other temporary enclosures or structures; and/or

- (d) Take such other action as he/she may deem necessary for the protection of person and other property from the risk of immediate injury.

§ 46-11. Severability.

Should any section or provision of this chapter be or be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the chapter as a whole or any part thereof other than said invalid or unconstitutional part.

Chapter 48

BUILDINGS, NUMBERING OF

§ 48-1. Residential and commercial buildings.

§ 48-2. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 7-11-84. Sections 48-1B and 48-2 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Mobile homes — See Ch. 77.

§ 48-1. Residential and commercial buildings.

- A. On the effective date of this chapter, all residential and commercial buildings within the geographic limits of the Town of Sardinia must have, either upon the buildings themselves in numbers large enough to be read from the highway, or on a sign, mailbox or other suitable posting visible from the road, the building number assigned to it by the Sardinia Town Board.
- B. This chapter shall also apply to mobile homes for which a validly issued permit exists from the Town of Sardinia.⁹

§ 48-2. Penalties for offenses.¹⁰

Nonobservance of this chapter is hereby declared to be a violation, and any person violating the same, may, upon conviction or a plea of guilty, be punished by a fine not exceeding two hundred fifty dollars (\$250) or imprisonment for a term not exceeding fifteen (15) days, or both.

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

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

Chapter 51

CAMPGROUNDS AND RECREATIONAL VEHICLES

- § 51-1. Title.
- § 51-2. Purpose.
- § 51-3. Definitions.
- § 51-4. Parking restrictions.
- § 51-5. Campground licenses; fees.
- § 51-6. Campground plan.
- § 51-7. Water supply.
- § 51-8. Service buildings.
- § 51-9. Waste and garbage disposal.
- § 51-10. Management.
- § 51-11. Inspections.
- § 51-12. Revocation and suspension.
- § 51-13. Penalties for offenses.
- § 51-14. Effect on county sanitary provisions.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 3-5-74. Sections 51-1, 51-2, 51-3, 51-4, 51-5P, Q, T(3) and U, 51-6B, C and D, 51-9B, 51-10B(1), (2), (5) and (6), 51-11, 51-12 and 51-13 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Mobile homes — See Ch. 77.
Parks — See Ch. 82.
Zoning — See Ch. 115.

§ 51-1. Title.¹¹

This chapter shall be known as the "Campground and Recreational Vehicle Ordinance."

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 51-2. Purpose.¹²

It is the purpose of this chapter to promote the health, safety, morals and general welfare of the inhabitants of the Town of Sardinia by the regulation of campgrounds and recreational vehicles.

§ 51-3. Definitions.

Whenever used in this chapter, the following words shall have the meanings indicated, unless a different meaning appears from the context:

CAMPGROUND – Any plot of ground upon which two (2) or more recreational vehicles, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.¹³

PERSON – Includes persons, partnership, firm, company, corporation, tenant, owner, lessee or licensees, their agents, heirs or assigns.

RECREATIONAL VEHICLE – Any vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or vacation uses, including tent trailers, whether designed to be towed or to be operated under its own power. This shall also include any vehicle converted from its original use to a "recreational vehicle." Any "recreational vehicle" used for residential purposes for more than one hundred eighty (180) days in any one (1) calendar year shall be subject to the standards and regulations governing mobile homes.¹⁴

UNIT – A section of ground in a campground of not less than two thousand five hundred (2,500) square feet, designed for the accommodation of one (1) recreational vehicle and its tow vehicle, if any.¹⁵

§ 51-4. Parking restrictions.¹⁶

It shall be unlawful, within the limits of the Town of Sardinia, for any person to park any recreational vehicle on any street, alley, highway or other public place between the hours of 9:00 p.m. and 6:00 a.m. Emergency stopping or parking required by mechanical failure is permitted on the shoulder of any street or highway for not longer than twenty-four (24) hours, subject, however, to any other and further prohibitions, regulations or limitations imposed by law, parking regulations or ordinances.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For regulation of mobile homes, see Ch. 47.

¹⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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

§ 51-5. Campground licenses; fees.

- A. It shall be unlawful for any person to establish, maintain or operate or permit to be established, maintained or operated upon any property owned or controlled by him a campground within the Town of Sardinia without having first secured a license therefor in compliance with the provisions of this chapter. Such license shall expire on January 1 following the date of issuance but may be renewed under the provisions of this chapter for additional periods of one (1) year.
- B. Any owner or his duly authorized representative shall, prior to establishing a campground, submit to the Town Clerk or the Town Board, at least ten (10) days prior to the regular meeting of the Board, five (5) copies of the sketched plan of the proposed campgrounds which shall comply with the requirements of all articles of this chapter herein, now or as amended. The Town Board shall refer such sketched plan to the Planning Board for recommendation.
- C. The owner or his duly authorized representative shall attend the meeting of the Planning Board to discuss requirements of the regulations for all aspects of the campgrounds, including streets, drainage, sewage, water supply, fire protection and similar aspects, as well *as* the availability of the existing services and other pertinent information.
- D. After the sketched plan has been reviewed by the Planning Board, the Planning Board shall submit its recommendations in regard to acceptance or rejection of the sketched plan to the Town Board. The Town Board shall determine the feasibility and acceptability of the sketched plan. In the event that the Town Board rejects the sketched plan, the matter will be terminated. In the event that the Town Board determines that the sketched plan is feasible, the owner or his duly authorized agent shall submit a preliminary plat of the proposed campgrounds, in the form hereinafter described, for consideration. A determination by the Town Board that the proposed campgrounds is feasible does not under any circumstances waive the right of the Town Board to reject a preliminary plat when submitted, in its sole discretion.
- E. The application for conditional approval of the campgrounds shall be accompanied by a fee hereinafter set forth. The application fee shall be nonrefundable.
- F. Number of copies. Five (5) copies of the preliminary plat shall be presented to the Town Clerk or the Town Board at least ten (10) days prior to the regular meeting of the Town Board. The Town Board shall refer such preliminary plat to the Planning Board for recommendation. The preliminary plat shall contain all preliminary information to permit the study of the preliminary plat by the Planning Board as set forth in this chapter.
- G. Developer to attend Planning Board meeting. The owner or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

- H. Study of the preliminary plat. The Planning Board shall study the practicability of a preliminary plat, taking into consideration the requirements of the community in the best use of the land being developed. Special attention shall be given to the arrangement, location, widths of the streets, location of the topography of the land, water supply, sewage disposal, degree of town development or availability of services, etc., and the requirements of this chapter, the County Planning Board, the Comprehensive Plan, Official Map and zoning regulations, if such exist. The Planning Board shall render its findings to the Town Board within sixty (60) days after referral from the Town Board to the Planning Board unless otherwise mutually agreed upon.
- I. When officially submitted. Time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Town Board, at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fees and all data required by the Board, shall be filed with the Town Clerk of the Town Board.
- J. Within forty-five (45) days after receipt of such preliminary plat by the Clerk of the Town Board from the Planning Board, the Town Board shall hold a public hearing which shall be advertised at least once in a newspaper of general circulation in the town at least ten (10) days before such hearing. The Town Board may further provide that the hearing be further advertised in such manner as deemed most appropriate for public consideration of such preliminary plat. Within forty-five (45) days after the date of such hearing, the Town Board shall approve, with or without modification, or disapprove such preliminary plat, and the grounds for such disapproval shall be stated on the records of the Town Board. The Town Board shall have absolute discretion in its determination. Notwithstanding the foregoing provisions of the campgrounds procedure in which the Town Board may take actions on such applications, such time may be extended by mutual consent of the owner and the Town Board.
- K. Notwithstanding the foregoing provisions of this section, the Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature. If in its opinion such extension is warranted by the particular circumstances, the Town Board may extend the time for filing the conditionally approved plat two (2) additional periods of ninety (90) days each.
- L. The owner or his duly authorized agent shall, within six (6) months after the conditional approval of the preliminary plat, file with the Town Board an application for approval of the campgrounds in final form, setting forth all information requested by this section and any other information requested by the Town Board and/or Planning Board. If the final plat is not submitted within six (6) months after conditional approval of the preliminary plat, the Town Board may refuse to approve the final plat and require a resubmission of the preliminary plat. The application fee shall not be refundable.
- M. The owner or his duly authorized agent intending to submit an application for final approval by the Town Board shall provide the Town Clerk with a copy of the application and five (5) copies of the plat, including all offers of concession, covenants

and agreements, and blueprints of all construction drawings, at least ten (10) days in advance of the regular meeting of the Town Board, at which time it is to be officially submitted.

- N. The time of the submission of the campgrounds proposed final plan shall be considered to be the date of the regular meeting of the Town Board at least ten (10) days prior to which the application for approval of the campgrounds, complete and accompanied by the required fee and all data required by this chapter, shall be filed with the Town Clerk.
- O. Water and sewer facility proposals. Water and sewer facilities contained in the campgrounds shall be properly endorsed and approved by the Erie County Department of Health. Applications for approval of plans for sewer and water facilities will be filed by the developer with all necessary town, county and state agencies. Endorsement and approval by the Erie County Department of Health shall be secured by the developer before official submission of the campgrounds final plat.
- P. After careful study, the Town Board shall, within seventy-five (75) days from the submission of the campgrounds final plat, approve, modify or disapprove such plan. The grounds for disapproval of any plat are to be stated on the records of the Town Board. A campgrounds final plat shall not be signed by the authorized officer of the town until the applicant has met all the conditions of the action granting approval of such plat."¹⁷
- Q. No changes, erasures or modifications or revisions shall be made in any campgrounds plat after approval given by the Town Board and has been endorsed in writing on the plat. In the event that the campgrounds contains any such changes, the plat shall be considered null and void, and the Town Board shall institute appropriate proceedings to determine its nullity.¹⁸
- R. Each campgrounds application submitted to the Town Board for its approval shall carry the following endorsement: "Approved by Resolution of the Town Board of the Town of Sardinia the _____ day of _____ 19 __, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of the plat as approved shall void this approval. Signed the _____ day of _____ 19 __, Supervisor and Clerk." In the absence of the Supervisor or Clerk, the Acting Supervisor or Acting Clerk, respectively, shall sign in his place. Using the Official County Map, such endorsement shall stipulate the plat does not conflict with the Official County Map or, in most cases where the plat does front on or have access to or is otherwise related to roads or drainage systems shown on the County Map, that such plat has been approved by the County Planning Board in the manner specified by § 239K of the General Municipal Law.

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

¹⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- S. Contents of the sketched plan. The sketched plan shall be verified by the applicant and contain the following:
- (1) The name and address of the applicant.
 - (2) The nature and extent of his interest in the business for which a license is desired.
 - (3) Whether or not the applicant is the owner of the real property for which license is desired, and, if not, the name and address of the owner thereof.
 - (4) If the applicant is not the owner of the real property for which a license is desired, the application shall be accompanied by a duly verified statement of the owner of the real property that the applicant is authorized by him to construct or maintain the campgrounds and to make application for a license therefor.
 - (5) A description of the premises on which the campgrounds will be located as will readily identify and definitely locate the same.
 - (6) The number of units to be contained in said proposed campgrounds.
 - (7) A description of the premises involved, including the proposed campground site, recreational areas, right-of-way, with accurate widths, water supply, recreational water facilities and all other information to properly describe the proposed campgrounds.
 - (8) Such other information as may be required.
- T. The preliminary plat application shall be accompanied by five (5) copies of the campground, drawn to scale and prepared by a civil engineer or land surveyor duly licensed by the State of New York, showing in detail the following:
- (1) The extent and area used for campground purposes.
 - (2) Roadways, driveways and sidewalks.
 - (3) Location of sites of units for recreational vehicles.¹⁹
 - (4) Separate location of parking facilities for automobiles.
 - (5) Method and plan of sewage disposal.
 - (6) Method and plan of garbage disposal or removal.
 - (7) Plan for water supply.

¹⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (8) Plan for electric lighting of units, roadways and sidewalks.

U.²⁰The following license fees are hereby established for campgrounds:

- (1) Campgrounds having a capacity of not more than five (5) recreational vehicles: twenty-five dollars (\$25).
- (2) Campgrounds having a capacity of not more than ten (10) recreational vehicles: fifty dollars (\$50).
- (3) Campgrounds having a capacity of not more than fifteen (15) recreational vehicles: seventy-five dollars (\$75).
- (4) Campgrounds having a capacity of not more than twenty (20) recreational vehicles: one hundred dollars (\$100).
- (5) Campgrounds having a capacity of more than twenty (20) recreational vehicles: two hundred fifty dollars (\$250).

V. Campground licenses are issued for the maximum period of one (1) year and shall expire on January 1 of each year. They may, however, be renewed for additional one-year periods upon payment of the fees for such campgrounds established by the Town Board at the time of renewal; provided, however, that the Town Board shall have the right to refuse to grant such renewal if the owner or operator of such campground shall have failed to comply with all the regulations and restrictions of this chapter.

§ 51-6. Campground plan.

- A. Every campground shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- B. Recreational vehicle spaces shall consist of a minimum of two thousand five hundred (2,500) square feet for each unit, with a minimum width of fifty (50) feet and a minimum depth of fifty (50) feet. All spaces shall be clearly defined by proper markers at each corner. Recreational vehicles shall be so located on each space that there shall be at least forty-foot side and rear clearance between recreational vehicles. No recreational vehicle shall be located nearer than one hundred (100) feet from any property line bounding the camp and nearer than one hundred fifty (150) feet from the boundary of any highway, road, street or other public thoroughfare."
- C. All recreational vehicle spaces shall abut upon a roadway not less than thirty (30) feet in width from ditch to ditch, and which roadway shall have unobstructed access to a public street, alley or highway. All roadways shall be hard surfaced and maintained in

²⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

a safe and adequate manner and shall be well marked in the daytime and adequately lighted at night.²¹

- D. An adequate electric service outlet, supplying at least one hundred ten (110) volts and sufficient kilowatts, shall be provided for each recreational vehicle space.²²

§ 51-7. Water supply.

- A. A sufficient supply of pure drinking water, approved by the Erie County Department of Health, shall be provided in convenient locations. No common drinking facilities shall be permitted.
- B. Drinking water faucets shall not be placed in any toilet room or water closet compartment.
- C. An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities.

§ 51-8. Service buildings.

