

LOCAL LAW #1 OF 2009

TOWN OF WEST MONROE ZONING LAW

ARTICLE I

AUTHORITY, PURPOSE AND APPLICABILITY

Section 1.01 Authority and Title

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Town Board of the Town of West Monroe hereby adopts and enacts the following law. This law shall be known as “The Town of West Monroe Zoning Law.”

Section 1.02 Purpose and Applicability

The purposes of this zoning law are to provide for orderly growth in accordance with a comprehensive plan; to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public. This zoning law has been made with reasonable consideration, among other things, as to the character of each zone and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

This law, and any amendment thereto, shall apply on its effective date to all uses which have not been substantially commenced, and structures which have not been substantially constructed, regardless of the status of permits or certificates of occupancy issued pursuant to the New York State Uniform Fire Prevention and Building Code.

Section 1.03 Single Zone

For the purpose of this law, the entire jurisdiction of the Town of West Monroe shall be considered as within a single unnamed zone, and the application of this law shall be uniform throughout the town.

Section 1.04 Prior Laws Replaced and Superseded

This law shall replace and supersede Local Law No.1 (2005) Town of West Monroe Law Development Law; and any other Local Law, Ordinance, Resolution, or Regulation heretofore adopted in conflict with this Local Law.

ARTICLE II

DEFINITIONS

Section 2.01 Word Usage

For the purpose of this law, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this Article. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; words used in the plural number include the singular; the words "herein means "in the law". When any subject matter, party or person is described or referred to by words importing the masculine gender, females as well as males, are included.

Section 2.02 Definitions as Used in this Law

The following terms shall have the meanings indicated:

Accessory Building - A building which is an accessory structure.

Accessory Structure - A structure incidental and subordinate to the principal structure and located on the same lot as the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the principal structure.

Accessory Use - A use incidental and subordinate to the principal use and located on the same lot as the principal use.

Alteration - Any change, rearrangement, extension or increase in area or height of a building or structure, other than repairs.

Antenna - A system of electrical conductors that transmit or receive frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PSC) and microwave communications.

Arterial Road - A highway or thoroughfare the primary function of which is to provide a way to move people, goods and services from one state to another or from one part of a state or region to another part of a state or region without interruption.

Automotive Repair - Buildings and premises where the primary use is the maintenance or repair of motor vehicles.

Automotive Sales - The retail sale of new or used automobiles, trucks, vans, motorcycles, recreational vehicles, etc.

Bed and Breakfast Inn - A building designed to provide overnight accommodations, with or without meals, for transient guests for profit, but where the use is secondary to the occupancy of the dwelling by a family, and provided that no more than five (5) rooms are for hire. Each

room shall have an interior entrance into the house; no room for hire shall have an exterior entrance.

Buffer - A landscape area intended to separate and partially obstruct the view of adjacent land uses or properties from one another. The buffer area shall consist of a mixture of deciduous and/or evergreen trees, hedges and plantings alone or in combination with wood, stone or masonry fences, in which case vegetation shall be planted on the perimeter of the fence facing the adjacent property owner.

Building - A structure having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals or property.

Campground - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents and recreational vehicles, and which is primarily used for recreational purposes and retains an open air or natural character.

Car Wash - An area of land and/or structure with machine or hand operated facilities used primarily for the cleaning, washing and polishing or waxing of motor vehicles.

Collector - A roadway that links local communities or feeds traffic to arterial roads.

Co-located/Existing: Structure Antennas - An antenna that is to be attached to an existing communication tower, smoke stack, water tower, or other existing structure which does not extend above the height of the existing structure by more than 50 feet.

Convenience Store - A building or structure in which retail sales of prepared foods, dairy products, beverages, and other items for household use and consumption are conducted. Convenience stores may be stand-alone entities or may exist in conjunction with other uses - such as gasoline sales.

Convalescent Center - An institutional facility licensed by the State of New York or an agency or department thereof, and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that which is available at a hospital.

Commercial Uses - Land uses for the production, distribution or sale or lease of goods and services, usually for profit.

Development - Any activity other than agriculture, forestry or conservation activity which materially affects the existing condition of land or improvements, including but not limited to:

- a. Excavation or deposit of earth or other fill, including alteration of the banks of any stream or body of water;
- b. Construction, reconstruction, alteration or demolition of any improvement;
- c. Dumping or storing any objects or materials whether mobile, liquid or solid;

- d. Commencement of any use of the land or improvements and every change in its type or intensity;
- e. Commencement of the generation of any noise, light, smoke, or other emission and every change in its intensity.
- f. Change in use to one dissimilar to the current use and will occasion an increase in number of employees, guests or customers.

Developer – Any individual or group of persons, firms, or corporations engaged in or seeking to engage in land development.

Density - The number of dwelling units permitted per acre of land.

Dwelling - Any building or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

Dwelling, Single Family - A building containing only one dwelling unit and occupied by only one family.

Dwelling, Two Family - A building containing only two dwelling units and occupied by only two families.

Dwelling Unit - A completely self-contained residential unit with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

Egress - Means of exiting from a lot, parcel or use to a public street or road, usually for vehicles or pedestrians.

Enforcement Officer - An individual designated by the Town Board to enforce this law. Also referred herein as the Code Enforcement Officer.

Family - A single person, or two (2) or more persons related by blood, marriage, or other similar family structure, and maintaining a common household with not more than two (2) boarders, roomers or lodgers or a group of persons, not necessarily related by blood, marriage, or other similar family structure and maintaining a common household.

Fast Food Restaurant - An establishment that offers quick food service, which is accomplished through a limited menu, usually prepared and held for service, fried or microwaved for quick service. Orders are not generally taken at a customers table and the food is served in disposable wrappings or containers.

Final Plat - Means a drawing, in final form, showing a proposed subdivision containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which if approved, shall be duly filed or recorded by the applicant in the Office of the County Clerk as herein provided.

Forestry - The planting, care, management and sustained yield harvesting of trees and timber.

Furniture Store - A building which is primarily used to sell home furnishings such as tables, chairs, sofas, etc.

Garbage - the animal, vegetable and mineral waste resulting from handling, preparation, cooking and consumption of food.

Gasoline Sales - Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries and motor vehicle accessories only.

General Plan - Means a comprehensive or master plan for the development of the Town.

Health Care Facility - An institution licensed by the State of New York or an agency or department thereof, which provides health related services primarily for human outpatients, medical training facilities, and central services operations.

Home Occupation - A commercial use or activity customarily conducted within a dwelling provided that such use or activity is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and that there is not external evidence of the use.

Hospital - An institution licensed by the State of New York or an agency or department thereof, which provides clinical, temporary and emergency services of a medical or surgical nature to human patients and sick or injured persons usually on an around the clock basis, and including beds for patients who may be admitted for periods of twenty-four (24) or more consecutive hours.

Hotel - A facility offering transient lodging accommodations on a daily rate to the general public.

Indoor Recreation - An enclosed structure, arena or complex utilized for sports, amusement, performances or play.

Industrial Uses - Land used for the production, assembly, development, manufacturing, wholesaling and warehousing of goods.

Infestation - the presence of insects, rodents, vermin, birds or other pests.

Ingress - Means of entering a lot, parcel or use from a public street or road, usually for vehicles or pedestrians.

Junk - The outdoor storage or deposit of the following, whether in connection with another business or not:

- a. two or more junked vehicles;

- b. one or more abandoned mobile homes;
- c. one or more abandoned recreational vehicles
- d. one or more inoperable or unseaworthy boats, whether propelled by motor, sail or any other means;
- e. waste paper, rags, scrap metal or discarded materials;
- f. two or more inoperable major appliances;
- g. construction waste and/or building debris from residential and commercial construction sites.
- h. any combination of the above that totals five items.

Junked Vehicles - A "junk vehicle" is any motor vehicle whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, motor bicycle, mini bicycle; ATV's or snowmobile, or any other contraption originally intended for travel on the public highways, or any motorboat, rowboat or sailboat which:

- a. is unlicensed, old, wrecked, stored, discarded, abandoned or dismantled or partly dismantled, which is not intended or in any condition for legal use upon the public highway or waterways, or
- b. is being held or used for the purpose of resale, reclamation, storage or disposal of parts, or
- c. is in such condition as to cost more to repair and place in operating condition than its reasonable market value at the time before such repair.

With respect to any motor vehicle not required to be licensed or motor vehicle not usually used on public highways, the fact that such motor vehicle has remained unused for more than six (6) months and is not in condition to be removed under its own power shall be presumptive evidence that such motor vehicle is a 'Junked motor vehicle". The fact that a motor vehicle may be licensed or registered with the State of New York, but does not display a current license plate, shall be presumptive evidence that such motor vehicle is unlicensed. This definition does not include trailers or mobile homes during the time that a probate court is supervising the transfer of title of the property to the decedent's beneficiaries. Once the title has been transferred, however, if the trailer or mobile home remains unused for more than six (6) months thereafter and is not in condition to be removed under its own power, it shall be presumptive evidence that such item is a "Junked motor vehicle".

Junkyard - A licensed location for the placement and storage of junk. Any person other than a licensed New York auto dealer who shall permit the collection or storage outside of a building of two (2) or more unlicensed or inoperative autos, or the shell or body thereof, for a period of more than thirty (30) days shall be considered as engaged in the operation of an

automobile junkyard and shall be required to obtain a license pursuant to the terms of this local law.

Land Development – Generally speaking, land development refers to changes in the current land use, including but not limited to: addition of new structures, expansions to existing structures, new uses, changes or expansion to existing uses, etc. For purposes of this law, land development specifically refers to changes in the current land use related to commercial uses (other than construction of single and two-family dwellings, forestry or agricultural uses), telecommunication facilities, mobile homes, mobile home parks, recreational vehicle parks and junkyards.

Land Use - The current or proposed use of a parcel of land. For example; vacant, agricultural, forestry, commercial, residential, industrial, recreational, open space preservation, etc.

Library - A room or building which houses a collection of books.

Lot - A designated parcel or tract of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Area - Total area within the property lines excluding any part thereof lying within the boundaries of an easement, right-of-way or other similar encumbrance (including, but not limited to, a public road right-of-way or proposed public road right-of-way).

Lot, Corner - A lot located at the intersection of and fronting on two or more intersecting roads, and having an interior angle at the corner of intersection of less than 135 degrees.

Lot Depth - The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot Front - That dimension of a parcel of land which directly abuts on a dedicated public road. Where a parcel directly abuts on more than one public road, the dimension of the parcel which abuts to the greatest extent upon a public road shall be considered the lot front.

Lot Line - Property line bounding a lot.

Lot Line, Front - The lot line separating a lot from a public road or private road. Where a road right-of-way is not established or is irregularly shaped, the front lot line shall be considered to be a line parallel to and 25 feet from the centerline of the road pavement of county, town and private roads or 35 feet from the centerline of the road pavement of state roads.

Lot Line, Rear - The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side - Any lot line other than a front or rear lot line.

Lot of Record - A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Width - The horizontal distance between side lot lines, measured at the required front setback line.