- A. Every campground shall have erected thereon, at a distance not greater than three hundred (300) feet from any unit it is designed to serve, a suitable building of masonry construction for housing toilet, showers and laundry facilities as required by this chapter, such building to be known as the service building. Such service buildings shall be adequately lighted between sunset and sunrise while the campground is open.
- B. There shall be provided separate toilet rooms for each sex. Flush toilets shall be provided and supplied with an adequate water supply and enclosed in separate compartments having a minimum width of three (3) feet and shall be provided for each sex in the ratio of one (1) toilet for each ten (10) units or fraction thereof. Every male toilet shall have one (1) urinal for each ten (10) units or fraction thereof. Toilet rooms shall contain lavatories supplied with hot and cold water in the ratio of one (1) lavatory to every two (2) water closets. In no event shall any service building provide less than two (2) toilets for females, one (1) toilet for males, one (1) urinal for males and one (1) lavatory for each sex.
- C. Separate bathing facilities for each sex shall be provided with one (1) shower or bathtub for each ten (10) units or fraction thereof. Shower compartments shall be at least three (3) feet square with an individual dressing compartment of at least sixteen (16) square feet. In no event shall any service building provide less than one (1) shower or bathtub and individual dressing compartment for each sex.

²¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- D. One (1) double laundry tray supplied with hot and cold water shall be provided to serve each fifteen (15) units, or, in the alternative, other and at least equal laundry facilities may be provided.
- E. Floors of toilet rooms, showers and the laundry room shall be of concrete or tile, or similar material, impervious to water and easily cleaned and pitched to a floor drain.
- F. Adequate heating facilities to maintain a temperature of not less than seventy degrees Fahrenheit (70° F.) during cold weather shall be provided for such toilet, shower and laundry rooms.

§ 51-9. Waste and garbage disposal.

- A. All wastes from showers, toilets, laundries, faucets and lavatories shall be wasted into a properly constructed septic tank and tile drain field or other proper device of suitable design, size and material approved by the Erie County Department of Health.
- B. Each campground shall provide equipment sufficient to prevent littering of the ground and premises with rubbish, garbage, refuse and the like and shall provide fly-tight metal depositories with tight-fitting covers at conspicuous locations in and about such premises. Such depositories shall be kept at all times in a clean and sanitary condition. No recreational vehicles shall be located more than one hundred (100) feet from a metal depository. All garbage, refuse, rubbish and the like shall be collected at least twice weekly and more often if required to maintain sanitary conditions.²³
- C. Each campground shall provide a trichlorator for use by all occupants of the campground.

§ 51-10. Management.

- A. In every campground, there shall be a building or trailer in which shall be located the office of the operator or person in charge of said campground. A copy of the campground license and of this chapter shall be conspicuously posted therein, and the campground register shall at all times be kept in said office. There shall be a supervisor present at all times.
- B. It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
 - (1)²⁴ Keep at all times a register of all recreational vehicle occupants (which shall be open at all times for inspection by county, state and federal officers and officers of the Town of Sardinia) showing for each such recreational vehicle the following:

²³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (a) Name and address of each occupant.
- (b) Date of arrival.
- (c) Name of owner of the recreational vehicle.
- (d) Make of recreational vehicle.
- (e) State in which recreational vehicle is registered.
- (f) Registration number of recreational vehicle.
- (g) Year of issue of registration.

(2)²⁵ In addition, for each such recreational vehicle being propelled by an automobile or tow vehicle to which it may be attached, to keep at all times a register of the following:

- (a) Name of owner of such vehicle.
- (b) State in which vehicle is registered.
- (c) Registration number of vehicle.
- (d) Year of issue of registration.
- (e) Make of vehicle.

- (3) Maintain the campground in a clean, orderly and sanitary condition at all times.
- (4) See that the provisions of this chapter are complied with and enforced and report promptly to the public health authority any communicable diseases in the campground.
- (5) Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.²⁶
- (6) Prohibit the use of the campground by more recreational vehicles than the campground is licensed to accommodate.²⁷

²⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 51-11. Inspections.²⁸

Before a campground shall commence operation, the Code Enforcement Officer shall, and at any other reasonable time the Town Board or a member thereof may, make an inspection of the premises.

§ 51-12. Revocation and suspension.²⁹

The Town Board may, after notice and proper hearing, revoke or suspend any campground license issued pursuant to the terms of this chapter, for a violation of any of the provisions hereof. Upon the revocation of any such campground license, the premises shall forthwith cease to be used for the purpose of a campground and all recreational vehicles located therein shall be removed therefrom.

§ 51-13. Penalties for offenses.³⁰

Any person who violates any provisions of this chapter shall be guilty of a violation and is subject to a fine of not more than two hundred fifty dollars (\$250) or to imprisonment for a period of not more than fifteen (15) days, or both, Such fine and imprisonment and every day such violation exists shall constitute a separate offense and be punishable as such hereunder. The imposition of any penalty for a violation of this chapter shall not excuse the violation or permit the same to continue.

§ 51-14. Effect on county sanitary provisions.

Nothing herein contained shall be construed to abrogate any provisions of the Sanitary Code of the State of New York, or of the County of Erie, as the same now provides or as the same may hereafter be amended to provide. In the event of inconsistencies existing between the provisions of this chapter and said code, said code shall govern.

²⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

²⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 54

DOGS

**ARTICLE I
Dog Licensing**

§ 54-1.1 Title & Purpose and Authority.

§ 54-1.2 Licensing of dogs.

**ARTICLE II
Control**

§ 54-2.1 Title, Purpose and Authority.

§ 54-2.2 Definitions.

§ 54-2.3 Restrictions.

§ 54-2.4 Interference with enforcement officials.

§ 54-2.5 Duties of Dog Control Officer; impoundment.

§ 54-2.6 Effect of ownership by minor.

§ 54-2.7 Enforcement; Right of Entry.

§ 54-2.8 Penalty for offenses.

§ 54-2.9 Liability of town officials.

§ 54-2.10 Complaints.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 1-7-2011 as L.L. No. 2-2010.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.

Parks — See Ch. 82.

**ARTICLE I
Dog Licensing**

§ 54-1.1. Title & Purpose and Authority.

This Article I of Chapter 54 shall be known as the "Town of Sardinia Dog Licensing Law." The purpose of this Article is to protect the health, safety and well-being of persons and property by maintaining a licensing program to ensure identification of ownership and

responsibility with respect to dogs within the Town, This Chapter is enacted pursuant to the provisions of Section 124 [to be renumbered Section 122 effective January 1, 2011] of the Agriculture and Markets Law of the State of New York.

§ 54-1.2. Licensing of dogs.

- A. All dogs in the Town of Sardinia must be licensed with the Town Clerk by the age of 4 months and are required to present a current Certificate of Rabies at the time of licensing or the renewal of an existing license.
- B. All dog licenses for unspayed or unneutered dogs will be paid for a period of one-year and will expire at the end of the month one year from the date of issue. Dog licenses are not transferrable.

C. Fees for Licensing of Dogs:

The fee for a spayed or neutered dog for a one-year period will be \$5.00 (which fee includes the assessment of a \$1.00 surcharge for the purpose of carrying out animal population control).

The fee for an unspayed or unneutered dog will be \$13.00 (which included the assessment of a \$3.00 surcharge for the purpose of carrying out animal population control).

The fees established by this provision are subject to review by the Town Board periodically and may be changed by a resolution of the Town Board, if deemed necessary.

D. Enumeration fee:

The Town Board has determined that there is a continual need for dog enumeration and a fee of \$10.00 will be assessed to all dogs found unlicensed within the Town of Sardinia. If the same or any other dog owned by the same owner is found to be unlicensed for a second time within a five year period a \$20.00 fee will be assessed and if the same or any other dog owned by the same owner is found to be unlicensed for a third time within such five year period a \$40.00 fee will be assessed. If the same or any other dog owned by the same owner is found to be unlicensed more than three times within a five-year period, each time the enumeration fee shall double the last fee assessed but shall not exceed \$250.00.

E. Service Dogs:

The Town of Sardinia will require a license for every guide dog, service dog, hearing dog, therapy dog, and detection dog; however the fee for this license shall be waived. A current Certificate of Rabies shall be required at the time of licensing or the renewal of an existing license.

- F. The Town of Sardinia does not allow the licensing of dogs by a shelter. The shelter MUST send the adoptive dog owners to the Town Clerk of the Town or City in which the dog will be harbored for licensing OR to the Town Clerk of the Town of Sardinia, where the Shelter is located for the purchase of the license for adoption purposes.
- G. All dog licenses may be purchased by visiting the Town offices or by regular mail. If licensing or renewing a license by mail, the appropriate fee must accompany the forms. There will be NO refund of fees for a one-year license.
- H. All fees will be used in funding the administration of the Dogs Law of the Town of Sardinia.
- I. This annual dog license fee shall be charged for all licenses becoming effective on or after the effective date of this local law.

ARTICLE II Control

§ 54-2.1. Title, Purpose and Authority.

This Article II of Chapter 54 shall be known as the "Town of Sardinia Dog Control Law." The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs within the Town. This Chapter is enacted pursuant to the provisions of Section 124 [to be renumbered Section 122 effective January 1, 2011] of the Agriculture and Markets Law of the State of New York.

§ 54-2.2. Definitions.

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

AT LARGE – Any dog that is on property open to the public or is on private property not owned or leased by the owner of the dog unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is a guide dog actually leading a blind person, a police work dog in use for police work, or a dog accompanied by its owner or other responsible person and is leashed or actively engaged in hunting or training for hunting on unposted land or posted land with the permission of the owner of the land.

HARBORER – the person who provides sustenance and shelter for any dog whether or not such person shall be the owner.

OWNER – the person who is recorded in the Town Clerk's office as the applicant for the license for a dog, if such animal shall be licensed, or the person who provides sustenance and shelter for such animal.

§ 54-2.3. Restrictions.

- A. No owner or harborer owning, keeping, harboring or having the care, custody or control of any dog or dogs shall allow or permit any such dog or dogs to be off the premises of such person, firm or corporation (at large) and in the Town of Sardinia unless restrained by a chain or leash not exceeding six (6) feet in length. Whenever any dog is found off the premises of the person, firm or corporation owning, keeping, harboring or having the care, custody or control of such dog not controlled or restrained as above provided, it shall be presumed that such person, firm or corporation permitted or allowed such dog or dogs to be off the premises in violation of this section.
- B. No owner or harborer shall keep or allow to be kept on premises owned or controlled by him or it any dog which, by its incessant barking, howling, whining, or other noise, shall unreasonably disturb the peace and quiet of any person.
- C. No person shall deliberately, carelessly or negligently provoke a dog into barking, thereby disturbing the peace and quiet of a neighborhood by annoying the residents thereof.
- D. No owner or harborer shall own, keep, harbor or have the care, custody or control of any dog not licensed as required by this Chapter 54.
- E. No owner or harborer of a dog shall permit or allow such dog to cause damage or destruction to property or to urinate or defecate or to commit any other nuisance upon the premises of a person other than his own.
- F. No owner or harborer of a dog shall allow such dog to habitually chase motor vehicles or bicycles or other conveyance including pedestrians and joggers.
- G. No owner or harborer of a dog shall permit such dog to chase, jump upon or at or otherwise harass or harm any person in such manner as to actually harm or put such person in reasonable apprehension of bodily harm or injury.

§ 54-2.4. Interference with enforcement officials.

No person shall hinder, resist, or oppose any properly designated official or representative of the town in the performance of his duties under this Article.

§ 54-2.5. Duties of Dog Control Officer; impoundment.

- A. It shall be the duty of the Dog Control Officer or any other town agent or employee designated by the Town Board hereafter to seize or take control of and to impound the following categories of dog in a suitable place: (1) any dog found running at large or unrestrained or otherwise in violation of the provisions of Section 54-2.3; (2) any dog found to be unlicensed; (3) any dog which is not in the control of the dog's owner or harborer, or not on the property of the dog's owner or harborer; or (4) any dog where

there is probable cause to believe that the dog is dangerous and/or in the opinion of the Dog Control Officer, police officer or peace officer poses an immediate threat to the public safety.

- B. In the use of any weapon or device for dog control, including but not limited to, netting, trapping, snaring, tranquilization or firearm use (by a licensed official), the Dog Control Officer shall employ the most humane method possible under the circumstances, taking into account the public safety. If the safety of a member of the public or the Dog Control Officer, police officer or peace officer is threatened, all reasonable measures should be taken as necessary to ensure such safety.
- C. The Dog Control Officer, seizing and impounding any dog, shall make a complete registry, entering therein the breed, color, sex and any distinguishing marks of such dog and whether licensed. If licensed, he shall enter the license number and the name and address of the owner. If the identity of the owner or harbinger of the dog is known to the Dog Control Officer, police officer or peace officer, he or she shall make reasonable efforts to contact the owner or harbinger and inform him or her of the impoundment or other condition of the dog and may make arrangements for release of the dog upon agreement and arrangements for compliance with this Article 54. Nothing in this subsection modifies the authority or powers of the Dog Control Officer under Section 54-2.8 (E).
- D. In the case of an impounded dog which the Dog Control Officer, police officer or peace officer believes poses an immediate threat to the public safety so as to necessitate that it be euthanized or with respect to which the owner or harbinger has not come to agreement with the Dog Control Officer as to proposed arrangements for compliance with this Article 54 and/or other disposition of the dog or with respect to which the Dog Control Officer in his discretion determined not to exercise his authority or powers under Section 56-2.8 (E), the owner or harbinger of the dog may seek a determination hearing before the Town Court within no more than five (5) days of the service of notice upon the owner or harbinger of the Dog Control Officer's intended disposition of the dog and the right to seek a determination hearing. At such determination hearing, the Town Court may make such ruling as it deems proper and just under the circumstances. Pending the outcome of such hearing, the dog must be securely confined in a humane manner either as determined by the Dog Control Officer or as determined by agreement between the Dog Control Officer and the owner or harbinger, including without limitation appropriate arrangements for the dog to be appropriately confined at the home or residence of the owner or harbinger of the dog. If there is no determination hearing sought by the owner or harbinger within five (5) days of the service of aforementioned notice upon the owner or harbinger, then the Dog Control Officer may take whatever measures he or she deems appropriate and humane with respect to the dog.

§ 54-2.6. Effect of ownership by minor.

In the event that the owner shall be a minor under the age of sixteen (16) years, then the head of the household in which such minor resided shall be deemed to have the care, custody and control of said dog and shall be responsible for any acts in violation of this Article and such head of household shall be deemed the "owner" or "harborer" of the dog for all purposes under this Article, including without limitation the provisions with respect to determination hearings set forth in Section 54-2.6 (D).

§ 54-2.7. Enforcement; Right of Entry.

- A. This Article shall be enforced by the Dog Control Officer and any other town agent or employee designated by the Town Board hereafter. The Dog Control Officer shall have all the powers of a peace officer in enforcing the provisions of this Article and the provisions of Agriculture and Market Law.
- B. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to sign and issue any complaint, information, affidavit or notice in connection with the prosecution of any violation of this Article.
- C. The Dog Control Officer and any other town agent or employee designated by the Town Board hereafter are authorized to enter upon any lands upon which a dog is kept or harbored and to require the display by the person owning or having charge or control of such dog of the license tag for such dog. Ma license tag for such dog is not displayed to the Dog Control Officer, the Dog Control Officer shall have the right to seize such dog and impound such dog at a suitable place.
- D. If an issued summons is disregarded by the person receiving it, the Town Justice may permit the filing of an Information and issue a warrant for the arrest of such person.

§ 54-2.8. Penalty for offenses. *

- A. Any person, firm or corporation violating any provision of Section 54-2.4 of this Chapter shall be guilty of a violation and shall be subject to penalties as set forth hereafter.
- B. Any person, firm or corporation taking part in or assisting in any violation of Section 54-2.4 of this Chapter shall be also be subject to the penalties herein.
- C. Each day that a violation of this Article is committed or is permitted to exist shall constitute a separate offense.
- D. Penalties shall be as follows:

1. For the first violation by any person, owner or harbinger within a three-year period, such person, owner, or harbinger shall be subject to a fine of not less than \$35.00 and not more than \$100.00.
 2. For a second violation by any person, owner or harbinger within a three-year period, such owner or harbinger shall be subject to a fine of not less than \$60.00 and not more than \$150.00.
 3. For a third violation by any person, owner or harbinger within a three year period, such person, owner or harbinger shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.
- E. If a dog seized under the provisions of Chapter 54 is not redeemed within the redemption time periods provided by the New York State Agriculture and Markets Law, the owner shall forfeit all title to such dog and the dog shall be sent to the SPCA, given for adoption, or destroyed by the peace officer or representative of the Commissioner of Agriculture and Markets; and pay any established fines. Anyone that picks up an at-large dog in the Town of Sardinia must notify the Dog Control Officer of Sardinia (or his Assistant) and surrender the dog upon request, before removing the dog from the town, subject to fine. Adoption Fees, which are set in the Fee Schedule of the Town of Sardinia, include veterinarian bill, license fees, and maintenance fees of the dog. There shall be a fee for the euthanasia and disposal of a dog, which shall be in an amount equal to the cost incurred by the Dog Control Officer in providing this service.

§ 54-2.9. Liability of Town Officials.

No officer, agent, or employee of the Town of Sardinia shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Article. Any suit brought against any officer, agent or employee of the Town of Sardinia as the result of any act required or permitted in the discharge of his duties under this Article shall be defended by the Town Attorney until the final determination of the proceedings thereon.

§ 54-2.10. Complaints.

- A. Any person who observes a dog in violation of the Article may file a complaint under oath with a Town Justice specifying the nature of the violation, the date thereof, a description of the dog and the name and address, if known, of the owner or harbinger of the dog.
- B. Upon the receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and the owner or harbinger of the dog shall have an opportunity to present evidence. After such hearing, the Town Justice may issue such order as he deems proper and just.

C. A violation of any order issued by a Town Justice under the provisions of this Section shall be an offense punishable, upon conviction thereof, with the following penalties:

1. For the first violation by any person, owner or harborer within a three-year period, such person, owner, or harborer shall be subject to a fine of not less than \$35.00 and not more than \$100.00.
2. For a second violation by any person, owner or harborer within a three-year period, such owner or harborer shall be subject to a fine of not less than \$60.00 and not more than \$150.00.
3. For a third violation by any person, owner or harborer within a three year period, such person, owner or harborer shall be subject to a fine of not less than \$100.00 and not more than \$200.00 and/or imprisonment for a period not exceeding fifteen (15) days.

Chapter 59

EXCAVATIONS

- § 59-1. Purpose.
- § 59-2. Permit required.
- § 59-3. Permit application procedure.
- § 59-4. Provisions applicable to all excavations.
- § 59-5. Bond or deposit.
- § 59-6. Fees; payment schedule.
- § 59-7. Term of permit.
- § 59-8. Exceptions.
- § 59-9. Penalties for offenses.
- § 59-10. Modification of provisions.
- § 59-11. Effect of statutory provisions.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 12-14-83. Sections 59-4G, 59-5 and 59-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 59-1. Purpose.

It is the purpose of this chapter to promote the health, safety and general welfare of the inhabitants of the Town of Sardinia and to safeguard the aesthetic qualities of the town by regulating the excavation of sand, gravel and other natural material deposits within the town and to assure the reclamation of mined lands in such a manner as to render such lands suitable for productive use.

§ 59-2. Permit required.

No excavation for purpose other than the construction of a wall, driveway, sidewalk, building or part thereof shall be commenced until a valid permit is obtained in compliance with the provisions of this chapter.

§ 59-3. Permit application procedure.

Before any excavation, for purposes included in this chapter, is commenced and natural material is removed from the ground, the owner, lessee or agent of the premises shall obtain a

permit therefor from the Town Board, except where operations are being carried on at the time this chapter becomes effective, a period of thirty (30) days shall be allowed to file an application for permit while operations continue. However, all such excavations shall be subject to all Provisions of this chapter, from the date of its adoption.

- A. For that purpose, each applicant shall file with the Town Clerk of the Town of Sardinia an application for such permit as follows:
 - (1) Town of Sardinia application for sand, gravel and mining permit [two (2) copies].
 - (2) Plan of the proposed excavation drawn to a scale of not less than one (1) inch per twenty (20) feet, showing the location and dimensions of the premises, all adjoining roads, location, size and use of any buildings and cross section of the property giving elevations thereof at a minimum of one-hundred-foot intervals and also at each break in the grades and the elevation of the premises as compared to the elevation of any abutting highways. The cross section shall show elevations of premises before work is commenced and after work is completed [two (2) copies].
 - (3) A detailed statement of the reclamation program, including time schedule [two (2) copies].
- B. Mining operations in excess of seven hundred fifty (750) cubic yards per year are required to obtain a state mining permit and submit a copy thereof or a copy of an application for a state mining permit to the town. Copies of the application and reclamation plan filed with the state are acceptable substitutes for Subsection A(2) and (3) above.
- C. The Town Board, at their discretion, shall refer the completed application to the Planning Board for review and recommendation.

§ 59-4. Provisions applicable to all excavations.

No such excavations shall be made:

- A. Within fifty (50) feet of any property line; however, the Town Board may, within its discretion, allow excavations closer than fifty (50) feet of any property line, provided that the applicant submits to the Town Board a duly acknowledged consent, in writing, of the owner, lessee and mortgagee, if any, of the adjoining property affected, consenting to such excavation and shall state the distance agreed upon between the parties.
- B. Within one hundred fifty (150) feet of the edge of any highway right-of-way line.

- C. Said excavations shall be leveled on the bottom before refilling, if necessary, or grading, all sides being left with a slope from top to bottom of not more than thirty-three percent (33%) or one-to-two slope [one (1) vertical to two (2) horizontal]; in any event, drainage must be provided.
- D. During operations at any such excavation, -the licensee shall comply with any reasonable direction by the Town Superintendent of Highways for control of dust at said operation. Failure to comply shall be grounds for revocation of any permit by the Town Board, in their discretion.
- E. If any existing water well is adversely affected by the operation of the mining of gravel and sand, the applicant must correct the situation satisfactorily to the Town Board.
- F. Noise level shall not exceed fifty (50) decibels at any boundary line of the property.
- G. No foreign material, refuse or garbage shall be used in fining or grading. Six (6) inches of topsoil shall be placed, before seeding or planting.³¹

§ 59-5. Bond or deposit.³²

Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk a bond, approved by the Town Board of the Town of Sardinia, in an amount to be fixed by said Board, but not less than one thousand dollars (\$1,000) per acre being permitted, with a surety company *as* surety and conditioned for the faithful performance of the conditions contained in this chapter, the observance of all state, county and municipal ordinances and laws and to indemnify the Town of Sardinia and/or the Superintendent of Highways for any damage to town property. In the event of a default, such bond shall be forfeited to the Town of Sardinia. Said bond shall remain in full force and effect until a certificate of completion has been issued by the Town Board certifying to the fact that all provisions of this chapter and conditions of the permit have been fully complied with. In lieu of such bond, a cash deposit or deposit of negotiable securities may be made with the Supervisor of the Town of Sardinia. A policy of public liability insurance in the sum of one million dollars to three million dollars (\$1,000,000/\$3,000,000) for personal injury and one million dollars (\$1,000,000) for property damage shall be kept in effect at all times for the duration of this permit. In the event that a state bond is obtained, the Town of Sardinia should be indicated as coinsured. The Town of Sardinia shall be named as the insured, and there shall be a provision for thirty (30) days written notice of cancellation to the Sardinia Town Board. If bond, cash or public liability insurance is posted with the State of New York to meet their specification, a certificate of such coverage will suffice for town purposes. A duplication of insurance coverage is not anticipated, but the town should be carried as coinsured.

³¹ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

³² Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

§ 59-6. Fees; payment schedule.

- A. The Town Clerk, when authorized by the Town Board, shall issue permits and charge and collect the following annual fees:
- (1) One hundred dollars (\$100) for up to seven hundred fifty (750) cubic yards.
 - (2) Two hundred dollars (\$200) for seven hundred fifty (750) to three thousand (3,000) cubic yards.
 - (3) Five hundred dollars (\$500) for three thousand (3,000) to ten thousand (10,000) cubic yards.
 - (4) One thousand dollars (\$1,000) for over ten thousand (10,000) cubic yards.
- B. Payments of the fee for permits shall be made at the time of application and thereafter on the first day of April of the calendar year, if said permit is renewed and extended.

§ 59-7. Term of permit.

All permits are issued for a term of one (1) year and shall expire on April 1 of each year, unless extended by the Town Board.

§ 59-8. Exceptions.

- A. Exceptions.
- (1) Nothing contained in this chapter shall require a person to obtain a permit for or prevent a person from removing topsoil, gravel or fill from one part of his lands to another part of the same premises when such removal is necessary as an accessory use or is made for the purpose of farming or improving said property.
 - (2) Excavations for ponds, land drainage diversions or other conservation measures which are installed in accordance with a written plan of conservation operations contained in agreement with the Erie County Soil Conservation District are exempt from the provisions of this chapter. Before any excavation is commenced under this section, such agreement shall be displayed to the Town Board.
- B. Any excavation reviewed and approved under this chapter shall not be utilized, upon the termination of said usage, as a landfill facility or any other type of disposal area.

§ 59-9. Penalties for offenses.³³

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building on premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part of said violation has been committed or shall exist and the general agent, architect, engineer, surveyor or building contractor who maintains any premises in which such violation shall exist shall be punishable, upon conviction, by a fine not to exceed two hundred fifty dollars (\$250) or imprisonment for a term of not more than fifteen (15) days, or both. Each week's continued willful violation shall constitute a separate additional violation. Such fines or penalties shall be collected as like fines are now by law collected.

§ 59-10. Modification of provisions.

Where there are particular difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Town Board shall have power to vary and modify the application of such chapter so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.

§ 59-11. Effect of statutory provisions.

Nothing herein contained shall be construed to abrogate any provisions of the New York State Mined Land Reclamation Law,³⁴ as the same now provides or as the same may hereafter be amended to provide. In the event of inconsistencies existing between the provisions of this chapter and said law, said law shall govern.

³³ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

³⁴ Editor's Note: See ECL § 23-2701 et seq.

Chapter 63

FLOOD DAMAGE PREVENTION

- § 63-1.1. Findings.
- § 63-1.2. Statement of purpose.
- § 63-1.3. Objectives.
- § 63-2.0. Definitions.
- § 63-3.1. Lands to which this local law applies.
- § 63-3.2. Basis for establishing the areas of special flood hazard.
- § 63-3.3. Interpretation and conflict with other laws.
- § 63-3.4. Severability.
- § 63-3.5. Penalties for non-compliance.
- § 63-3.6. Warning and disclaimer of liability.
- § 63-4.1. Designation of the Local Administrator.
- § 63-4.2. The floodplain development permit.
- § 63-4.3. Application for a permit.
- § 63-4.4. Duties and responsibilities of the Local Administrator.
- § 63-5.1. General Standards.
- § 63-5.2. Standards for all structures.
- § 63-5.3. Residential structures.
- § 63-5.4. Non-residential structures.
- § 63-5.5. Manufactured homes and recreational vehicles.
- § 63-6.1. Appeals Board.
- § 63-6.2. Conditions for variances.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 11-13-2002 as L.L. No. 1-2002.]

STATUTORY AUTHORIZATION AND PURPOSE

§ 63-1.1. Findings.

The Town Board of the Town of Sardinia finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Sardinia and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

§ 63-1.2. Statement of purpose.

It is the purpose of this local law 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:

- (1) 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; require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (3) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (4) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (5) qualify and maintain for participation in the National Flood Insurance Program.

§ 63-1.3. Objectives.

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;

- (5) 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;
- (6) 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;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 63-2.0. Definitions.

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

APPEAL – means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

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

AREA OF SPECIAL FLOOD HAZARD – is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, AI-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base flood-plain or 100-year floodplain.

BASE FLOOD – means the flood having a one percent chance of being equalled or exceeded in any given year.

BASEMENT – means that portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING – see "Structure"

CELLAR – has the same meaning as "Basement".

CRAWL SPACE -- means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel,

concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

DEVELOPMENT – means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY – means the Federal agency that administers the National Flood Insurance Program.

FLOOD or FLOODING – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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

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

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

FLOOD HAZARD BOUNDARY MAP (FHBM) – means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

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

FLOOD INSURANCE STUDY – see "flood elevation study".

FLOODPLAIN or FLOOD-PRONE AREA – means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

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

FLOODWAY – has the same meaning as "Regulatory Floodway".

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

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

HISTORIC STRUCTURE – means any structure that is:

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

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

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

MANUFACTURED HOME – means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle."

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

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

MOBILE HOME -- has the same meaning as "Manufactured home".

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

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

NEW MANUFACTURED HOME PARK OR SUBDIVISION -- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

ONE HUNDRED YEAR FLOOD or 100-YEAR FLOOD -- has the same meaning as "Base Flood".

PRINCIPALLY ABOVE GROUND -- means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE -- means a vehicle which is:

- (1) built on a single chassis; 400 square feet or less when measured at the largest horizontal projections;
- (2) designed to be self-propelled or permanently towable by a light duty truck; and
- (3) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOODWAY -- means 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 Section 4.4-2 of this Law.

START OF CONSTRUCTION -- includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of

the property, and shall include land preparation, such as clearing, grading, and filling; installation of streets and/or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes the "actual start" means affixing of the manufactured home to its permanent site.

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

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

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

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

VARIANCE – means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

GENERAL PROVISIONS

§ 63-3.1. Lands to which this local law applies.

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Sardinia, Erie County.

§ 63-3.2. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map (multiple panels) Index No. 360256 0005-0040, whose effective date is January 16, 2003.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Town of Sardinia, New York, Erie County" dated January 16, 2003.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at: The Town Code Enforcement Office at 12320 Savage Road, Sardinia, NY 14134.

§ 63-3.3. Interpretation and conflict with other laws.

This Local Law includes all revisions to the National Flood Insurance Program through November 1, 1989 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law 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.

§ 63-3.4. Severability.