Manufactured Home - Any structure or component thereof designed primarily for residential occupancy which is wholly or in substantial part manufactured in a facility located away from the intended occupancy site and intended for installation, or assembly and installation, on the occupancy site.

Marina - A facility for storing, servicing, fueling, berthing and securing, and launching private pleasure boats and which may include the sale of fuel and incidental supplies for boat owners, crews and guests.

Motel - A building or group of detached or connected buildings designed or used primarily to provide sleeping accommodations for automobile travelers.

Mobile Home - A movable or portable unit designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile Home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers or recreational vehicles. A mobile home shall be construed to remain a mobile home, subject to the regulations applicable thereto, whether or not wheels, axles, hitches, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. This definition shall not be construed to include factory manufactured homes known as "modular homes" bearing in insignia issued by the State Fire Prevention and Building Code Council as required in 9 NYCRR 1212.

Mobile Home Park - Any undivided parcel on which two or more mobile homes are parked, or which is used for the purpose of supplying to the public a permanent parking space for two or more mobile homes.

Multi-Family Dwelling - A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Museum - A building, room, etc. for exhibiting artistic, historical or scientific objects.

Non-Co-located/New Structure/Antennas - An antenna that will not be mounted on an existing Structure included in the definition of "Co-located/Existing: Structure Antennas", or is more than 50 feet higher than the existing structure on which it is mounted.

Office - A building or portion thereof used for conducting the affairs of a business,

profession, service, industry or government, and may include accessory services for office workers, but does not include on-premises manufacturing, servicing, storage or distribution of goods or merchandise.

Official Submission Date - Means the date on which an application for plat approval, complete and accompanied by all required information, endorsements and fees, has been filed with the Planning Board.

Outdoor Recreation - Activities designed as leisure, amusement, sport or entertainment and which are primarily done outside.

Person - Any individual, corporation, governmental authority, trust, estate, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planning Board - The West Monroe Town Planning Board.

Preliminary Plat - Means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, submitted to the Planning Board for approval prior to submission of the plat in final form, and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

Public Facility or Assembly - A place designed for large gatherings for meetings, concerts, sport activities, productions or other special events.

Recreational Vehicle Park - A tract of land which is used or held out for the purpose of supplying temporary parking for two or more recreational vehicle, mobile homes, camping trailers, "pop-up" trailers, truck campers or other vehicles or devices including tents, commonly used as temporary shelters for persons while vacationing or away from their permanent residences.

Refuse - All cardboard, plastic, metal or glass food containers, wastepaper, rags, sweeping, small pieces of wood, rubber, leather, ashes and similar waste material that ordinarily accumulates around a home or business.

Religious Facility - An institution where people regularly attend to participate in or hold religious services, meetings and other activities, such as a church, synagogue, temple or mosque.

Residential Use - A building used to live in; one family dwelling, two family dwelling, multiple family dwelling, mobile or manufactured home.

Restaurant - An establishment primarily engaged in the sale of food and beverage, including alcoholic beverage, for on premises consumption with patrons seated inside the building including cafes, tea rooms, outdoor cafes and drive-thru food service establishments, but not including establishments where the primary business is of a take out nature (See "Fast Food Restaurant").

Retail Business - A commercial facility engaged primarily in selling goods or

merchandise to the general public for personal and household consumption; or providing retail services of entertainment to the general public such as restaurants, finance, real estate, and insurance offices, personal services, amusement and recreational services (such as for profit hunting grounds or preserves), hotels/motels, health, educational and social services.

Right of Way - An area or strip of land either public or private over which an irrevocable right of passage has been recorded for the use of vehicles, infrastructure and/or pedestrian travel.

Road - A thoroughfare dedicated and accepted by the State, County or local municipality for public use and which legally exists on any map of a subdivision filed in the manner provided by law.

Road Line - The right-of-way line or boundary of a road as dedicated in a deed of record. Where the width of a road is not indicated in such deed, the road line shall be considered to be twenty five (25) feet from the center line of the improved road surface.

Road, Major - Means a road or street intended to serve heavy flows of traffic from minor roads or as a business road providing access to business properties. All County and State roads shall be considered as Major Roads.

Road, Minor - Means a road or street intended to serve primarily as an access to abutting properties.

Rubbish - All combustible and non-combustible waste, except garbage.

Sketch Plan - Means a sketch of a proposed subdivision to enable the subdivider to save time and expense in reaching general agreement with the Planning Board as to the form of the layout and objectives of these regulations.

Subdivision - The division of a parcel of land into two (2) or more lots, blocks or sites, with or without streets or highways, for the purpose of conveyance, lease or building development. A "subdivision" shall include all contiguous land owned by the same person. A "subdivision" shall not include the division of land for solely agricultural purposes into lots in excess of five (5) acres each unless it involves the creation of a new street. The term "agricultural purposes" as used herein shall mean lands located within an agricultural district formed pursuant to the New York Agriculture and Markets Law, and, at least 50% of which is in actual agricultural production within one year of the application for subdivision approval. The term "subdivision" includes "resubdivision".

Subdivision, Major - A subdivision containing five (5) or more lots, where all lots must front on a road either dedicated or to be dedicated prior to issuance of a building permit by the Code Enforcement Officer.

Subdivision, Minor - A subdivision containing fewer than five (5) lots, where all lots front on an existing dedicated public road.

Telecommunication Facility Accessory Structure - A non-habitable accessory facility or

structure serving or being used in conjunction with a Telecommunication Facility, and located on the same lot as the Facility. Examples of such structures include utility or transmission equipment storage sheds or cabinets.

Telecommunication Facility - Tower and/or Antenna used in connection with the provision of cellular telephone service, personal communications services, digital and/or data communication services, paging services, radio and television broadcast services and similar broadcast services.

Tower - A structure designed to support Antennas. It includes without limit, freestanding towers, guyed towers, monopoles and similar structures which or which do not employ camouflage technology.

Tract - Means any body of land, including contiguous parcels of land, under one ownership or under common control of any group of persons acting in concert as part of a common scheme or plan.

Wetland - An area that is defined as a "wetland" under applicable State or Federal regulations, or is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support vegetation typically adapted for life in saturated soil conditions, commonly know as hydrophytic vegetation.

Yard - Any open space located on the same lot as a building, unoccupied and unobstructed from the ground up, except for accessory buildings. The minimum depth or width of a yard shall consist of the horizontal distance between the nearest point of the building or structure and the lot line.

Yard, Front - The space within and extending the full width of the lot from the road line to that part of the building or structure which is nearest to such road line. If a lot adjoins two or more roads, it shall be deemed to have a front yard on each road.

Yard, Rear - The space within and extending the full width of the lot from the rear lot line to that part of the building or structure which is nearest to such rear lot line.

Yard, Side - The space within and extending the full distance from the front yard to the rear yard and from the side lot line to that part of the building or structure which is nearest to such side lot line.

ARTICLE III

GENERAL PROVISIONS

Section 3.01 Purpose

The purpose of this section is to provide an overview of the procedural and substantive rules

which must be followed when engaging in the following types of land development and uses: commercial uses (other than construction of single and two-family dwellings, forestry or agricultural uses), telecommunication facilities, mobile homes, mobile home parks, recreational vehicle parks, junkyards and subdivisions. This overview provides references as to where the detailed rules and regulations for each category of land development appear in this or other laws.

Section 3.02 Land Development Applications and Required Permits/Licenses

In order to engage in any of the categories of land development/use covered by this law, developers must apply for approval by the Town Planning Board and obtain any required permits or licenses. The approval needed for each category is described as follows:

- a. Commercial Uses** (other than construction of single and two-family dwellings, forestry or agricultural uses) – Developers must apply for and receive site plan approval as described in Article IV below.
- b. Telecommunication Facilities** – Developers may locate and/or maintain “Co-located/Existing Structure Antennas” on existing structures provided they have a valid building permit issued by the Code Enforcement Officer, discussed below, and fully comply with the rules set forth in Article V below. For “Non-Co-located/New Structure/Antennas”, developers must obtain approval and a permit from the Planning Board to locate such an antenna. Developers seeking to locate and/or maintain a tower within the Town of West Monroe must obtain approval and a Tower Special Permit. The detailed rules and regulations pertaining to Telecommunication Facilities are contained in Article V below.
- c. Mobile Homes** – Developers seeking to place and/or maintain a single mobile home on any parcel of land (not constituting a mobile home park) within the Town of West Monroe must obtain approval and a permit from the Planning Board as described in Article VI below.
- d. Mobile Home Parks** - Developers seeking to locate and/or maintain a mobile home park within the Town of West Monroe must obtain approval and a permit from the Planning Board as described in Article VII below.
- e. Recreational Vehicle Parks** – Developers seeking to locate and/or maintain a recreational vehicle park within the Town of West Monroe must obtain approval and a permit from the Planning Board as described in Article VIII below.
- f. Junkyards** - Developers seeking to locate and/or maintain a junkyard within the Town of West Monroe must obtain approval and a permit from the Planning Board as described in Article IX below.
- g. Subdivisions** - Developers seeking to locate and/or maintain a Subdivision within the Town of West Monroe must obtain approval and a permit from the Planning Board as described in Article X below.

In addition, no developer may commence the erection, construction, enlargement, alteration, improvement, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the building enforcement officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature. (The specific requirements associated with obtaining a building permit are contained in the Rules and Regulations of the Building Enforcement Officer of the Town of West Monroe, New York, attached hereto as Appendix A.)

Where the land development will entail a need for sewage disposal and connections to public sewers are available, developers are required to comply with the requirements of Local Law No. 1 of the Year 1990 regarding Sewer Use in the Town of West Monroe (attached hereto as Appendix B.) Where sewage disposal will be necessary and no public sewer connections are available, developers must obtain a permit and comply fully with the requirements of Local Law No. 1 of 2002 providing for the Regulation of the Installation of Individual Sewage Disposal Systems (attached hereto as Appendix C.)

Developers will also be responsible for complying fully with the requirements of the State Uniform Fire Prevention and Building Code, and all applicable federal, state and local legislation (regardless of whether it is noted in this law), including but not limited to State Environmental Quality Review Act and the Town of West Monroe's 1Local Law No. 2 - Freshwater Wetlands Protection (1976).

Section 3.03 Submission to Code Enforcement Officer to Review for Completeness; Application Forms

All applications for Planning Board approval – regardless of whether it is for commercial site plan approval or other permits/licenses – of development projects described in Sections 3.02 (a) through (g) must be submitted to the Code Enforcement Officer. The Code Enforcement Officer will determine whether the proposal meets the requirements of this and other local laws, ordinances and/or regulations, and shall review the application for completeness (taking into account any waivers granted by the Planning Board as the result of any pre-application conferences held pursuant to this law). If the Code Enforcement Officer is satisfied, (s)he shall forward the application to the Planning Board for formal review as described in Section 3.04 below. The Code Enforcement Officer does not have the authority to waive or interpret any requirement of this law. Where this law specifies that developers must submit an “application form”, said forms will be available from the Town Clerk.