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

§ 63-3.5. Penalties for non-compliance.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law 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 local law 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 Sardinia from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 63-3.6. Warning and disclaimer of liability.

The degree of flood protection required by this local law 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 local law 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 local law shall not create liability on the part of the Town of Sardinia, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made thereunder.

ADMINISTRATION

§ 63-4.1. Designation of the Local Administrator.

The Code Enforcement Officer of the Town of Sardinia is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

§ 63-4.2. The floodplain development permit.

4.2-1. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2. Fees.

- (1) All applications for a floodplain development permit shall be accompanied by an application fee of \$50.00. In addition, the applicant shall be responsible for reimbursing the Town of Sardinia for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

§ 63-4.3. Application for a permit.

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones AI-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, Utilities.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, Nonresidential structures.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 63-4.4. Duties and responsibilities of the Local Administrator.

Duties of the Local Administrator shall include, but not be limited to the following.

4.4-1. Permit application review.

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 4.3, Application for a permit, and for compliance with the provisions and standards of this law.

- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 5.0, Construction standards and, in particular, sub-section 5.1-1 Subdivision proposals.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, Construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

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

4.4-2. Use of other flood data.

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

4.4-3. Alteration of watercourses.

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

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

4.4-4. Construction stage.

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

4.4-5. Inspections.

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6. Stop work orders.

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found noncompliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or

premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.

- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8. Information to be retained.

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, Variance Procedures; and,
- (5) Notices required under sub-section 4.4-3, Alteration of Watercourses.

CONSTRUCTION STANDARDS

§ 63-5.1. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1. Subdivision proposals.

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

- (1) Proposals shall be consistent with the need to minimize flood damage;

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

5.1-2. Encroachments.

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Town of Sardinia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Sardinia for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Sardinia for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the Town of Sardinia agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Sardinia for all fees and other costs in relation to the application. The applicant must also provide all data analyses and mapping and reimburse the Town of Sardinia for all costs related to the final map revisions.

§ 63-5.2. Standards for all structures.

5.2-1. Anchoring.

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

5.2-2. Construction Materials and Methods.

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

5.2-3. Utilities.

- (1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating, and air conditioning equipment, hot water heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required;

- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT TO THEM OR CONTAMINATION FROM THEM DURING FLOODING.

§ 63-5.3. Residential structures.

5.3-1. Elevation.

The following standards, in addition to the standards in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES, apply to structures located in areas of special flood hazard as indicated.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above one foot above the base flood level.
- (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot more than the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

§ 63-5.4. Non-residential structures.

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above *one foot above* the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below *one foot above* the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as *one foot more than* the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around land away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 63-5.5. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (i) be on site fewer than 180 consecutive days,
- (ii) be fully licensed and ready for highway use, or
- (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (4) and (5).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(2) A manufactured home that is placed or substantially improved in Zones AI-A30, AE and AH that is on a site either:

- (i) outside of an existing manufactured home park or subdivision as herein defined;
- (ii) in a new manufactured home park or subdivision as herein defined;
- (iii) in an expansion to an existing manufactured home park or subdivision as herein defined; or
- (iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor is elevated to or above *one foot above* the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(3) A manufactured home to be placed or substantially improved in Zone AI-A30, AE and AH in an existing manufactured home park or subdivision that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be:

- (i) elevated in a manner such as required in paragraph 5.5(2), or
- (ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

- (4) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.
- (5) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as *one foot more than* the depth number specified on the Flood Insurance Rate Map enumerated in Section 3.2 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

VARIANCE PROCEDURE

§ 63-6.1. Appeals Board.

- (1) The Zoning Board of Appeals as established by the Town Law and Town Board shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) 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 local law.
- (3) 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.
- (4) 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 local law and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;

- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding; the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xi) 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.
- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) 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.

§ 63-6.2. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure".

- (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) 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:
- (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met;
 - (ii) 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.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) 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.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

Chapter 69

GARBAGE, RUBBISH AND REFUSE

ARTICLE I

Disposal

§ 69-1. Title.

§ 69-2. Purpose.

§ 69-3. Definitions.

§ 69-4. Restrictions.

§ 69-5. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 6-11-75. Sections 69-4 and 69-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

ARTICLE I

Disposal

[Adopted 6-11-75]

§ 69-1. Title.

This chapter shall be known as the "Refuse Disposal Law" of the Town of Sardinia.

§ 69-2. Purpose.

This chapter is adopted for the purpose of promoting the health, safety and general welfare of the people of the Town of Sardinia, including the protection and preservation of property of the town and its inhabitants by regulating the disposal of refuse within the Town of Sardinia.

§ 69-3. Definitions.

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

GARBAGE – All putrescible or decayable wastes, including vegetable and animal offal and carcasses of dead animals, and shall include all substances accumulated on or removed from all public and private establishments and properties, including residences, and all industrial waste.

PERSON – Any individual, firm, partnership, company, corporation, association, society or group.

REFUSE – Includes rubbish, garbage and trash and any other similar materials.

RUBBISH – General, dry material produced routinely by household, commercial or industrial establishments, such as ashes, paper, cans, bottles, boxes and other containers and any other similar materials.

TRASH – Includes bushes, grass clippings, leaves, weeds, branches, Christmas trees, lawn rakings and similar waste materials, bulky objects, such as discarded automobile tires, household appliances, equipment or furniture, scrap building materials, building demolition and construction wastes.

§ 69-4. Restrictions.³⁵

No person shall throw, place dump, drop or deposit or cause to be thrown, dumped, dropped or deposited any refuse in or upon the right-of-way of any public highway, road or street or in or upon any other public place in the Town of Sardinia or in or upon any private property except a facility licensed by the State of New York.

§ 69-5. Penalties for offenses.³⁶

Any person who violates this chapter shall be guilty of an offense and subject to a fine of not more than two hundred fifty dollars (\$250), plus costs of cleanup, or imprisonment for not more than fifteen (15) days, or both.

³⁵ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

³⁶ Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. I.

Chapter 77
MOBILE HOMES

- § 77-1. Title.
- § 77-2. Purpose.
- § 77-3. Definitions.
- § 77-4. Parking restrictions.
- § 77-5. License application and issuance procedure; fees.
- § 77-6. Mobile home park plan.
- § 77-7. Water supply.
- § 77-8. Waste and garbage disposal.
- § 77-9. Recreation areas.
- § 77-10. Management.
- § 77-11. Individual mobile home permits; fees.
- § 77-12. Inspections.
- § 77-13. Revocation and suspension of permits.
- § 77-14. Penalties for offenses.
- § 77-15. Exceptions.
- § 77-16. Effect on county sanitary provisions.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 3-5-74. Sections 77-3, 77-5U, 77-8B, 77-9, 77-11D, H and 1, 77-12 and 77-14 amended and § 77-11G added at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Other amendments noted where applicable.]

GENERAL REFERENCES

Numbering of mobile homes — See Ch. 48.
Flood damage prevention — See Ch. 63.
Trailers — See Ch. 105.
Zoning — See Ch. 115.

§ 77-1. Title.

This chapter shall be known as the "Mobile Home Park Ordinance."

§ 77-2. Purpose.

It is the purpose of this chapter to promote the health, safety, morals and general welfare of the inhabitants of the Town of Sardinia by the regulation of mobile home parks.

§ 77-3. Definitions.

Whenever used in this chapter, unless a different meaning appears from the context, the following words shall have the meanings indicated:

MOBILE HOME [Amended 5-14-86³⁷]:

- A. For mobile homes built prior to the 1976 Housing and Urban Development standard, the definition so contained in the then-existing New York State Fire and Building Code shall apply.
- B. For mobile homes constructed in or subsequent to 1976, the definitions contained in the New York State Building and Fire Code which are in effect at that time shall govern.
- C. Further, a "mobile home" is any unit as defined in the above-mentioned regulations, having a square footage of no less than eight hundred (800) square feet, and which has been so constructed and designed as to permit the occupancy thereof for dwelling or sleeping purposes or for the conduct of any business, profession, occupation or trade.

MOBILE HOME PARK – Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

PERSON – Includes any person, partnership, firm, company, corporation, tenant, owner, lessee or licensee, their agents, heirs or assigns.

UNIT – A section of ground in a mobile home park of not less than six thousand (6,000) square feet, designed for the accommodation of one (1) mobile home.

§ 77-4. Parking restrictions.

It shall be unlawful, within the limits of the Town of Sardinia, for any person to park any mobile home on any street, alley, highway or other public place between the hours of 9:00 p.m. and 6:00 a.m. Emergency stopping or parking required by mechanical failure is permitted on the shoulder of any street or highway for not longer than twenty-four (24) hours, subject, however, to any other and further prohibitions regulations, or limitations imposed by law, parking regulations or ordinances.

³⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 77-5. License application and issuance procedure; fees.

- A. It shall be unlawful for any person to establish, maintain or operate or permit to be established, maintained or operated upon any property owned or controlled by him a mobile home park within the Town of Sardinia without having first secured a license therefor in compliance with the provisions of this chapter. Such license shall expire on January 1 following the date of issuance but may be renewed under the provisions of this chapter for additional periods of one (1) year.
- B. Any owner or his duly authorized representative shall, prior to establishing a mobile home park, submit to the Town Clerk or the Town Board, at least ten (10) days prior to the regular meeting of the Board, five (5) copies of the sketched plan of the proposed mobile home park, which shall comply with the requirements of all sections of this chapter herein, now or as amended. The Town Board shall refer such sketched plan to the Planning Board for recommendation.
- C. The owner or his duly authorized representative shall attend the meeting of the Planning Board to discuss requirements of the regulations for all aspects of the mobile home park, including streets, drainage, sewage, water supply, fire protection and similar aspects as well as the availability of the existing services and other pertinent information.
- D. After the sketched plan has been reviewed by the Planning Board, the Planning Board shall submit its recommendations in regard to acceptance or rejection of the sketched plan to the Town Board. The Town Board shall determine the feasibility and acceptability of the sketched plan. In the event that the Town Board rejects the sketched plan, the matter will be terminated. In the event that the Town Board determines that the sketched plan is feasible, the owner or his authorized agent shall submit a preliminary plat of the proposed mobile home park, in the form hereinafter described, for consideration. A determination by the Town Board that the proposed mobile home park is feasible does not under any circumstances waive the right of the Town Board to reject a preliminary plat when submitted, in its sole discretion.
- E. The application for conditional approval of the mobile home park shall be accompanied by a fee hereinafter set forth. The application fee shall be nonrefundable.
- F. Number of copies. Five (5) copies of the preliminary plat shall be presented to the Town Clerk of the Town Board at least ten (10) days prior to the regular meeting of the Town Board. The Town Board shall refer such preliminary plat to the Planning Board for recommendation. The preliminary plat shall contain all preliminary information to permit the study of the preliminary plat by the Planning Board as set forth in this chapter.

- G. Developer to attend Planning Board meeting. The owner or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- H. Study of the preliminary plat. The Planning Board shall study the practicability of a preliminary plat, taking into consideration the requirements of the community and the best use of the land being developed. Special attention shall be given to the arrangement, location, widths of the streets, location of the topography of the land, water supply, sewage disposal, degree of town development or availability of services, etc. and the requirements of this chapter, the County Planning Board, the Comprehensive Plan, Official Map and zoning regulations,³⁸ if such exist. The Planning Board shall render its findings to the Town Board within sixty (60) days after referral from the Town Board to the Planning Board unless otherwise mutually agreed upon.
- I. When officially submitted. Time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Town Board, at least ten (10) days prior to which the application for conditional approval of preliminary plat, complete and accompanied by the required fees and all data required by the Board, shall be filed with the Town Clerk of the Town Board.
- J. Within forty-five (45) days after receipt of such preliminary plat by the Clerk of the Town Board from the Planning Board, the Town Board shall hold a public hearing, which shall be advertised at least once in a newspaper of general circulation in the Town at least ten (10) days before such hearing. The Town Board may further provide that the hearing be further advertised in such manner as deemed most appropriate for public consideration in such preliminary plat. Within forty-five (45) days after the date of such hearing, the Town Board shall approve, with or without modification, or disapprove such preliminary plat and the grounds for such disapproval shall be stated on the records of the Town Board. The Town Board shall have absolute discretion in its determination. Notwithstanding the foregoing provisions of the mobile home park procedure, in which the Town Board may take actions on such applications, such time may be extended by mutual consent of the owner and the Town Board.
- K. Notwithstanding the foregoing provisions of this section, the Town Board may extend the time in which a conditionally approved plat in final form must be submitted for signature. If in its opinion such extension is warranted by the particular circumstances, the Town Board may extend the time for filing the conditionally approved plat two (2) additional periods of ninety (90) days each.
- L. The owner or his duly authorized agent shall, within six (6) months after the conditional approval of the preliminary plat, file with the Town Board an application for approval of the mobile home park in final form, setting forth all information requested by this section and any other information requested by the Town Board and or Planning Board. If the final plat is not submitted within six (6) months after conditional approval of the preliminary plat, the Town Board may refuse to approve

³⁸ Editor's Note: See Ch. 115, Zoning.

the final plat and require a resubmission of the preliminary plat. The application fee shall not be refundable.

- M. The owner or his duly authorized agent intending to submit an application for final approval by the Town Board shall provide the Town Clerk with a copy of the application and five (5) copies of the plat, including all offers of concession, covenants and agreements, and blueprints of all construction drawings at least ten (10) days in advance of the regular meeting of the Town Board, at which time it is to be officially submitted.
- N. The time of the submission of the mobile home park proposed final plan shall be considered to be the date of the regular meeting of the Town Board, at least ten (10) days prior to which the application for approval of the mobile home park, complete and accompanied by the required fee and all data required by this chapter, shall be filed with the Town Clerk.
- O. Water and sewer facility proposals. Water and sewer facilities contained in the mobile home park shall be properly endorsed and approved by the Erie County Department of Health. Applications for approval of plans for sewer and water facilities will be filed by the developer with all necessary town, county and state agencies. Endorsement and approval by the Erie County Department of Health shall be secured by the developer before official submission of the mobile home park final plat.
- P. After careful study, the Town Board shall, within seventy-five (75) days from the submission of the mobile home park final plat, approve, modify or disapprove such plan. The grounds for disapproval of any plat are to be stated on the records of the Town Board. A mobile home park shall not be signed by the authorized officer of the town³⁹ until the applicant has met all the conditions of the action granting approval of such plat.
- Q. No changes, erasures or modifications or revisions shall be made in any mobile home park after approval has been given by the Town Board and has been endorsed in writing on the plat. In the event that the mobile home park contains any such changes, the plat shall be considered null and void and the Town Board shall institute appropriate proceedings to determine its nullity.
- R. Each mobile home park application submitted to the Town Board for its approval shall carry the following endorsement: "Approved by Resolution of the Town Board of the Town of Sardinia the ___ day of _____ 19 ____, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of the plat as approved shall void this approval. Signed the ___ day of _____ 19 ____, Supervisor and Clerk." In the absence of the Supervisor or Clerk, the Acting Supervisor or Acting Clerk, respectively, shall sign in his place. Using the Official County Map, such endorsement shall stipulate the plat does not

³⁹ Editor's Note: See Subsection B of this section.

conflict with the Official County Map, or in most cases where the plat does front on or have access to or is otherwise related to roads or drainage systems shown on the County Map, that such plat has been approved by the County Planning Board in the manner specified by § 239K of the General Municipal Law.