Section 3.04 Planning Board Review

All applications shall be acted upon at a public meeting of the Planning Board. The Planning Board may schedule a public hearing if the Board deems it necessary (unless such a hearing is required as provided herein). The Planning Board shall have the authority to approve, approve with modifications or disapprove applications. The criteria used by the Board to evaluate the applications will be based on the applicable standards noted in this law as well as how the proposed development will impact the following Town interests and concerns: the

health, safety and general welfare of the Town; parking concerns; traffic concerns; means of access; signs; landscaping and buffering; location and dimensions of buildings; adjacent land uses; and aesthetics. Upon Planning Board approval, or compliance with modifications required by the Planning Board, the Code Enforcement Officer will be authorized to issue to the applicant the applicable permit or license (or other indicia of Town Planning Board approval) to commence the development project. The Planning Board's decision regarding any application will thereafter be filed with the Town Clerk. No permit, license or other indicia of Planning Board Approval may be transferred or assigned by the developer to whom it is issued without the express written consent of the Town Planning Board.

Section 3.05 Public Notification

Notification of any public hearing must be published in the official paper of general circulation a minimum of five (5) days prior to the meeting of the Planning Board. Written notice of the public hearing shall be mailed to the applicant and to the owners of all adjacent properties, including those in an adjacent town, at least ten (10) days before the hearing. If a public hearing is not deemed necessary, the Planning Board shall publish a notification in the official newspaper a minimum of five (5) days prior to the meeting at which the site plan will be reviewed.

Section 3.06 Coordination with County Planning Board Review

In accordance with General Municipal Law Section 239-l and m, any proposed development plan which is located within five hundred (500) feet of any of the following must be referred to the Oswego County Planning Board for its recommendation:

- a. The boundary of any city, village or town;
- b. County or State park or recreation area;
- c. Right-of-Way of any existing or proposed county or state parkway, thruway, expressway, road or highway;
- d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines;
- e. The existing or proposed boundary of any county or state-owned land on which a public building or institution is situated;
- f. In the event of a recommendation of denial of the application by the Oswego County Planning Board, the Town Planning Board can overrule said recommendation only by a super majority vote. That is one additional vote of the allowed membership of the Town Planning Board.

Section 3.07 Notice for Agricultural Lands

If the proposed development plan is within an agricultural district as defined by Article

25AA of the Agricultural and Markets Law, the applicant must submit proof that required notice has been accomplished to the Planning Board.

Section 3.08 Coordination with Other Permit Processes

Coordination with other required permitting processes, including the environmental review process in accordance with the State Environmental Quality Review Act, should be done concurrently whenever possible.

Section 3.09 Application Fees and Expert Review Fees

When applying for Planning Board review/approval for land development covered by this law, the applicant must also deposit with the Town Clerk the following fees:

- a. An application fee for the particular form of development proposed. The fees are established from time to time by resolution of the Town Board.
- b. A sum determined by the Planning Board to pay for consultant/expert (attorneys, engineers, surveyors and the like) services engaged by the Planning Board. In any event, the applicant shall be responsible for all consultant's fees and necessary disbursements.

Payment of the application fee and any consultant/expert service fees is required in order for the application to be considered complete. Upon payment of the requires fees, the Town Clerk will issue to the developer a receipt, a copy of which must accompany the developer's application to the Planning Board.

Section 3.10 Appeals

A Zoning Board of Appeals is hereby created pursuant to Town Law Section 267. The Board of Appeals shall have all the power and duties prescribed by Town Law Section 267-b and by this law, which are more particularly specified as follows:

- a. Interpretations: Upon appeal from a decision by the code enforcement officer, to decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zone boundary.
- b. Variances: Upon appeal from a decision by the code enforcement officer, or upon referral by the planning board, to vary the strict application of any of the requirements of this law.

All applications for interpretations and variances shall be made and reviewed in compliance with the administrative regulations established by the Zoning Board of Appeals.

Any person aggrieved by the decision of the Zoning Board of Appeals may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the Civil Practice

Law and Rules. Such proceeding must be instituted within thirty (30) days after a decision is filed in the Town Clerk's office.

ARTICLE IV

SITE PLAN APPLICATION, REVIEW PROCEDURES AND STANDARDS FOR COMMERCIAL USES

Section 4.01 Purpose

This Article provides the rules associated with obtaining site plan approval from the Planning Board for commercial uses and sets forth the standards for such uses.

Section 4.02 Sketch Plan Conference

The sketch plan conference serves as an optional pre-submission meeting at which an applicant may informally present the proposed plan to the Planning Board. At the end of this meeting, the applicant and the Planning Board should have a clear understanding of what is required for a formal site plan submittal. At this meeting, the Planning Board will advise the applicant of what is required for an application and whether any requirements of this law can be waived. If the Planning Board decides to waive any requirements of this law, it will notify the Code Enforcement Officer of the scope of such waiver(s). The sketch plan conference is optional, but the Planning Board may not waive any submission requirements unless the applicant submits a sketch plan. Sketch plan should take into account all the requirements of other local regulations as well as the comprehensive plan.

At the sketch plan Conference, the applicant shall present a sketch plan showing the major features of the proposed development such as:

- a. Location of all proposed and existing structures;
- b. Ingress and egress;
- c. Proposed parking
- d. Location of existing natural and manmade features (i.e. major vegetation surface water and land formations, roads, fences, etc.);
- e. Description of existing and intended use of site, and existing use of adjoining properties.

Section 4.03 Mandatory Submission Requirements

All formal applications for site plan review shall include the following materials and information which cannot be waived by the Planning Board.

- a. Applicant name, address and owner name, address and consent if owner is not the applicant.
- b. Existing use of the land and of all adjoining parcels and the name and address of the owners of all adjoining parcels.
- c. A survey by a licensed land surveyor of the parcel on which the development is to occur.
- d. Property address and a location map showing the site location on the relevant portion of a U.S.G.S. or NYS Planimetric quadrangle map or town, village or city base map.
- e. A to-scale site plan with north arrow at a scale of 1" = 50' or larger for parcels of up to 10 acres and 1' = 100' or larger for parcels of more than 10 acres, showing:
 - i. Location and dimension of all existing and proposed buildings and outdoor storage areas on the property clearly labeled as existing or proposed, and their intended use.
 - ii. The setback of all existing and proposed buildings from rear and side property lines and public road rights-of-way. Lines of existing and proposed streets and sidewalks with street names.
 - iii. The location and dimension of existing and proposed driveways.
 - iv. The location, dimension and delineation of all required parking spaces, loading areas and driving aisles.
 - v. The location of existing and proposed public sewer, public water, septic systems and wells on the subject property.
 - vi. Proposed building heights and number of stories.
 - vii. The location and dimensions of any required buffer areas.
 - viii. Any proposed screening from adjacent properties.
 - ix. The location of any surface water bodies or stream courses on the property.
 - x. The location and type of any outdoor lighting.
 - xi. The locations and design of any signs.
- g. A drainage plan for the property. For sites with a developed area of five (5) acres or more, a storm water retention and grading plan in conformance with the New York State Department of Environmental Conservation guidelines.

- h. An erosion control and sedimentation control plan for during and after construction, based on New York State Department of Environmental Conservation guidelines for urban erosion and sediment control.
- i. An agricultural data statement pursuant to State law, when required.–
- j. An environmental assessment form (EAF), and, when applicable, a draft environmental impact statement (EIS) pursuant to 6 NYCRR Part 617. The Planning Board may, in its discretion, require a full environmental assessment form (Full EAF) when "making its determination of significance".
- k. Any other information necessary to show compliance with the requirements of this local law including but not limited to the location of accessory uses, outdoor sales areas, campsites, and other similar areas.
- l. A certificate by the Code Enforcement Officer certifying that the applicant has posted a performance bond or certified check in an amount sufficient to assure completion of the proposed development.

Section 4.04 Submission Requirements Which May be Waived

All applications for site plan review shall also include the following information, unless these requirements are waived or amended by the Planning Board. If a sketch plan conference was not held, these requirements must be met for the application to be considered complete.

- a. A topographical survey with a sufficient level of detail to fit the scale of the project.
- b. The location and type of any proposed landscaping.
- c. The location, design and dimensions of any existing or proposed signs.
- d. Delineation of any areas with slopes greater than fifteen percent (15%), wetlands, flood hazards areas, agricultural districts or other significant natural, cultural or historical characteristics.
- e. Traffic generation estimates.
- f. Snow storage/removal plan.
- g. The location of refuse storage and removal area.
- h. Grading plan.

Section 4.05 Submission of Application for Site Plan Review

An application for site plan review shall be submitted to the Code Enforcement Officer and thereafter reviewed by the Planning Board as described in Article III.

Section 4.06 Site Plan Standards

The purpose of this section is to assure that development occurs in an orderly manner which does not unreasonably affect adjacent property and reflects community standards.

a. Parking Design Standards

- i. Parking spaces shall be at least nine feet (9') x eighteen feet (18').
- ii. Handicapped spaces shall be twelve feet (12') x eighteen feet (18').
- iii. Aisle width for two -way traffic with ninety (90) degree parking shall be twenty four feet (24').
- iv. Parking spaces shall not extend into the right-of-way of any public road or into any required buffer area.
- v. All parking spaces shall be located on the same parcel of land as the use they support, provided, however, that off-site parking may be allowed by Planning Board if such off-site parking is located within five hundred (500) feet of the use it supports and the applicant furnishes a written instrument in recordable form by which the owner of the land to be used for parking conveys an irrevocable right to the applicant to use the designed land for parking.

b. Parking Space Requirements According to Use

- i. Residential Uses - two (2) spaces per dwelling unit.
- ii. Retail/commercial (not otherwise specified herein) - One (1) space per two hundred (200) square feet of gross floor area.
- iii. Automotive Repair - Three (3) spaces per bay.
- iv. Automotive Sales - One (1) space for each six hundred (600) square feet of enclosed floor space, plus one (1) space for each two thousand (2,000) square feet of outside display area, plus one (1) space per employee and one (1) space per service bay.
- v. Bed and Breakfast Inn - One (1) space per room for hire, plus two (2) spaces for owner's use.
- vi. Campground - One and one half (1.5) spaces per campsite plus one (1) space per employee.
- vii. Car Washes - Four (4) space stacking area per bay.
- viii. Furniture Store - One (1) space per five hundred (500) square feet of gross

area.