- S. Contents of the sketched plan. The sketched plan shall be verified by the applicant and contain the following:
- (1) The name and address of the applicant.
 - (2) The nature and extent of his interest in the business for which a license is desired.
 - (3) Whether or not applicant is the owner of the real property for which license is desired and, if not, the name and address of the owner thereof.
 - (4) If the applicant is not the owner of the real property for which the license is desired, the application shall be accompanied by a duly verified statement of the owner of the real property that the applicant is authorized by him to construct or maintain the mobile home park and to make application for a license therefor.
 - (5) A description of the premises on which the mobile home park is or will be located as will readily identify and definitely locate the same.
 - (6) The number of units to be contained in said proposed mobile home park.
 - (7) A description of the premises involved, including a proposed mobile home park site, recreational areas, right-of-way, accurate widths, water supply, recreational water facilities and all other information to properly describe a proposed mobile home park.
 - (8) Such other information as may be required.
- T. The preliminary plat application shall be accompanied by five (5) copies of the mobile home park, drawn to scale and prepared by a civil engineer or land surveyor duly licensed by the State of New York, showing in detail the following:
- (1) The extent and area used for mobile home park purposes.
 - (2) Roadways, driveways and sidewalks.
 - (3) Location of sites of units for mobile homes.
 - (4) Separate location of parking facilities for automobiles.
 - (5) Method and plan of sewage disposal.

- (6) Method and plan of garbage disposal or removal.
- (7) Plan for water supply.
- (8) Plan for electric lighting of units, roadways and sidewalks.
- (9) All other particular and specific information as requested by the Town Board or Planning Board.

U.⁴⁰ The following license fees are hereby established for mobile home parks:

- (1) Mobile home parks having a capacity of not more than five (5) mobile homes: fifty dollars (\$50).
- (2) Mobile home parks having a capacity of not more than ten (10) mobile homes: one hundred dollars (\$100).
- (3) Mobile home parks having a capacity of not more than fifteen (15) mobile homes: one hundred fifty dollars (\$150).
- (4) Mobile home parks having a capacity of not more than twenty (20) mobile homes: two hundred dollars (\$200).
- (5) Each mobile home over and above the original twenty (20) mobile homes: twenty dollars (\$20) per home.

§ 77-6. Mobile home park plan.

- A. Every mobile home park shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- B. Mobile home spaces shall consist of a minimum of six thousand (6,000) square feet for each unit, with a minimum width of forty (40) feet and a minimum depth of ninety (90) feet. All spaces shall be clearly defined by proper markers at each corner. Mobile homes shall be so located on each space that there shall be at least one hundred (100) feet side and end clearance between mobile homes. No mobile home shall be located nearer than one hundred fifty (150) feet from any property line bounding the park nor nearer than two hundred fifty (250) feet from any dwelling or existing building outside of the boundary line of the mobile home park.
- C. There shall be a minimum paved area of twelve by twenty (12 x 20) feet on each mobile home unit. This area is to be used as a parking lot for cars and a walkway to the thoroughfare.

⁴⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- D. All mobile home spaces shall abut upon a roadway not less than fifty (50) feet in width, the hard-surfaced portion of which shall not be less than eighteen (18) feet in width and which driveway shall have unobstructed access to a public street, alley or highway. All roadways shall be hard-surfaced and shall meet in composition at least the minimum requirements of the State and County Highway Departments. They shall be maintained in a safe and adequate manner and shall be well marked in the daytime and adequately lighted at night, with a minimum of one hundred (100) watt lamps at minimum intervals of one hundred (100) feet, located approximately fifteen (15) feet from the ground.
- E. Sidewalks not less than three (3) feet in width, hard-surfaced, well-lighted at night and at all times maintained in a safe and adequate condition shall be provided from the mobile home to the driveway provided for in Subsection D above.
- F. An adequate electric service outlet, at least one hundred (100) volts and sufficient kilowatts, shall be provided for each mobile home space.
- G. All utilities within the park, including but not limited to electric, gas, telephone, sewage and television cables, shall be serviced by underground lines.

§ 77-7. Water supply.

A water supply of pure drinking water, approved by the Erie County Department of Health, shall be provided to each mobile home in the amount of not less than one hundred fifty (150) gallons per mobile home per day. No common drinking facilities shall be permitted.

§ 77-8. Waste and garbage disposal.

- A. All waste from showers, toilets, laundries, faucets and lavatories shall be wasted into a properly constructed septic tank and tile drain field or other proper device of suitable design, size and material approved by the Erie County Department of Health.
- B. Each mobile home park shall provide equipment sufficient to prevent littering of the ground and premises with rubbish, garbage, refuse and the like. All garbage, refuse, rubbish and the like shall be collected at least weekly or more often if required to maintain sanitary conditions. [Amended 3-5-74⁴¹]

§ 77-9. Recreation areas.⁴²

A minimum of twenty-five percent (25%) of the usable mobile home park area shall be used for recreation and roads; however, the one hundred-fifty-foot perimeter property line clearance designated in § 77-6B shall not be considered a part of this recreation area. There shall be at least one (1) recreation area, two hundred fifty by two hundred fifty (250 x 250) feet minimum, in any mobile home park.

⁴¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 77-10. Management.

- A. In every mobile home park there shall be a building in which shall be located the office of the operator or person in charge of said mobile home park. A copy of the license and of this chapter shall be conspicuously posted therein, and the mobile home park register shall at all times be kept in said office.
- B. It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
 - (1) Keep at all times a register of all mobile home occupants (which shall be open at all times for inspection by county, state and federal officers and officers of the Town of Sardinia) showing for each mobile home the following:
 - (a) Name and address of each occupant.
 - (b) Date of arrival.
 - (c) Name of owner of mobile home.
 - (d) Make of mobile home.
 - (2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
 - (3) See that the provisions of this chapter are complied with and enforced and report promptly to the public health authority any communicable diseases in the mobile home park.
 - (4) Prohibit the use of any mobile home by a greater number of occupants than that which it is designed to accommodate.
 - (5) Prohibit the use of the mobile home park by more mobile homes than the park is licensed to accommodate.

§ 77-11. Individual mobile home permits; fees.

- A. It shall be unlawful for any person to maintain a mobile home in the Town of Sardinia for more than seven (7) days without having first secured a permit thereof in compliance with the terms of this chapter, whether or not such mobile home is located in a mobile home park. Such permit shall expire on January 1 following the date of issuance.
- B. The application for such permit shall be filed with the Town Clerk and shall be accompanied by the appropriate fee as hereinafter provided.

- C. The application shall be verified by the applicant and contain:
- (1) The name and present address of the applicant.
 - (2) The last previous address of the applicant by street and number, if any.
 - (3) The name, age and sex of each occupant of the mobile home and the relationship of each such person to the applicant.
 - (4) The date of arrival of mobile home in the Town of Sardinia.
 - (5) Name of owner of the mobile home.
 - (6) Make of mobile home.
 - (7) Such other information as may be required.
- D. Fees for mobile home permits as described in Subsections A, B and C above shall be ten dollars (\$10) per mobile home per year, payable to the Town Clerk on or before January 7.
- E. For those mobile homes as described above which were located within the Town of Sardinia between the year 1955 and May 14, 1986, said mobile homes shall not be transferred, deeded, conveyed, assigned or otherwise granted to any person other than the original permit holder. Nothing contained in this chapter shall prevent the upgrading and/or replacement of the mobile home by the original permit holder. If granted, said permit is not transferable and applies only to the specific applicant so named in the application. [Amended 5-14-86⁴³]
- F. When the permit application, with all information required by the Town Clerk, is duly submitted, together with the necessary fee and with the written approval of a majority of the Town Board, the Town Clerk may issue a mobile home permit for such mobile home. Any person considering himself aggrieved by the refusal of the Town Clerk to so issue a mobile home permit may, within thirty (30) days after such refusal, apply to the Town Board for a review of such action. The Town Board may thereupon affirm, modify or reverse the action of the Town Clerk.
- G.⁴⁴ For those mobile homes located within the Town of Sardinia between 1955 and May 14, 1986, for which there is an expired construction permit and for which the dwelling to be constructed has not been so constructed as per the terms of the original construction permit, the following shall apply:
- (1) Effective May 14, 1986, all said expired construction permits, as outlined above, shall be extended a maximum of eighteen (18) months to November 14, 1987.

⁴³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴⁴ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- (2) The holder of the expired permit must present stamped and approved plans to the Town Code Enforcement Officer, along with the renewal fee of fifty dollars (\$50), no later than June 15, 1986. The applicant must further pay any and all related and necessary fees and conform to all applicable regulations, requirements, rules, statutes and ordinances of the State of New York and the County of Erie, as well as the Town of Sardinia. Failure to comply with the requirements of this subsection shall result in immediate revocation of the extension and enforcement proceedings shall be commenced as per the terms of § 77-13 of this chapter.

H. All mobile homes which have been allowed in the Town of Sardinia on permits designated by the Town Board as hardships shall be considered as within the regulations as set forth in Subsections A through F above. [Added 5-14-86⁴⁵]

I. [Added 5-14-86⁴⁶] Effective May 14, 1986, no mobile home, as defined in § 77-3 of this chapter, shall be issued a permit by the Town of Sardinia, except under the following specific circumstances and conditions:

- (1) The applicant must, at the time of application, certify in writing to the Town of Sardinia that a structure conforming to the Town Zoning Ordinance¹¹ will be built within the Town of Sardinia within two (2) years from the date of the permit issuance.
- (2) The applicant must, concurrently with said certification, do the following:
 - (a) Present approved stamped construction plans to the Town Code Enforcement Officer.
 - (b) Post a bond in the amount of one thousand dollars (\$1,000), naming the applicant and the Town of Sardinia. Said bond shall insure conformance with the terms and conditions, and upon completion of the conforming structure within two (2) years, the bond will be returned. Should there be a default or breach of the permit by the applicant, the bond shall be used for all necessary costs inclusive of legal fees, to remove the mobile home from the Town of Sardinia.
 - (c) Pay a permit fee of fifty dollars (\$50) for said two-year period.

§ 77-12. Inspections.⁴⁷

Before a mobile home park shall commence operation, and at any other reasonable time, the Code Enforcement Officer shall make an inspection of the premises to determine that all

⁴⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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⁴⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

requirements of this chapter have been or are being complied with. Before any mobile home permit is issued and at any other reasonable time, the Code Enforcement Officer shall inspect the mobile home.

§ 77-13. Revocation and suspension of permits.

The Town Board may, after notice and proper hearing, revoke or suspend any mobile home park license or mobile home permit issued pursuant to the terms of this chapter, for a violation of any of the provisions hereof. Upon the revocation of any such mobile home park license, the premises shall forthwith cease to be used for the purpose of a mobile home park and all mobile homes located therein shall be removed therefrom. Upon the revocation of any such mobile home permit, the mobile home covered thereby shall forthwith be removed from the Town of Sardinia.

§ 77-14. Penalties for offenses.⁴⁸

Any person who violates any provisions of this chapter shall be guilty of a violation and subject to a fine of not more than two hundred fifty dollars (\$250) or to imprisonment for a period of not more than fifteen (15) days, or both. Such fine and imprisonment and every day such violation exists shall constitute a separate offense and be punishable as such hereunder. The imposition of any penalty for a violation of this chapter shall not excuse the violation or permit the same to continue.

§ 77-15. Exceptions.

None of the provisions of this chapter shall be applicable to the sale, storage or garaging within a building or structure of a mobile home, nor shall the same be applicable to the exhibition for sale of mobile homes upon any property in the Town of Sardinia, outside of a mobile home park.

§ 77-16. Effect on county sanitary provisions.

Nothing herein contained shall be construed to abrogate any provisions of the Sanitary Code of the State of New York, or of the County of Erie, as the same now provides or as the same may hereafter be amended to provide. In the event of inconsistencies existing between the provisions of this chapter and said code, said code shall govern.

⁴⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 79

NOTIFICATION OF DEFECTS

§ 79-1. Maintenance of civil action.

§ 79-2. Transmission to Town Clerk; presentation to Town Board.

§ 79-3. Maintenance of Indexed Record; Public Record; and Preservation Period

§ 79-4. Effect on statutory provisions.

[HISTORY: Adopted 7-14-2011 as L.L. No. 3-2011.]

§ 79-1. Maintenance of civil action.

No civil action shall be maintained against the town, Town Superintendent of Highways or any other town official or employee for damage or injuries to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk, crosswalk, driveway, parking area, foot path or any recreational equipment, recreational area or any other public access are owned and/or maintained by the Town of Sardinia being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such site was actually given to the Town Superintendent of Highways and there was a failure or neglect, within a reasonable time after the giving of such notice, to repair or remove the defect, danger or obstruction complained of. No civil action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, sidewalk, crosswalk, driveway, parking area, foot path or any other public access area owned and/or maintained by the Town of Sardinia, unless written notice thereof, specifying the particular place, was actually given to the Town Superintendent of Highways and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe with a reasonable time after receipt of such notice.

§ 79-2. Transmission to Town Clerk; presentation to Town Board.

The Town Superintendent of Highways shall transmit, in writing, to the Town Clerk, within ten (10) days after the receipt thereof, all written notices received by him pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board within five (5) days of the receipt thereof or at the next succeeding Town Board Meeting, whichever shall be sooner.

§ 79-3. Maintenance of Indexed Record; Public Record; and Preservation Period

Additionally, the Town Clerk shall keep an indexed record, in a separate book, of all written notices received by the Town of the existence of defective, unsafe, dangerous or obstructed conditions and all written notices of the existence snow or ice upon particular specified places, which record shall state the date of receipt of the notice, the nature and location

of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or of the location of accumulated snow or ice. The record of notices of defects shall be a public record. The record of each notice shall be preserved for a period of five years after the date it is received.

§ 79-4. Effect on statutory provisions.

This chapter shall be applicable notwithstanding any inconsistent provisions of law, general, special or local, or other law and further this chapter supersedes, in its application to the Town of Sardinia, Subdivisions 1 and 3 of § 65-a of the New York State Town Law, and shall take effect, as amended, immediately upon its filing with the Secretary of State.