- ix. Gasoline Sales (without Convenience Store) - Two (2) parking spaces plus adequate stacking space for three (3) automobiles per gasoline dispenser.
- x. Health Care Facility /Medical Office - One (1) space for each of the maximum number of staff on duty at one (1) time and three (3) spaces per examination room.
- xi. Hospital/Convalescent Center - One (1) space per three beds or residents, plus one (1) space per employee on the largest working shift.
- xii. Hotel/Motel - One (1) space per room plus one (1) per employee.
- xiii. Industrial Facility - One (1) parking space per four hundred (400) square feet of gross floor area.
- xiv. Library/Museum/Art Gallery - One (1) space per three hundred (300) square feet of gross floor area.
- xv. Marina - One (1) space per boat slip plus one (1) per rack storage space.
- xvi. Office - One (1) space per three hundred (300) square feet of gross floor area.
- xvii. Outdoor Recreation - Four (4) spaces per hole for golf course. For all other uses, one (1) space per every three (3) individuals the facility is designed to accommodate.
- xviii. Professional Office - One (1) space per two hundred (200) gross square feet plus one (1) space for each of the maximum number of staff on duty at any one (1) time.
- ixx. Public Facility or Assembly - One (1) space per two hundred (200) square feet of gross floor area or one (1) space per four (4) seats, whichever is greater.
- xx. Religious Facility - for a place of worship, one (1) space per two hundred (200) square feet of the gross sanctuary area or one (1) space per two (2) seats, whichever is greater.
- xxi. Restaurant - One (1) space per one hundred (100) square feet of gross floor area, except that for fast-food restaurants there shall be one (1) space per fifty (50) square feet of gross floor area plus four (4) stacking spaces per drive thru window.
- xxii. Warehousing and Storage - One (1) space per one thousand (1,000) square

feet of gross floor area.

- xxiii. Wholesale Sales - One (1) space per five hundred (500) square feet of gross floor area.

c. Loading Areas

Loading areas shall be provided for retail, wholesale and warehousing activities. Loading area shall be twelve feet (12') x forty six feet (46') and shall be identified on the site plan.

d. Modification of Parking and Loading Requirements

The Planning Board shall have the authority to modify any of the above-referenced parking and loading area requirements provided that the applicant provides sufficient evidence that the standard is excessive or insufficient. The modification shall be by resolution and must be approved by a majority of the Planning Board. When modification is granted, the Planning Board may require the applicant to designate on the site plan future parking areas which could be developed if needed.

e. Ingress and Egress

Ingress from and egress to public streets or roads relate to site access and safety. In order to maintain the function of public roads:

- i. Ingress and egress driveways shall be located an appropriate distance from any intersection.
- ii. Site development plans shall address pedestrian and public transportation as well as vehicular access; and
- iii. The turning radius of the access drive shall be based upon road classification and speed limit standards, after consultation with appropriate State, county or local highway officials.

f. Signs

For purposes of this site plan review law, only business, commercial and industrial signs are addressed. Each business shall be permitted building signs and ground signs as indicated below. Where more than one business is located on the same parcel of land, the area allotted for each business may be combined on a single ground sign. Signs are permitted as follows:

- i. Home Occupations - Signs identifying residences containing home occupations are limited to one building sign or one non-illuminated ground sign not to exceed six (6) square feet. Ground signs shall not exceed six (6) feet in height above average grade at the sign's base.
- ii. Building signs - Total areas shall not exceed three (3) square feet for each one (1) lineal foot of building frontage. The sign shall not project more than one (1) foot beyond the building line and shall not extend above the roof line.
- iii. Ground signs - The top of the sign shall not exceed twenty (20) feet in height above the average grade at the sign's base. The sign shall be set back at least five (5) feet from any street right-of-way and ten (10) feet from any other lot line. The total area of ground signs shall not exceed eighty (80) square feet and both faces of two -sided signs shall be counted in determining maximum sign area. The ground sign base shall consist of not more than two (2) posts.
- iv. Illuminated and flashing signs - Commercial and industrial signs may be illuminated by a steady light provided that such lighting does not illuminate adjacent property. Flashing, oscillating, and revolving signs are not permitted unless necessary for the public safety or welfare.
- v. Traffic hazard, safety and obstruction - Every sign shall be designed and

located in such a manner as to :

1. Not impair public safety.
2. Not restrict clear vision between a sidewalk and street.
3. Not be confused with any traffic sign or signal.
4. Not prevent free access to any door, window or fire escape.
5. Be structurally sound and able to withstand adverse weather conditions.

vi. Banners and pennants

1. Banners and pennants and similar devices are prohibited, except temporary banners or pennants displayed for special occasions or events. Such banners or pennants shall be displayed for no longer than a four (4) consecutive week period.
2. No banner shall exceed thirty (30) square feet in area. This may include both the front and back by totaling thirty (30) square feet in area.

vii. State mandated signs - Any sign required by the State of New York, for example inspection station signs, and any other superior governmental entity.

g. Landscaping and Buffering

Landscaping and buffering is intended to improve community aesthetics and mitigate adverse impacts upon adjacent land uses.

- i. Where any commercial land use or multiple-family land use abuts a residential use, a landscaped buffer area at least ten (10) feet in width shall be maintained by the owner in side and rear yards which adjoin those residential districts of land uses. No parking or driveway shall be permitted in a buffer area.
- ii. Where any industrial land use abuts any residential land use, a landscaped buffer area of at least fifty (50) feet in width shall be maintained in side and rear yards. No parking and driveway shall be permitted in a buffer area or required yard.
- iii. Commercial uses shall have a buffer area at least ten (10) feet in depth in the front yard. Planting in such buffer areas shall be such that vision in the ingress/egress drive is not obstructed.

- iv. Industrial uses shall have a buffer area at least twenty (20) feet in depth in the front yard. Planting in such buffer area shall be such that vision in the ingress/egress drive is not obstructed.
- v. Landscaping required under this section shall be installed and maintained in a healthy growing condition in front, side and rear yards and shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and groundcover. Where natural vegetation can be retained, it may be permitted to serve as required landscaping. All landscaping shall be kept in a healthy growing condition for the life of the development.
- vi. Landscaping of parking areas.
 - 1. For parking areas with five (5) or more spaces, a minimum of five (5) foot landscaped buffer area around the perimeter of the parking lot is required.
 - 2. For parking areas with fifty (50) or more spaces, interior landscaping covering ten percent (10%) of the parking area (including circulation medians) is required.
 - 3. Additional landscaping may be required by the Planning Board if it is determined to be necessary to advance the purpose of this law.

h. Maintaining Highway Function

In order to maintain the functional quality of the County highway system, additional setbacks from arterial and collector roads are required. A setback of one hundred fifty (150) feet from the centerline of an arterial road right-of-way and one hundred (100) feet from the centerline of collector road rights-of-way shall be maintained, except as provided in Section 4.07(e) below, relating to Multi-Family Housing.

i. Outdoor Lighting

Outdoor lighting shall be designed so as not to illuminate adjacent or nearby residential property.

Section 4.07 Additional Multi-Family Housing Development Design Standards

- a. Buildings containing multi-family dwellings shall be placed a minimum of twenty (20) feet from any internal road.
- b. A minimum of five hundred (500) square feet of recreational area shall be provided for each unit.
- c. The development entrance shall be landscaped and same shall be maintained.

- d. Buildings containing multi-family dwellings shall be placed a minimum of thirty (30) feet from the side lot lines including a minimum ten (10) foot contiguous landscaped boundary buffer area.
- e. A minimum sixty (60) foot setback shall be maintained between the public road and any residential units.
- f. Any outdoor storage areas shall be fenced and screened with a five (5) foot landscaped buffer.
- g. A perimeter chain link fence or additional buffer area may be required where a manufactured housing or multi-family development adjoins an agricultural operation in an agricultural district.
- h. Internal private roadways in a housing development should meet applicable town construction specifications.

Section 4.08 Modification to an Approved Site Plan

Modifications to a site plan shall be classified as minor, moderate or major and shall require additional review as provided in this section.

- a. A minor modification shall be a technical adjustment to a site plan already approved by the Planning Board which does not:
 - i. Change the total building footprint of total building square footage.
 - ii. Encroach on required setbacks.
 - iii. Reduce required buffering.
 - iv. Add impervious surface.
 - v. Result in moving any structure more than ten feet in any direction. A plan with a minor modification must be submitted to the Code Enforcement Officer, who will review the plan for potential impacts. The Code Enforcement Officer must approve minor modifications before work commences. The modified plan must be signed by the Code Enforcement Officer, dated and filed with the Town Clerk.
- b. A moderate modification shall be a change to an approved plan which results in:
 - i. An increase in any building footprint dimension of up to five percent (5%) or an increase in the area of the proposed building of up to ten percent (10%); or
 - ii. An increase in impervious surface; or

- iii. Moving any structure more than ten (10) feet but less than twenty (20) feet in any direction.

A plan with a moderate modification must be reviewed and approved by the Planning Board but does not require a public hearing or public notification. The Planning Board Chairperson must sign and date the revised plan. The signed, revised plan must be filed with the Town Clerk.

- c. A major modification shall be a change resulting in:
 - i. An increase in any building footprint dimension of more than five percent (5%) or increase in building area of more than ten percent (10%); or
 - ii. Moving a building twenty (20) feet or more in any direction; or
 - iii. A reduction in parking below that required by standard in Article IV, 4.06(2) of this law or approved by the Planning Board as part of original site plan approval; or
 - iv. Any substantive change to landscaping plans.

A plan with a major modification must be resubmitted for full Planning Board review and approval and the Board may, in its discretion, require a public hearing. The Planning Board Chairperson must sign and date the revised plan. The signed, revised plan must be filed with the Town Clerk.

ARTICLE V

APPLICATION SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS FOR TELECOMMUNICATION FACILITIES

Section 5.01 Purpose

This Article provides the rules associated with obtaining approval from the Planning Board (and required permits) for telecommunications facilities and sets forth the standards for such uses.

Section 5.02 Mandatory Submission Requirements

- a. Submission Requirements for Co-located/Existing Structure Antennas: An application to co-locate an antenna on an existing structure or tower shall consist of a report to be submitted to the Code Enforcement Officer and thereafter reviewed by the Planning Board as described in Article III, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees. Said report shall consist of a structural analysis/report Certified by a N.Y. State Licensed

Professional Engineer Architect verifying the ability of the structure to handle the antenna, and certification by a qualified Radio Frequency Engineer that the cumulative emissions from the site, meet Federal guidelines. The antenna and any mounting structure and related equipment shall be integrated into said structure in such a manner as to minimize its visual impact to the greatest extent practicable.

- b. Submission Requirements for Non-Co-located/New Structure/Antennas: An application for a permit to locate and maintain a Non-Co-Located/New Structure/Antenna shall consist of a report to be submitted to the Code Enforcement Officer and thereafter reviewed by the Planning Board as described in Article III, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees. The report must include the following information:
- i. That the applicant is required to provide service to locations which it is not able to serve through existing facilities which are located either within or outside of the Town, showing the specific locations and/or areas the applicant is seeking to serve.
 - ii. The report shall set forth an inventory of existing facilities and/or structures, within or outside of the Town, which might be utilized or modified in order to provide coverage to the locations the applicant is seeking to serve and include a report on the possibilities and opportunities for co-location as an alternative to a new site.
 - iii. The applicant must demonstrate that the proposed facility cannot be accommodated on any such existing facility or structure either within or outside of the Town due to one or more of the following reasons:
 1. The proposed equipment would exceed the existing and reasonably potential structural capacity of existing facilities or structures within or outside of the Town considering existing and planned use for these facilities or Structures.
 2. The existing or proposed equipment would cause interference with other existing or proposed equipment which could not reasonably be mitigated or prevented.
 3. Said existing facilities or structures do not have space on which the proposed equipment can be placed so it can function effectively and reasonably, and/or the applicant has not been able, following good faith efforts, to reach an agreement with the owner(s) of such facilities or structures.
 4. Other reasons which make it impracticable to located or place the proposed equipment on said facilities or structures.

Section 5.03 Tower Special Permit Submission Requirements

To obtain a Tower Special permit, the applicant must submit as provided in Article III, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees:

- a. Tower Special Permit Application Form.
- b. Site Plan Application Forms including a Long Form EAF.
- c. Site Plan, in form and content acceptable to the Town, prepared to scale and in sufficient detail and accuracy showing at a minimum:
 - i. The exact location of the proposed tower, together with guy wires and guy anchors, if applicable.
 - ii. The maximum height of the proposed Tower.
 - iii. A detail of the Tower type (Monopole, Guyed, Freestanding, or other), including, but not limited to the make/model of the tower, manufacturer's design data for installment, the applicant's proposed maintenance and inspection procedures and measures for security.
 - iv. The color or colors of the Tower.
 - v. The location, type and intensity of any lighting on the Tower.
 - vi. The property's boundaries and permanent easements (a copy of a property survey must also be provided).
 - vii. Proof of the landowner's consent if the applicant will not own the property. (A copy of the lease agreement must also be provided if the applicant will not own the property).
 - viii. The location of all structures on the property and all structures on any adjacent property within (50) fifty feet of the property lines, together with the distance of these structures to the Tower.
 - ix. The names of adjacent landowners.
 - x. The location, nature and extent of any proposed fencing and landscaping or screening.
 - xi. The location and nature of proposed utility easements and access road, if applicable.
 - xii. Building elevation of accessory structures or immediately adjacent buildings.
 - xiii. The location of all trees exceeding six (6) inches in diameter at breast height within twenty (20) feet of all property lines and within fifty (50)

feet of any telecommunication facilities.

- xiv. A view-shed map or visual simulation showing the view from surrounding properties of the proposed communication towers and/or antennas.
- d. "Before" and "after" propagation studies prepared by a qualified Radio Frequency Engineer demonstrating existing signal coverage, contrasted with the proposed signal coverage resulting from the proposed Telecommunications Facility.
- e. A "search ring" prepared by a qualified radio Frequency Engineer and overlaid on an appropriate background map demonstrating the area within which the Telecommunications Facility needs to be located in order to provide proper signal strength and coverage to the target cell. The applicant must be prepared to explain to the Town Planning Board why it selected the proposed site, discuss the availability (or lack of availability) of a suitable structure within the search ring which would have allowed for co-located Antenna(s), and to what extent the applicant explored locating the proposed Tower in a more intensive use area. Correspondence with other telecommunication companies concerning co-location is part of this requirement.
- f. The Town Planning Board upon reviewing the application may request reasonable additional visual and aesthetic information as it deems appropriate on a case by case basis. Such additional information may include, among other things, enhanced landscaping plans, line-of-sight drawings, and/or visual simulations from viewpoints selected by the Town Planning Board.
- g. In Historic Districts and important preservation/conservation areas the Town may require additional site plan and Tower Special Permit requirements. These requirements can include specially designed towers, additional screening, greater setbacks and improved landscaping. In siting, these areas should be avoided to the maximum extent possible.

Section 5.04 Standards for Tower Special Permit

The following criteria will be considered by the Town Planning Board prior to the approval, modification or denial of a request for a Tower Special Permit. (The criteria listed may also be used as a basis to impose reasonable conditions on the applicant.)

- a. Siting Preferences - The Town may express a preference that the proposed Telecommunications Facility be located in a higher intensity use district or on higher intensity use property, provided there is a technologically feasible and available location. A guideline for the Town's preference, from most favorable to least favorable districts/property, is as follows:
 - i. Property with an existing structure suitable for co-location.
 - ii. Municipal or government owned property.

- iii. Commercial/Industrial use property.
- iv. Residential property, Historic District and Important Preservation/Conservation Areas.

Any request by the Town for information on a preferred alternate site shall not unreasonably delay the application.

- b. Aesthetics - Telecommunications Facilities shall be located and buffered to the maximum extent which is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize any adverse aesthetic effect on neighboring residences to the extent possible, the Town may impose reasonable conditions on the applicant, including the following:
 - i. Tower height, location and design are matters of primary public concern. The Town may require a monopole or guyed Tower if sufficient land is available to the applicant instead of a freestanding Tower. Monopoles are a preferred design.
 - ii. The Town will require reasonable landscaping consisting of trees or shrubs to screen the base of the Tower and/or to screen the Tower to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
 - iii. The Town will require the applicant to show that it has made good faith efforts to co locate on existing Towers or other available and appropriate structures and/or to construct new Towers near existing Tower in an effort to consolidate visual disturbances. However, such request shall not unreasonably delay the application.
 - iv. Towers should be designed and sited so as to avoid, whenever possible, application of Federal Aviation Administration (FAA) lighting and painting requirements. Tower shall not be artificially lighted except as required by the FAA or the Town. Towers shall be of a non-reflective finish; color subject to Board approval. Unless otherwise required by the FAA, any lighting which may be required by FAA shall not consist of strobe lights, unless specifically mandated by FAA.
 - v. No Tower shall contain any signs or advertising devices. Notwithstanding the foregoing, the Board may require appropriate signage, indicating ownership of the facility and phone numbers to call in case of an emergency.
 - vi. The applicant must submit a copy of its policy regarding co-location on the proposed Tower with other potential future applicants. Such policy should allow co-location under the following conditions (1) the new antenna(s) and equipment do not exceed structural loading requirements,

interfere with Tower space used or to be used by the applicant nor pose any technical or radio frequency interferences with existing equipment, (2) the party desiring to co-locate pay the applicant an appropriate and reasonable sum to co-locate, and (3) the party desiring to co-locate has a similar policy of co-location for the applicant.

- vii. All other uses ancillary to the antenna/tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc), are prohibited.
- c. Radio-Frequency Effect - The Town may impose a condition on the applicant that the communication antennas be operated only at Federal Communications Commission (FCC) designated frequencies and power levels and/or Environmental Protection Agency (EPA) technical exposure limits, and that the applicant provide competent documentation to support that maximum allowable frequencies, power levels and exposure limits for radiation will not be exceeded.
- d. Traffic, Access and Safety
 - i. A road turnaround and one parking space shall be provided to assure adequate year round emergency and Service access. Maximum use of existing roads, public or private shall be made. The use of public roadways or road right-of-ways for the siting of a Tower or antenna(s) accessory structures is prohibited.
 - ii. All Towers and guy anchors, if applicable, shall be enclosed by a fence not less than eight (8) feet in height or otherwise sufficiently protected from trespassing or vandalism.
 - iii. The applicant must comply with all applicable State and Federal regulations including, but not limited to FAA and FCC regulations as well as Town of West Monroe local laws, and provide certifications of such compliance to the code enforcement officer in the application process.
 - iv. There shall be no permanent climbing pegs within thirty (30) feet to the ground on any Tower.
- e. Removal of Tower - The applicant shall agree to remove the Tower if the Telecommunications Facility becomes obsolete or ceases to be used for its intended purpose for twelve consecutive months. The Town shall require the applicant to provide a demolition bond for purposes of removing the Telecommunications Facility in case the applicant fails to do so as required above.
- f. Structural Safety - During the application process the applicant shall provide certification from a qualified, licensed engineer, certifying that the Tower meets applicable structural safety standards. The owner shall also have a structural inspection performed every two years by a Licensed Professional Engineer. A

report shall be submitted to the Town describing the structural integrity of the Facility, maintenance issues and repairs needed or made, if any. Structural deficiencies shall be remedied within a reasonable time.

- g. Maintenance of Telecommunications Facility - All Telecommunications Facilities shall be maintained in good order and repair.

Section 5.05 Exemptions

- a. Tower and Antenna(s) may be repaired and maintained without restriction.
- b. Antennas used solely for residential household television, Ham radio, CB radio and radio reception.

Section 5.06 Renewal of Permits

Renewal permits are required for both Co-located/Existing Structure Antennas and Non-Co-located/New Structure/Antennas every two years. Said renewal permits shall be issued by the Enforcement Officer but not until the applicant has conferred with the Enforcement Officer and, if required, with the Town Planning Board, and it has been determined that the antenna has continued to meet the standards prescribed by this Law. All permits shall expire on April 30, bi-annually. Applicants for renewal permits shall contact the Enforcement Officer at least one month prior to expiration of their permits, and must pay a renewal permit fee in an amount to be determined by the Town Board. The applicant and the Town Board may enter into such agreements as may be advisable regarding remediation of violations, compliance with which may be a condition precedent for future renewal permits.

ARTICLE VI

SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS FOR MOBILE HOMES

Section 6.01 Purpose

This Article provides the rules associated with obtaining approval from the Planning Board (and the required permit) for locating a mobile home in the Town of West Monroe and sets forth the standards for such use.

Section 6.02 Permit Required

- a. No person shall locate, relocate, replace, or expand a mobile home within the Town of West Monroe unless a permit has first been issued for such mobile home pursuant to this law.
- b. No person owning, having any right to, or any interest in any real property within the Town of West Monroe shall license, rent, lease, or otherwise permit the use of

any such real property or any part thereof, for the location of a mobile home unless a permit has first been issued for such mobile home pursuant to this law.

Section 6.03 Temporary Permit

Temporary permits may be issued for a period not to exceed six months for a mobile home located on the site of a construction project, survey project, or other similar work project and used solely as a field office or work or tool house in connection with such project. Such mobile home shall be removed from said site within 60 days after completion of such project.

Section 6.04 Application

The completed application forms, along with one copy of the proposed plot plan, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees, shall be submitted to the Code Enforcement Officer and thereafter reviewed by the Planning Board as described in Article III.

Section 6.05 Proposed Plot Plan Contents

The applicant shall provide a scaled plot plan indicating the following information:

- a. All property lines and dimensions;
- b. All existing or proposed structures;
- c. All existing roads, easements, or proposed driveways;
- d. All existing or proposed wells and sanitary facilities;
- e. All bodies of water, streams, or wetlands.