Chapter 82

PARKS

- § 82-1. Title.
- § 82-2. Applicability.
- § 82-3. Definitions.
- § 82-4. Hours.
- § 82-5. Firearms and other weapons; fireworks.
- § 82-6. Removal or damage of property.
- § 82-7. Traffic and parking.
- § 82-8. Fires.
- § 82-9. Garbage and refuse.
- § 82-10. Dogs.
- § 82-11. Hunting, fishing and trapping.
- § 82-12. Swimming.
- § 82-13. Gambling.
- § 82-14. Horseback riding.
- § 82-15. Alcoholic beverages.
- § 82-16. Glass containers.
- § 82-17. Disorderly conduct.
- § 82-18. Noise and music.
- § 82-19. Commercial enterprises.
- § 82-20. Payment of fees or charges.
- § 82-21. Orders of constables and police.
- § 82-22. Promulgation of rules and regulations.
- § 82-23. Permits.
- § 82-24. Penalties for offenses.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 7-21-81 as L.L. No. 1-1981. Sections 82-3, 82-5B, 82-10 and 82-24 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Dogs — See Ch. 54.

§ 82-1. Title.

This chapter shall be known *as* the "Sardinia Parks Law."

§ 82-2. Applicability.

The rules and regulations set forth herein shall apply to and be in effect in all parks under the control, supervision and jurisdiction of the Town Board of the Town of Sardinia, Erie County, New York.

§ 82-3. Definitions.

The following terms shall have the meanings indicated:

PARK – The grounds, buildings, structures, roads, parking areas, utilities, equipment, waters and any other property necessary for the operation thereof, and constituting a part thereof, which is now or may hereafter be maintained, operated and controlled by the Town of Sardinia for park and recreation purposes.

PERSON – Any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

RESOLUTION – A resolution duly adopted by the Town Board enacting, amending or repealing rules and regulations.⁴⁹

TOWN BOARD – The Town Board of the Town of Sardinia, Erie County, New York.

§ 82-4. Hours.

It shall be unlawful for any person, except employees of the Town of Sardinia and Sardinia Town Constables and police officers acting pursuant to their official duties and properly supervised groups with special permission from the Town Board, to enter a park prior to 8:00 a.m. or to remain within a park after 10:00 p.m., local time, unless these hours are modified by resolution of the Town Board.

⁴⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 82-5. Firearms and other weapons; fireworks.

- A. It shall be unlawful for any person to carry or otherwise transport or to use any firearm, airgun, slingshot, arrow, bow or other missile-throwing device in a park, provided that, for the purpose of participation in responsibly supervised archery events and with a permit issued by resolution of the Town Board, bows and arrows may be brought into a park for use only in areas designated by resolution of the Town Board, and provided that police officers acting pursuant to their official duties may carry firearms in the park.
- B. It shall be unlawful for any person to carry or otherwise transport or to use fireworks, including firecrackers, torpedoes, cherry bombs or explosives of any kind, in a park without special permission from the Town Board, pursuant to §§ 270.00 and 405.00 of the Penal Law.⁵⁰

§ 82-6. Removal or damage of property.

It shall be unlawful for any person, other than employees of the Town of Sardinia acting pursuant to their assigned duties to:

- A. Injure, deface, disturb or befoul any part of a park or any of the buildings, roads, signs, equipment or other property or improvements found therein.
- B. Remove, injure or destroy any tree, flower, shrub, grassed area or any vegetation, or fruit or seed thereof, found within a park, and including the stripping of bark or cutting of any tree.
- C. Remove, injure, destroy or disturb any rock or other mineral found within a park.

§ 82-7. Traffic and parking.

It shall be unlawful for any person to:

- A. Drive or cause to be driven within a park any vehicle at a speed or in a manner which endangers the life, limb or property of any person, and in no event shall the speed of any vehicle exceed five (5) miles per hour unless a greater speed shall be allowed and posted pursuant to a resolution of the Town Board.
- B. Park or cause to be parked any vehicle at a place where a sign prohibiting parking has been erected pursuant to a resolution of the Town Board or at a place where such vehicle obstructs the smooth flow of traffic.
- C. Park or cause to be parked any vehicle so that such vehicle lies more than five (5) feet from the nearest park road or parking lot as measured from the edge of such road or lot to the closest point on such vehicle.

⁵⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- D. Drive upon or along any park road or drive which has been closed to vehicular traffic and posted with appropriate signs or barricades, by resolution of the Town Board, during the process of road or park construction, reconstruction or repair or when necessary because weather conditions render its use either unsafe or unduly destructive for the park or of any road.
- E. Use any portion of a park for purposes of vehicular passage, except such roads; paths and trails as shall have been established and posted for such purposes.
- F. Operate any commercial vehicle weighing in excess of two (2) tons in a park unless authorized by resolution of the Town Board.
- G. Operate any unlicensed motor vehicle, including a dirt bike or go-cart, in a park.

§ 82-8. Fires.

It shall be unlawful for any person to:

- A. Start a fire in a park for any purpose, except in a stove, oven, grill, camping facility or fire circle provided for that purpose, and provided that the Town Board may by resolution prohibit fires for limited periods at any location or for any purpose when necessary for the protection of park property.
- B. Start or use any fire and to fail to extinguish such fire upon leaving the site.
- C. Deposit or leave any lighted match, cigarette, cigar or burning tobacco where it may cause a fire.

§ 82-9. Garbage and refuse.

It shall be unlawful for any person to drop, throw, scatter or litter park property with garbage or refuse, and no person shall bring into, leave behind or dump any material of any kind in a park except the refuse, ashes, garbage and other materials of a picnic, camp or other permitted activity, and such material shall be deposited in receptacles provided for such purpose.

§ 82-10. Dogs.⁵¹

It shall be unlawful for any person to bring any dog into a park unless such dog is properly licensed and held in control at all times by a leash not more than six (6) feet long. Any person bringing a dog into a park shall also be responsible for clean up and removal of any fecal deposits left by the dog during park visits. Further, it shall be unlawful for any person to bring any dog* into a park during special events. Special events shall be defined as the annual Chaffee-Sardinia Memorial Volunteer Fire Department Carnival, or any other such event requiring special-use permit by the Town Board.

⁵¹ Editor's Note: Amended by the Town Board of the Town of Sardinia 3-12-2003 as L.L. No. 1-2003.

* Service dogs for the visually or physically impaired will be permitted.

§ 82-11. Hunting, fishing and trapping.

It shall be unlawful for any person to hunt, trap or fish or in any other way molest any wild bird, fish or animal within a park.

§ 82-12. Swimming.

It shall be unlawful for any person to bathe or swim in any pool in a park, except as prescribed in posted regulations adopted by resolution of the Town Board governing the same.

§ 82-13. Gambling.

Except as may be lawfully regulated by resolution of the Town Board, it shall be unlawful for any person, while in a park, to engage in gambling or to profit from a gambling activity as those terms are defined in § 225.00 of the New York State Penal Law.

§ 82-14. Horseback riding.

It shall be unlawful for any person, other than a Sardinia Town Constable or a police officer as defined in the Criminal Procedure Law acting pursuant to his official duties to:

- A. Ride a horse in a park, except along and over bridle paths established and posted for such purpose.
- B. Ride a horse so as to travel at a gait in excess of a trot while in a park.
- C. Ride a horse in a park so as to endanger the life, limb or property of any person.

§ 82-15. Alcoholic beverages.

It shall be unlawful for any person to:

- A. Possess or consume any alcoholic beverage in a park, except beer, ale or wine.
- B. Consume any alcoholic beverage, including beer, ale or wine, or to carry any open alcoholic beverage container in any moving vehicle in a park.

§ 82-16. Glass containers.

It shall be unlawful for any person to carry, possess or leave any beverage container in a park where such container is made from glass or any other material which tends to shatter on impact, provided that baby bottles as commercially sold shall be exempt from this prohibition.

§ 82-17. Disorderly conduct.

It shall be unlawful for any person to engage in any disorderly conduct, as that term is defined in § 240.20 of the New York State Penal Law, while in a park, provided that conduct shall be determined to be disorderly or not disorderly in light of the dedication of the park to the quiet enjoyment, recreation and relaxation of the public.

§ 82-18. Noise and music.

It shall be unlawful for any person to cause or permit noise or music to reach a level of sound which reasonably tends to annoy or disturb other park patrons, provided that no person shall be prosecuted for a violation of this section unless such person has been notified by a Sardinia Town Constable or a police officer, as defined in the Criminal Procedure Law, acting pursuant to his official duties that such noise or music reasonably tends to annoy other park patrons, and provided, further, that the determination as to whether any such noise or music reasonably tends to annoy or disturb shall be made in light of the dedication of the park to the quiet enjoyment, recreation and relaxation of the public.

§ 82-19. Commercial enterprises.

It shall be unlawful for any person to sell or offer for sale within a park any property, privilege or service whatsoever or to perform any service that was sold elsewhere, unless authorized by resolution of the Town Board.

§ 82-20. Payment of fees or charges.

It shall be unlawful for any person to enter upon or use any park facility or property for the use of which a fee or charge is imposed by resolution of the Town Board and notice thereof is prominently posted at or near such facility or property or the entrance thereto, unless he shall have first paid such fee or charge.

§ 82-21. Orders of constables and police.

It shall be unlawful for any person to fail or refuse to comply with any reasonable order lawfully given by a Sardinia Town Constable or by any police officer as defined in the Criminal Procedure Law acting pursuant to his office duties.

§ 82-22. Promulgation of rules and regulations.

- A. The Town Board is hereby authorized to promulgate by resolution and to post such reasonable special rules, not inconsistent with any provision of this chapter, in relation to the activities specified in Subsection D hereof, as may be necessary for the safety, comfort and convenience of park patrons and for the preservation of park property.
- B. The Town Board may provide by resolution that the activities specified in Subsection D hereof are prohibited, except within such park areas, during such hours or seasonal

periods or subject to such reasonable conditions or permit requirements as the Town Board may specifically provide.

- C. The violation of any provision of any special rule or regulation promulgated and posted pursuant to this section shall constitute a violation of this chapter.
- D. The Town Board may by resolution regulate the following activities by special rule or regulation not inconsistent with this chapter:
 - (1) Parking.
 - (2) Operation of motor vehicles.
 - (3) Use of park buildings, roads, parking areas and shelters.
 - (4) Commercial enterprises.
 - (5) Holding and advertisement of meetings, public exhibitions, public entertainment and religious ceremonies.
 - (6) Camping and fires.
 - (7) Fishing.
 - (8) Swimming, wading and bathing.
 - (9) Horseback riding.
 - (10) Bicycling.
 - (11) Operation of all-terrain vehicles.
 - (12) Operation of motorcycles.
 - (13) Operation of snowmobiles.
 - (14) Roller and ice skating.
 - (15) Snow skiing.
 - (16) Tobogganing and sledding.
 - (17) Archery.
 - (18) Golfing.

(19) Location, conduct and scheduling of all types of games, sports and athletic contests.

(20) Kite flying.

(21) Parachuting, hang gliding and ballooning.

(22) Operation of toy or model aircraft or other vehicles.

- E. Every special rule or regulation promulgated by resolution of the Town Board pursuant to this chapter shall be filed in the office of the Sardinia Town Clerk and shall be effective, after such filing, upon the posting of such special rule or regulation in the park affected thereby.

§ 82-23. Permits.

The Town Board is hereby authorized to grant permits in conformity with this chapter and with any special rules or regulations promulgated by the Town Board pursuant to § 82-22 of this chapter. All permits issued to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law or ordinance. Any violation of any term or condition, or of any law or ordinance or of the rules and regulations governing the parks shall constitute grounds for revocation of said permit by the Town Board and shall constitute a violation of this chapter.

§ 82-24. Penalties for offenses.⁵²

Any person convicted of a violation of this chapter shall be guilty of an offense punishable by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.

⁵² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 88

PEDDLING AND SOLICITING

- § 88-1. License or permit required.
- § 88-2. Exemptions.
- § 88-3. License and permit fees.
- § 88-4. License and permit applications.
- § 88-5. Issuance and possession of licenses and permits; business hours and days.
- § 88-6. Transferability of licenses and permits.
- § 88-7. Remission or waiver of fee.
- § 88-8. Interference with interstate commerce.
- § 88-9. Penalties for offenses.

[HISTORY; Adopted by the Town Board of the Town of Sardinia 7-11-84. Section 88-2 added and §§ 88-3 and 88-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 88-1. License or permit required.

- A. It shall be unlawful, except as herein provided, for any person to act as a canvasser or for any person to engage in purchasing, buying, bartering, selling, peddling, hawking or vending goods, wares and merchandise or other personal property or soliciting orders or subscriptions for the sale or purchase thereof by going from house to house within the limits of the Town of Sardinia, whether he or she is the principal or an employee, agent or representative of any other person or business entity, without first obtaining a license from the Town Clerk of the Town of Sardinia.⁵³
- B. Any person who shall hereafter canvass and/or solicit for the sale of or subscription to newspapers, periodicals, magazines, books, pamphlets or other publications or engage in canvassing and soliciting for contributions for or subscriptions to any purpose by going door to door within the Town of Sardinia must first apply to the Town Clerk for a permit and shall pay the permit fee so required.

⁵³ Editor's Note: Original Section 2, License Fees, which immediately followed this subsection, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 88-2. Exemptions.⁵⁴

Nothing in this chapter shall be held to apply to persons who do not fit the descriptions set forth in § 88-1; to any sales conducted pursuant to statute or by order of any court; to any person selling personal property at wholesale to dealers in such articles; to merchants having an established place of business within the town where there are employees for soliciting orders from customers and delivering the same; to farmers and persons who produce such commodities or to dealers in milk, baked goods, heating oil and daily newspapers or to the peddling of meats, fish, fruit and similar produce; to any honorably discharged member of the United States Armed Forces who has procured a license as provided by the General Business Law of the State of New York; to persons soliciting or collecting for any bona fide educational or charitable organization having a permanent office within the Town of Sardinia or any school districts servicing the town; or to students under the age of twenty-one (21) years pursuing part-time self-employment. All persons named above shall be subject to restrictions hereinafter delineated.

§ 88-3. License and permit fees.⁵⁵

The fees for a license or permit shall be the sum of twenty dollars (\$20) from the time the license or permit is issued until the 30th day of June next thereafter or a daily fee of two dollars (\$2) per day.

§ 88-4. License and permit applications.

All registrants for a license or permit under this chapter shall file with the Town Clerk an application for said license or permit, showing, under oath, his or her name, age, place of residence, and if the applicant is a sole proprietor, employee, independent contractor, agent or representative of any other person or other business entity, along with such information as the Town Clerk, in his or her discretion, may require. Any applicant refused a license by the Town Clerk may appeal to the Town Board. Said complaint shall be heard by the Town Board at its next regular meeting, provided that written notice is given by the aggrieved applicant to the Town Clerk within five (5) days after the denial of said license or permit.

§ 88-5. Issuance and possession of licenses and permits; business hours and days.