Section 6.06 Mobile Home Regulations

- a. **Lot Area** - The minimum lot area for any lot upon which a mobile home is to be located shall be 40,000 square feet, except where the Mobile Home is located in an approved Mobile Home Park (governed by Article VII below).
- b. **Lot Dimensions** - Where access to a public sewer system is not available, lots shall be of a dimension sufficient for placement of a septic system in compliance with all applicable local, state and county sanitary standards including the Town of West Monroe Local Law Regulating Individual Sewer Disposal Systems. All lots located within any public sewer district shall include frontage of at least 75 feet on a dedicated public highway or road.
- c. **Mobile home Setbacks** - Mobile homes shall be located not less than the following distances from respective property lines:
 - i. Front lot line: 75 feet
 - ii. Side lot line: 20 feet

- iii. Rear lot line: 20 feet
- d. **Corner Lots** - Lot lines abutting roads shall be designated as front lot lines and the lot line opposite and most distant from one of the front lot lines shall be designated as the rear lot line. All remaining lot lines are designated as side lot lines.
- e. **Construction Standards**
 - i. All mobile homes shall be in compliance with standards equal to or more strict than the U. S. Department of Housing and Urban Development (HUD) Manufactured Mobile Home Construction and Safety Standards, 24 CFR Part 3280. The owner or applicant is responsible for providing adequate assurance that these standards have been complied with. The presence of a permanent certification label affixed to the mobile home by the manufacturer shall be presumptive evidence that the construction of a mobile home is in compliance with such standards.
 - ii. Any mobile home for which a permit is sought shall have been constructed not more than 15 years prior to the date application for permit is made.
 - iii. All mobile homes not on a permanent, closed foundation, set below frostline, shall be anchored and skirted. Skirting shall be of a generally accepted standard material and shall enclose the bottom portion of the structure.
- f. **Sewage Disposal** - On-site sewage disposal systems shall comply with the specifications and standards set forth in Title 10 NYCRR Part 75, Appendix 75-A, entitled "Standards for Individual Sewage Disposal Systems".
- g. **Building Code** - All mobile homes shall meet the appropriate standards of the New York State Uniform Fire Prevention and Building Code (9 NYCRR 1200).

Section 6.07 Nonconforming Mobile Homes

- a. Mobile homes which fail to meet the standards set forth in Section 6.06 of this law with regard to setbacks and construction standards, which were lawfully established prior to the effective date of this law, shall be considered nonconforming mobile homes.
- b. Nonconforming mobile homes may be used, and may be maintained or repaired as long as such activity does not increase the nonconformity.
- c. Any nonconforming mobile home which has been abandoned for a period of one year or more shall not be re-established.

Section 6.08 Nonconforming Lots

- a. A lot held under separate ownership prior to the effective date of this law which fails to meet the standards set forth in Section 6.06, with regard to lot area and lot dimensions, shall be considered a nonconforming lot.
- b. A mobile home may be located on a nonconforming lot, provided that such lot has sufficient width, depth and area to undertake development which will:
 - i. Maintain the required minimum front setback; and
 - ii. Maintain at least 2/3 of the required minimum rear and side yard setbacks.

Section 6.09 Exception for Mobile Home Sales

None of the provisions of this local law shall be applicable to the business of storage and display of unoccupied mobile homes which are available for sale by a licensed mobile home dealer to the general public.

Section 6.10 Certificate of Compliance

- a. The Enforcement Officer shall inspect all improvements to ensure compliance with the provisions of this law. Upon final inspection and approval, the Enforcement Officer shall issue a certificate of compliance to the applicant.
- b. No person shall occupy or use a mobile home in the Town of West Monroe without a certificate of compliance issued by the Enforcement Officer.

ARTICLE VII

**SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS
FOR MOBILE HOMES PARKS**

Section 7.01 Purpose

This Article provides the rules associated with obtaining approval from the Planning Board (and the required permit) for mobile home parks and sets forth the standards for such use.

Section 7.02 Permit Required

- a. It shall be unlawful for any person, partnership, corporation or other entity to maintain, construct, alter or extend any parcel of land for the placement of mobile homes, for non-transient use (hereinafter referred to as "Mobile Home Park"), within the limits of the Town of West Monroe, Oswego County, New York, unless the owner of said parcel of lands holds a valid permit therefore issued by

the Enforcement Officer.

- b. It shall be unlawful for any person, partnership, corporation or other entity to maintain, construct, alter, operate or extend any mobile home park within the limits of the Town of West Monroe, Oswego County, New York, unless he has complied with each provision of this Law.

Section 7.03 Inspection of Plans and Park; Issuance of Permit

- a. The completed application forms, along with two copies of the proposed site plan, an environmental assessment form (EAF), a legal description of the proposed site, a current site plan prepared by an architect, Land Surveyor, or professional engineer licensed by the State of New York, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees shall be submitted to Enforcement Officer and reviewed by the Planning Board as provided in Article III.
- b. **Site plan contents and supplemental materials.** The site plan shall contain the following information:
 - i. Name and address of the applicant and owner, if different, and of the person responsible for the preparation of the drawings.
 - ii. Date, northpoint, written and graphic scales.
 - iii. Boundaries of the park, plotted to scale, including distances, bearings and areas.
 - iv. Lot lines of each individual mobile home site, including site widths, depths and area, each lot to be numbered according to the requirements of Section 7.04(g) of this Law.
 - v. Location and ownership of all adjacent lands as shown on the latest tax records.
 - vi. Location, name and existing width of adjacent roads.
 - vii. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use on or adjoining the park.
 - viii. Hydrologic features of the site together with the grading and drainage plan showing contours at two foot (2') intervals or less if so determined by the Planning Board.
 - ix. Location, proposed size, height and dimensions of all buildings (as opposed to mobile homes).

- x. Location, design and construction materials of all parking areas, roads, pedestrian ways, drains, culverts, retaining walls, fences, and other site improvements.
- xi. Location of outdoor storage.
- xii. Location and proposed development of all buffer areas including indication of existing and proposed vegetative cover.
- xiii. Location and design of all site sign age.
- xiv. Location and design of outdoor lighting facilities.
- xv. Location of all water supply and sewage disposal facilities.
- xvi. Rules and regulations of the park.
- xvii. Indication on the site plan of the timing of all stages of development or improvement, if the park is intended to be developed or improved in stages.
- xviii. A draft Environmental Impact Statement, where required.
- ixx. Where significant soil erosion or sediment deposition may occur as a result of the disturbance of the land, the Planning Board may require that applications for mobile home park licenses be accompanied by an erosion and sediment control plan conforming to the standards and practices contained in the USDA Natural Resources Conservation Service Engineering Field Handbook (EFH) and New York Guidelines for Urban Erosion and Sediment Control, or other erosion and sediment control manual recognized by the Town Board.

Section 7.04 Standards

- a. Site Location. The site of all mobile home parks shall comply with the following minimum requirements:
 - i. It shall have an area of not less than twenty- five (25) acres.
 - ii. It shall have generally level to gently rolling topography over an area sufficient to allow development without significant alteration or disturbance of existing natural features such as stands of existing trees, stream courses, shorelines, wetlands or bedrock outcroppings.
 - iii. It shall be free of adverse influences from such uses as garbage or rubbish disposal areas or other potential breeding places of insects or rodents.

- iv. It shall not be located near to swamps or marshes or be subject to flooding, ponding, poor drainage or erosion, slumping or other soil instability.
 - v. It shall not be subject to any hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- b. Site Drainage
- i. The ground surface in all parts of a mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner.
 - ii. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner acceptable to and approved by the Oswego County Health Department.
 - iii. Wastes or waste water from plumbing fixtures or sanitary sewer lines shall not be deposited upon the ground surface in any part of a mobile home park or upon adjacent lands.
- c. Soil and Ground Cover
- i. Ground surfaces in all parts of a mobile home park shall be protected with a vegetative growth capable of preventing soil erosion and the emanation of dust during dry weather, or as an alternative, paved or covered with stone screenings or other solid material.
 - ii. Mobile home park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests harmful to man.
- d. Recreational and Other Nonresidential Use Areas
- i. Not less than ten percent (10%) of the gross area of the mobile home park must be set aside, developed and maintained for recreational activities of the residents of the park. Each such recreation area shall be no closer than three hundred feet (300') to any Town, County or State highway.
 - ii. Each such recreational area shall not be less than five thousand (5,000) square feet in area.
 - iii. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located within the park.
 - iv. Other than the foregoing, no part of a mobile home park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and

maintenance of the park.

- v. In no event shall any part of a mobile home park be used for the occupancy of a recreational camping vehicle.
- e. **Minimum Lot Area.** All mobile home sites created after the effective date of this law shall have a minimum of eight thousand four hundred (8,400) square feet with a minimum lot width of sixty feet (60') and minimum depth of one hundred forty feet (140').
- f. **Setback, Buffer Strip and Screening**
 - i. All mobile homes on individual mobile home sites shall have a front yard with a minimum depth of sixty feet (60') from the road line of any State, County or Town road, or thirty-five feet (35') from the centerline of any internal road, two (2) side yards with a total width of not less than twenty-five feet (25'), neither one of which may be less than ten feet (10') in width at the front and rear building line, and a rear yard with a minimum depth of twenty-five feet (25').
 - ii. Mobile homes shall be separated from each other and from other buildings and structures other than accessory structures by at least twenty five feet (25').
 - iii. All mobile home parks shall provide and maintain screening such as fences, shrubbery or natural growth in a buffer strip of at least ten feet (10') in depth along the boundary line separating the park and its adjacent uses. Such fences shall be six feet (6') in height and made of solid wood or of chain link with shrubbery, as recommended by the Town Planning Board and approved by the Town Board. Where shrubbery must be planted, such shrubbery shall be of an evergreen species suitable to the Town Board after the Town Planning Board's recommendation and shall mature to at least an eight (8) foot height.
- g. **Street System**
 - i. Two (2) safe and convenient vehicular accesses shall be provided from abutting public streets or roads. Each entrance road shall have a minimum road pavement width of forty feet (40') and total right-of-way width of eighty feet (80'). Access roads shall, to the extent practicable, intersect public roads at right angles and at compatible grades.
 - ii. The internal streets of a mobile home park shall be of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:
 - 1. Where parking is permitted on both sides a minimum pavement

width of thirty-four feet (34') will be required.

2. Dead-end streets shall be provided at the closed end with a cul-de-sac designed with a turnaround having an outside roadway diameter of at least one hundred feet (100') and a street property line diameter of at least one hundred twenty feet (120').
 3. All streets shall be designated by name with signs posted indicating same, with consecutive lot numbers of at least six inches (6") in height clearly legible and conspicuously posted on each mobile unit and oriented toward the access road serving the unit. It shall be the responsibility of park management to provide a copy of the park layout with street names and unit number designations to the Town and to the Fire Department having primary responsibility for providing protection upon permit issuance and again upon any changes in park layout.
- iii. All mobile home park streets shall be furnished with lighting units so spaced and equipped with light placed at such mounting heights as will provide average levels of illumination for the safe movement of pedestrians and vehicles at night.
 - iv. Except for the above requirements, all streets and roads shall meet the minimum design and construction standards of the Town of West Monroe.
- h. Parking
- i. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests, each space to be a minimum of two hundred (200) square feet.
 - ii. If parking is permitted on one (1) or both sides of the access street, one (1) off-street car parking space for each mobile home shall be provided and so located as to provide convenient access to the mobile home. If no parking is permitted on the access street, two (2) off-street car parking spaces shall be provided for each mobile home. In no instance shall the required spaces be located at a distance greater than two hundred fifty feet (250') from the mobile home it is intended to serve.
- i. Walks
- i. All parks shall provide safe, convenient, pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents, including off street parking areas. Walks shall be constructed of a hard and durable surface. Sudden changes in alignment and gradient shall be avoided.