- A. The licenses and permits provided for herein shall be issued by the Town Supervisor and shall be countersigned by the Town Clerk. The Town Clerk shall keep a record of the licenses issued and the amount of the fee to be paid for them. At the time of the approval of the permit, the applicant shall pay to the Town Clerk the license or permit fee, and a receipt shall be given to the applicant for said fee.
- B. The holder of the license and permit must carry both a copy of the license or permit and a copy of the endorsed receipt, and said license holder or permit holder shall, upon request, show the applicable documents to those who request them.

⁵⁴ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. A license holder or permit holder may do business under the terms of the license or permit between the hours of 8:30 a.m. and 6:30 p.m., Monday through Saturday, and it shall be specifically noted on each permit that the permit is void on Sundays.

§ 88-6. Transferability of licenses and permits.

- A. Licenses or permits issued by the Town of Sardinia for the purposes described herein are not transferrable. No license or permit issued under this chapter shall include more than one (1) person, nor may any person hold more than one (1) license of any one (1) kind.
- B. If a license holder or permit holder proves to the satisfaction of the Town Clerk that he or she is the agent or representative of some other person or business entity, then the license may be surrendered by said agent or employee to the Town Clerk and a new license or permit will be reissued by the Town Clerk to another agent or employee of said person or business entity. There shall be no fee for such services. However, any person assigning or transferring or attempting to *assign* or transfer any license or permit issued hereunder, except as expressly provided herein, shall be guilty of a violation of this chapter.⁵⁶

§ 88-7. Remission or waiver of fee.

The Sardinia Town Board does, by this chapter, reserve to itself the authority, in order to prevent unnecessary hardship or when, in the judgment of the Board, the public interest of the town will be promoted thereby, to permit in whole or in part the reimbursement of any fee for any license or permit issued under this chapter. In such case, the Town Clerk shall render to the Town Board a statement of the action taken, the extent to which the fee for the license or permit is remitted or waived and that such license or permit may take effect only after the Town Clerk has endorsed the same with the approval of the Town Board.

§ 88-8. Interference with interstate commerce.

- A. License or permit fees shall not be applied by the Town Board so as to constitute an excessive burden on interstate commerce. Any applicant or claimant claiming that said license fees are a burden upon interstate commerce may apply to the Town Supervisor for an adjustment of the fees. The Town Supervisor shall investigate and make findings of fact to determine if the fee is unreasonable or discriminatory concerning the applicant's business, and, if the fee has not been paid, a fee that is fair and reasonable to all parties will be set. If said fee has been paid, a full or partial refund over and above the amount fixed by and between the parties shall issue.
- B. The Sardinia Town Board may fix a fee upon a percentage of gross sales or other calculations which will assure that the fee charged will not be discriminatory and that

⁵⁶ Editor's Note: Original Section 8, Those Exempt from Fee for License or Permit, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. See now § 88-2 of this chapter.

it is in line with fees charged to other businesses for the privilege of doing business. The Town Board, may, in its discretion, require the applicant to provide it with statements under oath concerning the gross sales of the business.

§ 88-9. Penalties for offenses.⁵⁷

Any persons violating any of the provisions contained herein shall be guilty of a violation and, if convicted or upon a plea of guilty thereto, may be punished by the levy of a fine of not more than two hundred fifty dollars (\$250) or imprisonment for a term not exceeding fifteen (15) days, or both, for each violation. Each separate violation of this chapter shall constitute an offense, and each day that the violation occurs shall be considered a separate offense.

⁵⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Chapter 91

RECYCLING

- § 91-1. Maintenance of civil action.
- § 91-2. Transmission to Town Clerk; presentation to Town Board.
- § 91-3. Effect on statutory provisions.
- § 91-4. Definitions.
- § 91-5. General provisions.
- § 91-6. Collection permit.
- § 91-7. Enforcement administration.
- § 91-8. Penalties for offenses.
- § 91-9. Alternate collection procedures.
- § 91-10. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 8-12-1992 as L.L. No. 2-1992. Amendments noted where applicable.]

§ 91-1. Title.

This chapter shall be known and may be cited as the "Recycling Law of the Town of Sardinia."

§ 91-2. Statutory authority.

This chapter is enacted pursuant to the authority granted under New York State Town Law, New York State General Municipal Law, New York State Municipal Rome Rule Law and New York State Environmental Conservation Law regarding solid waste management.

§ 91-3. Purpose.

It shall be the purpose of the Recycling Law of the Town of Sardinia to encourage and facilitate the maximum recycling practicable on the part of each and every person, household, business and institution within the town. It shall further be the purpose of the Recycling Law of the Town of Sardinia to establish, implement and enforce minimum recycling related practices and procedures to be applicable to all waste generators and authorized collectors within the town.

§ 91-4. Definitions.

The following terms shall have the meanings as set forth in this chapter:

AUTHORIZED COLLECTOR – Any person or other legal entity which is licensed by the town for the purpose of:

- A. Collecting recyclables from waste generators for delivery to a recycling facility or market; and/or
- B. Collecting solid waste from waste generators for disposal at a permitted solid waste facility.

COMPONENTS – Those materials which include paper, glass, metals, plastics, garden and yard waste, and may include other elements of solid waste.

CURBSIDE COLLECTION – The collection by the town, its authorized agent(s) or an authorized collector of recyclables and/or solid waste placed at the curbside or other designated locations.

DROPOFF CENTER – A private or publicly operated facility to which a person can deliver recyclables for further processing and marketing.

ECONOMIC MARKETS – Those instances in which the full avoided costs of proper collection, transportation and disposal of source-separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials.

MATERIALS RECOVERY FACILITY – A private or public facility for receiving and processing recyclables into marketable commodities.

PERSON – Any individual, firm, partnership, company, corporation, association, joint venture, cooperative enterprise, trust, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine or penalty, the term "person" shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

RECYCLABLES – Those materials, as the Town Board shall designate, able to be practically separated from nonrecycled waste. Such materials may include, but are not limited to:

- A. **ALUMINUM CANS** – Empty all-aluminum beverage and food containers.

- B. BIMETALLIC CANS – Empty food or beverage containers consisting of ferrous sides and bottoms and an aluminum top.
- C. CORRUGATED – Woodpulp-based material which is usually smooth on both sides with a corrugated center commonly used for boxes for packing, mailing, shipping or containerized goods, merchandise or other material, but excluding plastic, foam or wax-coated or soiled cardboard.
- D. FERROUS CANS – Empty steel or tin food or beverage containers.
- E. GLASS CONTAINERS — Bottles and jars made of clear (flint), green or brown (amber) glass. Expressly excluded are noncontainer glass, drinking glasses and cups, window and mirror glass, blue glass, light bulbs and porcelain or ceramic products.

MAGAZINES – Magazines, glossy catalogs and other matter printed on glossy or slick paper.

NEWSPAPERS – Common machine-finished paper made chiefly from woodpulp and commonly referred to as "newsprint." Expressly excluded, however, are newspapers which have been soiled or wet. Glossy finished papers used for newspaper inserts may also be excluded.

OFFICE PAPER – All bond, computer, print-out, duplicating, stationery and other high quality paper. Expressly excluded are papers with self carbons, chemical transfer paper, carbon paper, windowed envelopes and glossy paper.

PLASTIC CONTAINERS – Containers composed of high-density polyethylenes (HDPE), polyethylene terephthalate (PET) or other specific plastics as the Town Board may designate.

SOLID WASTE – All putrescible and nonputrescible materials or substances discarded or rejected as having served their original intended use or as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, including garbage, refuse, litter, rubbish, industrial waste, commercial waste, sludges, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles and offal, but not including designated recyclables, solid or dissolved matter in domestic sewage or substances, materials in noncontainerized gaseous form or hazardous or toxic materials or waste as defined by the Department of Environmental Conservation.

SOURCE-SEPARATE – The separation and segregation of recyclables from the solid waste stream, into designated categories for recycling, by the waste generator at the point of generation.

TOWN – The Town of Sardinia located within the County of Erie, State of New York.

TOWN BOARD – The duly elected and constituted legislative body of the Town of Sardinia.

VEGETATIVE YARD WASTE – Organic yard and garden waste, prunings, grass clippings, weeds, leaves and brush.

WASTE GENERATOR – Any person or other legal entity which produces waste requiring off-site disposal.

§ 91-5. General provisions.

- A. The designation and definition of recyclables shall be as set forth in this chapter and as may be determined from time to time by resolution of the Town Board. In the designation and definition of recyclables, the Town Board shall give due consideration to the public purposes for recycling, to the adequacy of economic markets for separated materials and to any additional effort and expense to be incurred by waste generators and authorized collectors in meeting the separation requirements.
- B. Every waste generator in the town shall cause recyclables to be source separated from solid waste. Such source-separation shall occur prior to the time that the solid waste is left for collection or is delivered by the generator of such waste to a solid waste management facility.
- C. Waste generators shall cause source-separated recyclables to be properly prepared for collection or dropoff in the manner reasonably prescribed by the authorized collector, dropoff center or material recovery facility.
- D. Waste generators shall cause properly prepared recyclables to be delivered to a dropoff center or material recovery facility.
- E. It shall be a violation of this chapter for any person not authorized by the Town Board to collect or pick up or cause to be collected or picked up any recyclables or solid waste within the town. Each such collection in violation hereof shall constitute a separate and distinct offense.
- F. It shall be a violation of this chapter for a waste generator or authorized collector to dispose or attempt to dispose of recyclables as waste. Each such disposal or attempted disposal in violation hereof shall constitute a separate and distinct offense.

§ 91-6. Collection permit.

- A. All authorized collectors are required to obtain an annual permit upon application and approval of the Town Board.
- B. The Town Board shall determine by resolution the cost of the permit and any requirements to be met by the applicant. By this provision the Town Board specifically

reserves the discretion to determine the requirements for said permit which shall include, but not be limited to, the type of vehicles used for collection, hours of collection, frequency of collection, materials collected and provisions against spillage and littering.

- C. In determining the requirements for said permit, the Town Board shall give due consideration to existing source-separation, recycling and other resource-recovery activities in the town.
- D. All authorized collectors shall file a periodic report with the Town Board in a format and at a frequency designated by the Town Board. For all recyclables and solid waste collected from within the town during a given period, the report shall include, but not be limited to, the following:
 - (1) The weights by category of all solid waste collected, the name and address of each solid waste management facility where said waste was delivered and the weights by category of the waste delivered to each such facility.
 - (2) The weights by category of all recyclables collected, stored, marketed and otherwise disposed of during the period.
 - (3) The names and addresses of any persons or firms which have failed to properly source-separate recyclables from solid waste; provided, however, that the authorized collector has made reasonable efforts to educate the persons or firms on the acceptable methods of proper source separation.

§ 91-7. Enforcement administration.

- A. The Town Board by its designated officer is authorized to enforce this chapter. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclables in accordance with the terms hereof and any other matters required to implement this chapter. This shall include the licensing of authorized collectors. The Town Board may change, modify, repeal or amend any portion of said rules and regulations at any time.
- B. The town or any authorized collector may refuse to collect solid waste from any person who has clearly failed to source-separate recyclables.
- C. The town or any authorized collector may refuse to collect recyclables from any person who has clearly failed to properly prepare such recyclables.

§ 91.8. Penalties for offenses.

- A. Any action by any person or other legal entity which violates or does not comply with any provision of this chapter or any regulation thereof shall be given a written notice to remedy upon the first violation and thereafter shall be punishable by a fine not to

exceed one hundred dollars (\$100) upon the first conviction and not more than one thousand dollars (\$1,000) upon each subsequent conviction.

- B. Any person or other legal entity which collects such recyclables without authorization of the owner and of the Town Board shall be punishable by a fine not to exceed three hundred dollars (\$300) upon the first conviction, not more than five hundred dollars (\$500) upon the second conviction and not more than one thousand dollars (\$1,000) upon each subsequent conviction.
- C. This chapter may be enforced in the Town of Sardinia Justice Court.

§ 91-9. Alternate collection procedures.

Any person may donate or sell recyclables to individuals or organizations authorized or licensed by the Town Board in its recycling regulations. These recyclables shall either be delivered to the individual's or organization's site or placed at the curb for collection by said individual or organization on days not indicated as recyclables collection days by the Town Board. Said individuals or organizations shall not collect recyclables on or immediately preceding [within twenty-four (24) hours] a regularly scheduled curbside collection day without written authorization from the Town Board.

§ 91-10. Effective date.

This local law shall take effect immediately with compliance of its terms effective September 1, 1992.

Chapter 93⁵⁸

(RESERVED)

⁵⁸ Editor's Note: Former Ch. 93, Snowmobiles, adopted 1-17-1973 as L.L. No. 1-1973, was repealed 8-11-1993 by L.L. No. 2-1993.

Chapter 99

TAXATION

ARTICLE I

Veterans Exemption

§ 99-1. Maximum allowable exemption.

§ 99-2. Effective date.

ARTICLE II

Senior Citizens Exemption

§ 99-3. Title.

§ 99-4. Exemption provided.

§ 99-5. Application for exemption.

§ 99-6. Amendments.

§ 99-7. Separability.

§ 99-8. Inconsistency.

§ 99-9. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Sardinia: Art. I, 5-14-1997 as L.L. No. 1-1997; Art. II, adopted 8-25-2006 as L.L. No. 1-2006 (see Ch. 1, General Provisions, Art. I).]

ARTICLE I

Veterans Exemption

[Adopted 5-14-1997 as L.L. No. 1-1997]

§ 99-1. Maximum allowable exemption.

In accordance with the authorization of subparagraph (ii) of paragraph (d) of subdivision 2 of Section 45-a of the Real Property Tax Law, the maximum allowable exemption of paragraphs (a), (b), and (c) of subdivision 2 of Section 458-a of such law is hereby increased to \$15,000, \$10,000, and \$50,000, respectively.

§ 99-2. Effective date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

ARTICLE II
Senior Citizens Exemption
[Adopted 8-25-2006 as L.L. No. 1-2006]

§ 99-3. Title.

This Local Law shall be known and cited as "A Local Law of the Town of Sardinia Providing a Partial Exemption from Taxation to Person Sixty-Five (65) Years of Age or Older Pursuant to the Provisions of Section 467 of the Real Property Tax Law of State of New York."

§ 99-4. Exemption provided.

- A. Real property situate within the bounds of the Town of Sardinia, Erie County, New York, owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or siblings (i.e., a brother or sister whether related through half blood, whole blood or adoption), one of whom is 65 years of age or over, shall be exempt from taxation for real estate taxes to be levied by the Town of Sardinia for the year 2006 and thereafter by the percentage of exemption specified for the annual income ranges listed below. Such exemption shall be based upon the assessed valuation of the exempt real property and shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
Up to \$24,000	50 per centum
More than \$24,000, but less than \$25,000	45 per centum
\$25,000 or more, but less than \$26,000	40 per centum
\$26,000 or more, but less than \$27,000	35 per centum
\$27,000 or more, but less than \$27,900	30 per centum
\$27,900 or more, but less than \$28,800	25 per centum
\$28,800 or more, but less than \$29,700	20 per centum
\$29,700 or more, but less than \$30,600	15 per centum
\$30,600 or more, but less than \$31,500	10 per centum
\$31,500 or more, but less than \$32,400	5 per centum

- B. Annual income shall include the income of the owner or the combined income of the owners of the property for the income year immediately preceding the date of making an application for exemption. Income tax year shall mean the twelve (12) month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum.

- C. The title of property must be vested in the owner or all of the owners of the property, pursuant to the requirements of Section 467 of the New York State Real Property Tax Law prior to the date of making application for exemption.
- D. The property must be used exclusively for residential purposes, be occupied in whole or in part by the owners and constitute the legal residence of the owners. Upon determination by the assessor that the requirements of the statute have been met, the exemption to the extent as provided herein shall be allowed, provided that the property so qualifies. The exemption does not apply to special ad valorem levies or special assessments.

§ 99-5. Application for exemption.

An application for such a real property exemption must be made annually by the owner or all of the owners of the property on a form to be furnished by the Town Assessor's Office.

§ 99-6. Amendments.

The annual income ranges and the exemption percentage may, from time to time, by Resolution of the Town Board of the Town of Sardinia, be increased pursuant to the extent allowed by Section 467 of the New York Real Property Tax Law.

§ 99-7. Separability.

Should any section, paragraph, clause or phrase of this Local Law be declared unconstitutional or unjust for any reason by a court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

§ 99-8. Inconsistency.

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed, and specifically Article 2 entitled Senior Citizens Exemption adopted on August 26, 1989 as Local Law No. 4-1989, and as further amended on May 9, 1990 by Local Law No. 1 of 1990, and on April 10, 1991 by Local Law No. 1 of 1991, and as further amended on April 12, 1995 by Local Law No. 1-1995, of the Town of Sardinia.

§ 99-9. Effective date.

This Local Law shall take effect immediately.

Chapter 111

VEHICLES AND TRAFFIC

ARTICLE I

General Provisions

- § 111-1. Definitions.
- § 111-2. Authority to install traffic control devices.
- § 111-3. Schedules; adoption of regulations.

ARTICLE II

Traffic Regulations

- § 111-4. Traffic control signals.
- § 111-5. One-way streets.
- § 111-6. U-turns.
- § 111-7. Prohibited turns at intersections.
- § 111-8. Prohibited right turns on red signal.
- § 111-9. Stop intersections.
- § 111-10. Yield intersections.
- § 111-11. Trucks over certain weights excluded.

ARTICLE III

Parking, Standing and Stopping

- § 111-12. Application of Article.
- § 111-13. Parking prohibited at all times; handicapped parking.
- § 111-14. No stopping.
- § 111-15. No standing.
- § 111-16. Parking prohibited certain hours.
- § 111-17. No stopping certain hours.

§ 111-18. No standing certain hours.

§ 111-19. Time limit parking.

§ 111-20. Loading zones.

ARTICLE IV
Removal and Storage of Vehicles

§ 111-21. Authority to impound vehicles.

§ 111-22. Storage and charges.

§ 111-23. Notice of removal.

ARTICLE V
Miscellaneous Provisions

§ 111-24. Penalties for offenses.

§ 111-25. When effective.

§ 111-26. Severability.

§ 111-27. Repealer.

ARTICLE VI
Schedules

§ 111-28. Schedule I: Traffic Control Signals.

§ 111-29. Schedule II: One-Way Streets.

§ 111-30. Schedule III: U-Turn Prohibitions.

§ 111-31. Schedule IV: Prohibited Turns at Intersections.

§ 111-32. Schedule V: Prohibited Right Turns on Red Signal.

§ 111-33. Schedule VI: Stop Intersections.

§ 111-34. Schedule VII: Yield Intersections.

§ 111-35. Schedule VIII: Trucks Over Certain Weights Excluded.

§ 111-36. Schedule IX: Parking Prohibited at All Times.

§ 111-37. Schedule X: No Stopping.

- § 111-38. Schedule XI: No Standing.
- § 111-39. Schedule XII: Parking Prohibited Certain Hours.
- § 111-40. Schedule XIII: No Stopping Certain Hours.
- § 111-41. Schedule XIV: No Standing Certain Hours.
- § 111-42. Schedule XV: Time Limit Parking.
- § 111-43. Schedule XVI: Loading Zones.

[HISTORY: Adopted by the Town Board of the Town of Sardinia 5-27-89. Amendments noted where applicable.]

ARTICLE I General Provisions

§ 111-1. Definitions.

- A. The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.
- B. The following words and phrases, which are not defined by Article 1 of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

CURBLINE – The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

HOLIDAYS – New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

OFFICIAL TIME STANDARD – Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

§ 111-2. Authority to install traffic control devices.

The Superintendent of Highways shall install and maintain traffic control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

§ 111-3. Schedules; adoption of regulations.

- A. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this chapter, there is hereby established a system of schedules, appearing as Article VI of this chapter, in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of the section to which they refer. All regulations shall be adopted with reference to the appropriate schedule as indicated in the various sections of this chapter.
- B. Regulations shall be adopted by the Town Board in accordance with provisions of the Town Law and the Vehicle and Traffic Law, or by an officer or agency authorized by the Town Board to adopt regulations pursuant to § 1603 of the Vehicle and Traffic Law.

**ARTICLE II
Traffic Regulations**

§ 111-4. Traffic control signals.

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule I (§ 111-28), attached to and made a part of this chapter.

§ 111-5. One-way streets.

The streets or parts of streets described in Schedule II (§ 111-29), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

§ 111-6. U-turns.

No person shall make a U-turn on any of the streets or parts of streets described in Schedule III (§ 111-30), attached to and made a part of this chapter.

§ 111-7. Prohibited turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule IV (§ 111-31), attached to and made a part of this chapter.

§ 111-8. Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule V (§ 111-32), attached to and made a part of this chapter.

§ 111-9. Stop intersections.

The intersections described in Schedule VI (§ 111-33), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 111-10. Yield intersections.

The intersections described in Schedule VII (§ 111-34), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

§ 111-11. Trucks over certain weights excluded.

Trucks in excess of the weights indicated are hereby excluded from the streets or parts of streets described in Schedule VIII (§ 111-35), except for the pickup and delivery of materials on such streets.

ARTICLE III
Parking, Standing and Stopping

§ 111-12. Application of Article.

The provisions of this Article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

§ 111-13. Parking prohibited at all times; handicapped parking.

- A. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule IX (§ 111-36), attached to and made a part of this chapter.
- B. Those areas marked as such in parking lots for town facilities shall be designated as handicapped parking spaces in accordance with Vehicle and Traffic Law § 1203-a et seq.

§ 111-14. No stopping.

No person shall stop a vehicle upon any of the streets or parts of streets described in Schedule X (§ 111-37), attached to and made a part of this chapter.

§ 111-15. No standing.

No person shall stand a vehicle upon any of the streets or parts of streets described in Schedule XI (§ 111-38), attached to and made a part of this chapter.

§ 111-16. Parking prohibited certain hours.

No person shall park a vehicle between the hours specified in Schedule XII (§ 111-39) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XII, attached to and made a part of this chapter.

§ 111-17. No stopping certain hours.

No person shall stop a vehicle during the times specified in Schedule XIII (§ 111-40) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIII, attached to and made a part of this chapter.

§ 111-18. No standing certain hours.

No person shall stand a vehicle during the times specified in Schedule XIV (§ 111-41) of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XIV, attached to and made a part of this chapter.

§ 111-19. Time limit parking.

No person shall park a vehicle for longer than the time limit shown in Schedule XV (§ 111-42) at any time between the hours listed in said Schedule XV of any day, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule XV, attached to and made a part of this chapter.

§ 111-20. Loading zones.

The locations described in Schedule XVI (§ 111-43), attached to and made a part of this chapter, are hereby designated as loading zones.

ARTICLE IV
Removal and Storage of Vehicles

§ 111-21. Authority to impound vehicles.

- A. When any vehicle is parked or abandoned on any highway or public parking lot within this town during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, said vehicle may be removed by or under the direction of the Superintendent of Highways or town constables.
- B. When any vehicle is found unattended on any highway or public parking lot within the town where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by or under the direction of the Superintendent of Highways or town constables.

§ 111-22. Storage and charges.

After removal of any vehicle as provided in this Article, the Town of Sardinia may store or cause such vehicle to be stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle may redeem the same upon payment to the person with whom stored of the amount of all expenses actually and necessarily incurred in effecting such removal and storage.

§ 111-23. Notice of removal.

It shall be the duty of the Superintendent of Highways or town constables to ascertain to the extent possible the owner of the vehicle or the person having the same in charge and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same. Said Superintendent of Highways or town constables shall also without delay report the removal and disposition of any vehicle removed as provided in this Article to the Town Clerk and appropriate law enforcement agencies.

ARTICLE V
Miscellaneous Provisions

§ 111-24. Penalties for offenses.

Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than fifty dollars (\$50) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

§ 111-25. When effective.

- A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any regulations adopted hereunder shall take effect as provided by law.
- B. Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York shall take effect from and after the day on which approval in writing is received from the New York State Department of Transportation.

§ 111-26. Severability.

If any Article, section, subsection, paragraph, sentence, clause or provision of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the Article, section, subsection, paragraph, sentence, clause or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 111-27. Repealer.

All prior ordinances, regulations and rules, or parts thereof, of this town regulating traffic and parking are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance, regulation or rule hereby repealed prior to the taking effect of this chapter.

**ARTICLE VI
Schedules**

§ 111-28. Schedule I: Traffic Control Signals.

In accordance with the provisions of § 111-4, traffic control signals shall be installed at the following described intersections:

Intersection

(Reserved)

§ 111-29. Schedule II: One-Way Streets.

In accordance with the provisions of § 111-5, the following described streets or parts of streets are hereby designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel Limits
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(Reserved)

§ 111-30. Schedule III: U-Turn Prohibitions.

In accordance with the provisions of § 111-6, no person shall make a U-turn at any of the following locations:

Name of Street	Location
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(Reserved)

§ 111-31. Schedule IV: Prohibited Turns at Intersections.

In accordance with the provisions of § 111-7, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street	Direction of Travel	Prohibited Turn Hours	At Intersection of
(Reserved)			

§ 111-32. Schedule V: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 111-8, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

Name of Street	Direction of Travel	Prohibited Right Turn on Red Signal Onto
(Reserved)		

§ 111-33. Schedule VI: Stop Intersections.

In accordance with the provisions of § 111-9, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Stop Sign on	Direction of Travel	At Intersection of
Hosmer Drive	Both	Deerfield Drive
Hosmer Drive	North	Meyers Road

§ 111-34. Schedule VII: Yield Intersections.

In accordance with the provisions of § 111-10, the following described intersections are hereby designated as yield intersections, and yield signs shall be installed as follows:

Yield Sign on	Direction of Travel	At Intersection of
Lake Street	North	Grove Street
Mihm Road	South	Domes Road

§ 111-35. Schedule VIII: Trucks Over Certain Weights Excluded.

In accordance with the provisions of § 111-11, trucks in excess of the weights indicated

are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Weight Limit (tons)	Location
Curriers Road	4	Entire length
Hand Road	4	Entire length

§ 111-36. Schedule IX: Parking Prohibited at All Times.

In accordance with the provisions of § 111-13, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Briggs Street	South	Directly across from Chaffee Fire Hall
Genesee Road	Both	140 feet east of Savage Road

§ 111-37. Schedule X: No Stopping.

In accordance with the provisions of § 111-14, no person shall stop a vehicle upon any of the following described streets or parts of streets:

Name of Street	Side	Location
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(Reserved)

§ 111-38. Schedule XI: No Standing.

In accordance with the provisions of § 111-15, no person shall stand a vehicle upon any of the following described streets or parts of streets:

Name of Street	Side	Location
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(Reserved)

§ 111-39. Schedule XII: Parking Prohibited Certain Hours.

In accordance with the provisions of § 111-16, no person shall park a vehicle between the hours listed upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
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(Reserved)

§ 111-40. Schedule XIII: No Stopping Certain Hours.

In accordance with the provisions of § 111-17, no person shall stop a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
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(Reserved)

§ 111-41. Schedule XIV: No Standing Certain Hours.

In accordance with the provisions of § 111-18, no person shall stand a vehicle between the times specified upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
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(Reserved)

§ 111-42. Schedule XV: Time Limit Parking.

In accordance with the provisions of § 111-19, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

Name of Street	Side	Time Limit; Hours/Days	Location
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(Reserved)

§ 111-43. Schedule XVI: Loading Zones.

In accordance with the provisions of § 111-20, the following described locations are hereby designated as loading zones:

Name of Street	Side	Location
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(Reserved)

Chapter 115

ZONING

[The Zoning Ordinance is published separately and accompanies the Town Code. Both are available in the office of the Town Clerk.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.

Building construction and fire prevention — See Ch. 44.

Flood damage prevention — See Ch. 63.

Mobile homes — See Ch. 77.

APPENDIX

Chapter A119

FEES

Chapter	Fee
Ch. 44, Building Construction and Fire Prevention	
Solid fuel devices	\$ 15.00
Signs	5.00
Board of Appeals	40.00
Building, zoning permits	
0 to 900 square feet	10.00
901 to 1,500 square feet	20.00
Each additional 100 square feet or each \$1,000 of cost of project	1.00
Ch. 51, Campgrounds and Recreational Vehicles	
Campground license	
Capacity of not more than 5 recreational vehicles	25.00
Capacity of not more than 10 recreational vehicles	50.00
Capacity of not more than 15 recreational vehicles	75.00
Capacity of not more than 20 recreational vehicles	100.00
Capacity of more than 20 recreational vehicles	250.00
Ch. 54, Dogs	
Redemption from pound, plus costs of keeping, feeding and caring for dog	
Licensed, per day	2.00
Unlicensed or untagged, per day	5.00
Ch. 59, Excavations	
Permit	
Up to 750 cubic yards	100.00
750 to 3,000 cubic yards	200.00
3,000 to 10,000 cubic yards	500.00
Over 10,000 cubic yards	1,000.00
Ch. 77, Mobile Home	
Mobile home park license	
Capacity of not more than 5 mobile homes	50.00
Capacity of not more than 10 mobile homes	100.00
Capacity of not more than 15 mobile homes	\$150.00
Capacity of not more than 20 mobile homes	200.00
Each mobile home over and above original 20, per home	20.00
Individual mobile home permit, per home per year	10.00

Chapter	Fee
Renewal of permit for existing mobile homes in connection with construction permit	50.00
Ch. 88, Peddling and Soliciting	
Licenses or permit	
From time of issuance until June 30	20.00
Daily fee	2.00