- ii. Where a common walk system is provided and maintained between locations, and where pedestrian traffic is concentrated, such common walks shall have a minimum width of four feet (4').
 - iii. All mobile home stands shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet (2').
- j. Construction of Mobile Home Stands
 - i. The area of the mobile home stand shall be improved to the New York State Uniform Fire Prevention and Building Code standards to provide an adequate foundation for the placement of the mobile home.
 - ii. All mobile home stands shall be provided with tie downs in compliance with the New York State Uniform Fire Prevention and Building Code standards.
 - iii. The mobile home stand shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- k. Placement of Mobile Homes Within the Mobile Home Park
 - i. No mobile home, whether as a placement on a newly created lot or as a replacement for a mobile home on a currently existing lot, shall be placed on any lot or hooked up to necessary utilities until the Enforcement Officer has first been notified, and no mobile home may be occupied until a Certificate of Occupancy is issued by the Enforcement Officer of the Town of West Monroe.
 - ii. All applications for a Certificate of Occupancy shall be made to the Enforcement Officer of the Town of West Monroe in accordance with the procedures set forth by applicable regulation and law/ordinance.
- l. Accessory Buildings
 - i. Accessory buildings located on the mobile home stand shall have a maximum floor area of one hundred twenty (120) square feet.
 - ii. Accessory buildings shall conform to the side yard limitations set forth in Section 5, shall not be permitted in the front yard, and may be no closer than ten feet (10') to the rear lot line.
- m. Utilities and Related Services. Notwithstanding anything herein to the contrary, all installations of mobile homes and their accessories, shall be in accordance with the New York State Uniform Fire Prevention and Building Code.

n. Water Supply

i. General requirements. An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities as required by this Law. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, a private water supply system shall be developed and shall be approved by the Oswego County Department of Health.

ii. Source of supply.

1. The water supply shall be capable of supplying a minimum of two hundred (200) gallons per day per mobile home at twenty (20) pounds pressure.
2. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
3. No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
4. Water supply treatment, if necessary, shall be in accordance with the requirements of the Oswego County Department of Health.

iii. Water storage facilities.

1. All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened.
2. Manholes shall be constructed with overlapping covers so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

iv. Water distribution system.

1. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local requirements.
2. The water piping system shall not be connected with non potable

or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.

3. The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch under normal conditions, at service buildings and other locations requiring potable water supply.

v. Individual water-riser pipes and connections

1. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby ensuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
2. The water supply line and the water-riser pipe shall have a minimum inside diameter of three-fourths inch (3/4").
3. Curbscocks below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved by the Enforcement Officers. Existing parks must comply with this section upon renovation of or repair to water supply lines.

o. Sewage Disposal

- i. General requirements. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the Oswego County Department of Health, New York State Department of Environmental Conservation and Town of West Monroe regulations.
- ii. Individual sewer connections.
 1. Each mobile home stand shall be provided with at least a four inch (4") diameter sewer riser pipe. The sewer pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position. .
 2. The sewer connection shall have a nominal inside diameter of not less than three inches (3"), and the slope of any portion thereof shall be at least one-fourth inch (1/4") per foot. All joints shall be watertight.

3. All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
 4. Provision shall be made for plugging the sewer-riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half inch (0/2") above ground elevation.
- iii. Sewer lines. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of materials approved by the Oswego County Department of Health, and shall have watertight joints.
 - iv. Sewage treatment and/or discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be installed in accordance with the regulations of the New York State Department of Health and, if applicable, the individual sewage disposal system ordinance of the Town of West Monroe, and the regulations of the New York State Department of Environmental Conservation and/or the Oswego County Health Department. Prior to the issuance of a permit or any renewal thereof, applicant shall submit written verification from a professional engineer, licensed by the State of New York, certifying current compliance of said sewage system with the provisions of this Law.
- p. Electrical Distribution System
- i. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electrical power company's specifications regulating such systems.
 - ii. Power district lines.
 1. Main power lines shall be located underground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure.
 2. All direct burial conductors or cable shall be buried at least twenty-four (24) inches below the ground surface and shall be insulated and specially designated for the purpose. Such conductors shall be located not less than five (5) feet radial distance from water, sewer, gas or communications lines.
 - iii. Individual electrical connections.

1. Each mobile home site shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be one hundred twenty to two hundred forty (120/240) volts AC, one hundred (100) amperes.
 2. If the mobile home is to be heated electrically, then a two hundred (200) amp service must be installed for each unit.
- iv. Required grounding. All exposed noncurrent-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.
 - v. Central radio and television system. No individual mobile home shall be equipped with exterior radio or television antennas.
 - vi. Telephone service. Telephone service to mobile homes shall be provided through a distribution system which shall be underground and conform to the above specifications.
- q. Service Buildings and Other Community Service Facilities; Exceptions
- i. The requirements of this section shall apply to service buildings, recreation buildings and other community service facilities when constructed, such as:
 1. Management offices, repair shops and storage areas;
 2. Laundry facilities;
 3. Indoor recreational areas.
 - ii. Structural requirements for buildings.
 1.

All buildings shall conform to the requirements of the New York State Uniform Fire Prevention and Building Code.
 2. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.

3. All rooms containing lavatory facilities shall have:
 - A. Sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.
 - B. At least one (1) window or skylight facing directly to the outdoors. The minimal aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
 - C. At least one (1) window which can be easily opened or a mechanical device which will adequately ventilate the room.
- r. Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with Oswego County Department of Health regulations. Each mobile home shall have a container with a tight cover. Weekly disposal must be provided for all rubbish, trash and refuse by the operator of the mobile home park.
- s. Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Oswego County Department of Health regulations governing mobile home parks.
- t. Fuel Supply and Storage.
 - i. All fuel storage tanks servicing mobile home sites shall be located at the rear of the mobile homes.
 - ii. All fuel supply and storage systems shall be installed in accordance with applicable Federal and State regulations (currently described in NFPA Pamphlet 58, entitled "Liquified Petroleum Gases, 1992, and NFPA Pamphlet 54, entitled "Fuel Gas Code National, 1992").
- u. Fire Protection. The mobile home park shall be subject to the rules and regulations of the fire district or fire protection district of the Town of West Monroe within which it is located.
 - i. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

- ii. Portable fire extinguishers shall be kept in public service buildings under park control.
- iii. Fire hydrants.
 - 1. Fire hydrants shall be installed if the water supply source is capable of serving them in accordance with the following requirements.
 - A. The water supply source shall permit the operation of a minimum of two (2) one-and-one-half inch (1 1/2") hose streams.
 - B. Each of two (2) nozzles, held four feet (4') above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
 - 2. Fire hydrants, if provided, shall be located within six hundred feet (600') of any mobile home, service building or other structure in the park.
- v. Responsibilities of Park Management
 - (1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Law, shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition, and shall be responsible for compliance with this Law and for violations thereof.
 - (2) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections. The park management shall not allow any mobile home installation until the owner produces a building permit issued by the Codes Enforcement Officer.
 - (3) The management shall notify the Oswego County Department of Health immediately of any suspected communicable or contagious disease within the park.

Section 7.05 Renewal of Permits

Renewal permits for one (1) year's duration shall be issued by the Enforcement Officer but not until the applicant has conferred with the Enforcement Officer and, if required, with the Town Planning Board as set forth in Section 7.06 below, and it has been determined that the subject park has continued to meet the standards prescribed by the County Health Department and by this Law. All permits shall expire on April 30, annually. Applicants for renewal permits shall contact the Enforcement Officer at least one month prior to expiration of their permits, and

must pay a renewal permit fee in an amount to be determined by the Town Board. The applicant and the Town Board may enter into such agreements as may be advisable regarding remediation of violations, compliance with which may be a condition precedent for future renewal permits.

Section 7.06 Applicability to Existing Parks

Mobile home parks in existence upon the effective date of this law shall be required to meet the standards of the Oswego County Department of Health concerning water supply and waste water and sewage treatment. Failure to comply with this section shall constitute a violation of this law. Upon application for renewal of permits, applicants shall confer with the Enforcement Officer and, if in the Enforcement Officer's opinion it is advisable, with the Town Planning Board prior to issuance of a renewal permit, to ascertain whether there are at that time any outstanding violations of this Law which the applicant will be required to remedy before a renewal permit may be issued.

ARTICLE VIII

**SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS
FOR RECREATIONAL VEHICLE PARKS**

Section 8.01 Purpose

In order for the Planning Board to exercise its responsibility to review applications to locate, construct, alter, amend, modify, or maintain Recreational Vehicle Parks and render a decision under this law, it is necessary that a submittal include certain basic information.

Section 8.02 Submission Requirements

Any person desiring to locate, construct, alter, amend, modify, or maintain a Recreational Vehicle Park must obtain a Recreational Vehicle Special Permit from the Town by submitting an application, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees, for review as provided in Article III, containing at least the following information and supporting documentation:

- a. The name, address and phone number of the applicant and the person owning the premises, if different.
- b. A legal description of the subject premises.
- c. A survey of the premises signed by a licensed land surveyor and a topographic map of the premises.
- d. A Site Plan of the proposed park showing thereon at least the following:
 - i. All vehicular and pedestrian traffic circulation patterns including points of

ingress and egress from all public highways.

- ii. All structures and buildings on the site and proposed to be built thereon with dimensions, and distances from all boundaries, roads, driveways, and other buildings, or structures and bodies of water.
 - iii. The exact location and dimensions of all parking spaces and/or campsites and their relationship to anything specified in "1" and "2" above.
 - iv. The location of all existing and proposed utilities including water, sewer, drainage, electric and telephone; the dimensions of each where applicable, the type of construction, the location and type of any supporting structures, and where applicable, complete details of the method of treatment and manner of outfall.
 - v. All landscaping and vegetation both before construction and after.
 - vi. All on and off site lighting.
 - vii. All on and off site signage.
 - viii. The names, and addresses of all adjacent property owners and their uses.
- e. A written description of the specifics of the operation including hours of operation, management, time of year if other than full time, rates where available, and a general description of the method of operation including management and marketing.
 - f. A long and/or short form Environmental Assessment Form (as specified by 6 NYCRR part 617 et. seq.) whichever is applicable.
 - g. Technical supporting data regarding portability and volume of water source, soil percolation, depth to water table, etc.

An applicant for a Recreational Vehicle Special Permit shall also submit, with the application for such permit, a copy of a valid permit, then in full force and effect, issued by the State of New York in accordance with the State Pollutant Discharge Elimination System Act (SPDES) regarding the anticipated discharge of waste water in connection with the operation of said proposed Recreational Vehicle Park. Applicant shall also submit satisfactory evidence of compliance with all other New York State and County of Oswego, statutes, ordinances and regulations concerning portable water supply, drainage, and waste water treatment relating to operation of the proposed Recreational Vehicle Park Facility, including compliance with the provisions of the New York State Sanitary Code.

Section 8.03 Standards

An application for a special permit and supporting documentation will thereafter be

reviewed by the Planning Board as described in Article III.

Section 8.04 Applicability to Existing Parks

Recreational Vehicle Parks in existence upon the effective date of this law shall be required to come into full compliance with all of the requirements of this law, and secure a valid permit for the operation therefore, on or before twenty-four (24) months from the effective date of this law.

Section 8.05 Duration and Renewal of Permit

Recreational Vehicle Park permits issued pursuant to this law shall be valid until December 31 of the year in which said permit is issued. Renewal permits for one year's duration shall be issued by the Town Clerk after the Building Code Enforcement Officer's review in the field, or upon proof furnished by the applicant, that the subject Recreational Vehicle Park has continued to meet the standards prescribed by this law.

ARTICLE IX

SUBMISSION REQUIREMENTS, STANDARDS AND REGULATIONS FOR JUNKYARDS

Section 9.01 Purpose

No person shall engage in or conduct, whether for profit or otherwise, on real property within the Town of West Monroe, either for himself or for and on behalf of any other person, directly or indirectly, as agent, employee or otherwise, at wholesale or retail, any land use which involves the collection, storage, burning, dumping, disassembling, dismantling, salvaging, sorting or otherwise, handling or arranging, for sale, resale, storage or disposal or otherwise, of junk or junk vehicles as defined in this law, without first obtaining a junkyard license. In order for the Planning Board to exercise its responsibility to review applications to locate, construct, alter, amend, modify, or maintain a junkyard and render a decision under this law, it is necessary that a submittal include certain basic information.

Section 9.02 Submission Requirements for Junkyard License

The Applicant for a junkyard license shall submit the appropriate application forms along with two copies of the proposed site plan, along with a copy of the Town Clerk's receipt showing payment of the appropriate fees, as provided in Article III.

- a. Each applicant for a license hereunder shall execute, under oath, an application therefore, to be supplied to him by the town clerk, which shall contain the following information:
 - i. That the applicant is over twenty-one (21) years of age.
 - ii. That he is a citizen of the United States.
 - iii. Whether he has ever been convicted of a felony or misdemeanor and such other facts of evidence as are deemed necessary to establish that he is a person fit and capable of properly conducting the activity or business for which the license is sought.

- iv. A description of the exact type of activity or business he intends to conduct.
 - v. The nature of the materials he intends to handle.
 - vi. The number of employees he intends to engage.
 - vii. The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant to use of such land.
- b. At the time of making the application, the applicant shall submit to and file two (2) site plans or maps of the real property upon which he intends to conduct the activity or business for which he is making application for a license, with the area of such real property which is proposed for such purpose; the location of the required fence or enclosure indicated thereon, as well as the location of any buildings on such land; the location of any streets or highways abutting or passing through such land; water, sewer or gas mains or laterals available thereto, as well as the general drainage pattern of such land; and such other general information as the Town Planning Board may from time to time require. .

Section 9.03 Standards for Operating Junkyards

In the application for a junkyard license the applicant shall agree that, if granted the license applied for, he will conduct the activity or business pursuant to the following regulations, and that upon his failure to do so, such license may be revoked forthwith:

- a. The licensee must personally manage or be responsible for the management of the activity or business for which the license is granted.
- b. The licensee must maintain an office and a sufficient number of employees on the premises to assure the proper and safe conduct of such activity or business, to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others.
- c. The licensee shall maintain on the premises at all times, permanent books and records which shall set forth, from and after the effective date of this local law, the make, model and type of every automobile vehicle purchased; the appropriate serial number or motor registration number of the engine or body parts thereof; the date of purchase and the name of the person or persons from whom said vehicle was purchased or received; the address of the seller or transferor of said vehicle and, when sold, the date of said sale and the name of the person, firm or corporation, together with the address of said purchaser; and such other proper rules, regulations and requirements as from time to time may be required by the Town Board of the Town of West Monroe.
- d. The licensee must erect on all boundary lines as may be determined by the Town Board not fronting on a public highway, a eight-foot wire fence of dose mesh or

one made of wood or other material, such as a living hedge as approved by the Town Board, adequate to prevent the entrance of children and others into the area of the activity or business and to contain within such fence or enclosure the materials dealt in by the licensee.

- e. The licensee must erect and maintain a tight board fence, 8 foot in height, made of wood or other material or a living hedge as may be determined after due consideration by the Town Board on all boundaries fronting on a public highway; and located at least 50 feet therefrom; adequate to prevent the entrance of children and others into the area of the activity or business, reasonably adequate to keep said junkyard from the public view, and to contain within such fence or enclosure the materials dealt in by the licensee. In addition to a gate approved by the Town Board which will be kept locked during hours the business is closed or the owner or a person authorized by the owner is not present.

Inside, adjacent to and contiguous with such fence or enclosure, one (1) strip of land at least ten (10) feet in width shall be kept free of all dry grass, other growth or other combustible material, so as to provide a fire lane or line around the whole area where the activity or business of the licensee is being conducted.

- f. The autos, parts and materials dealt in by the licensee shall be disassembled or dismantled by means other than burning. They shall be piled or arranged in neat rows so as to permit easy, clear passage through the area.
- g. There shall be maintained at each such place of activity or business for which a license is issued at least one (1) fire extinguisher of approved design and capacity for each forty thousand (40,000) square feet of area. Each fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.
- h. When the area is not supervised by the licensee or his employees, the fence or enclosure shall be locked at a secure gate in a secure manner.
- i. The area of the licensee's activity or business shall not be used as a dump area or as a place for burning and disposal of junk or trash.
- j. The enforcement officer or the Town Planning Board, or any of its representatives, shall be granted access to the area of the activity or business of the licensee at all reasonable hours to inspect the same for compliance herewith. The enforcement officer shall have all the necessary authority to enforce this local law.
- k. The owner shall also at all times:
 - i. comply with all applicable provisions of any state or local statute, code, regulation, local law or ordinance governing the maintenance, use, or appearance of the building, structure or part thereof and the property of which it is a part;

- ii. keep all public areas of the building, grounds, facilities and appurtenances in a clean, safe and sanitary condition. In one and two family homes, these responsibilities can be delegated to the tenants if so indicated in a signed contract or lease.

Section 9.04 Standards

In considering a junkyard license application, the Planning Board shall take into account the suitability of the applicant with reference to any record of convictions for any type of larceny or receiving of stolen goods and to his ability to meet the requirements of this law. Additionally, the Planning Board shall take into account, after proof of legal ownership or right to such use of the property for the license period of the applicant, the nature and development of surrounding property, such as the proximity of churches, schools, hospitals, public buildings or other places of public gathering; and whether or not the proposed location can be reasonably protected from affecting the public health and safety by reason of offensive or unhealthy odors or smoke, or of other causes. The Planning Board may also take into account the clean, wholesome and attractive environment which has been declared to be of vital importance to the continued general welfare of its citizens by considering whether or not the proposed location can be reasonably protected from having an unfavorable effect thereon. In this connection, the governing Board may consider collectively the type of road servicing the junkyard or from which the junkyard may be seen, the natural or artificial barriers protecting the junkyard from view, the proximity of or main access routes thereto, as well as the reasonable availability of other suitable sites for the junkyard.

Section 9.05 Exceptions

This Article shall not apply to farm machinery, including tractors, where such machinery is actively used, or where such machinery is being held or used for repair, restoration or resale. For purposes of this Section, the burden of proof shall be on the landowner or operator, to show that such machinery is being held or used for repair, restoration or resale by evidence showing business records or the like associated with such activity. "Actively used" shall mean machinery being used for its intended purposes within the immediate two years prior to its placement on the premises.

This Article also does not apply to persons who collect antique vehicles (twenty-five (25) years or older) and a person or persons who restore antique vehicles. However, the collection of unlicensed antique vehicles in number no greater than five (5) shall be permitted, providing that said vehicles are in a condition such that they could be licensed and used upon the public highway. Any person showing that he or she collects usable antique vehicles for business or hobby, shall be allowed one (1) vehicle for restoration purposes, providing that said restoration is completed within one (1) year from date of placement of vehicles to be restored on the premises.

Section 9.06 Established Junkyards

- a. Junkyards already established shall be considered approved and deemed suitable for issuance of a license. Established junkyard operators shall apply for such license within

sixty (60) days of the adoption of this local law. Such already established junkyards shall be considered a non-conforming use and allowed to continue operation. However, reasonable effort shall be made by said non-conforming operators to comply with this local law. A certificate signifying such non-conformity shall be issued with such license.

- b. The enlargement of any non-conforming use referred to in the preceding paragraph through the increase in the use of real property for junkyard purposes other than in present use shall serve to terminate such nonconformity and the junkyard so expanded shall comply with regulations governing new junkyards before the renewal of said license.

Section 9.07 License Renewal

All junkyard licenses expire on March 31st and shall be annually renewed to continue in operation, unless otherwise affected by this law. Such license shall be placed and at all times displayed in a conspicuous place at the licensee's place of activity or business for which it is issued. Such license shall be effective from the date of its issuance until the 31st day of March of the next calendar year, after which a new application for license must be made yearly if the licensee desires to continue such activity or business. Such license is personal with the licensee. It does not go with the title of the land, nor may it be sold, assigned, transferred or disposed of. Such license may be revoked by the Town Board after a public hearing thereon at which the licensee shall have an opportunity to be heard. Revocation may occur due to failure to applicant to honor conditions of the license or the terms and conditions of this local law. Upon revocation of a license the Town Board may require the removal of autos, parts and materials.

ARTICLE X

Subdivision Regulations

Section 10.01 Purpose

This Article provides the rules associated with obtaining site plan approval from the Planning Board for subdivision development and sets forth the standards for such uses.

Section 10.02 Review and Approval Procedure

a. General

Minor subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Public Hearing
3. Final Plat approval

Major subdivisions shall be processed in the following stages:

1. Sketch Plan Conference
2. Public Hearing
3. Preliminary Plat approval
4. Optional Public Hearing
5. Final Plat approval

b. Pre-Application Procedure

Prior to the preparation of and the submission of a plat for approval, the subdivider should proceed to gather the necessary information and data on the existing conditions at the site. The subdivider should study the site suitability and opportunities for development. With a licensed land surveyor, the subdivider should develop a plat in sketch form which in turn shall be submitted to the Planning Board for advice and assistance and should include an environmental assessment form (EAF). The Planning Board may require either a SEQR short or Full EAF depending on the size and complexity of the proposed subdivision.

Section 10.03 Sketch Plan Conference

The subdivider should request an appointment with the Planning Board for the purpose of reviewing the sketch plan. The Planning Board Secretary shall notify the subdivider of the time, date and the place that the Planning Board will meet to consider and review such sketch plan and the program as they relate to the General Plan, design standards, and improvement requirements. This meeting is intended to assist the subdivider in the planning and preparation of the preliminary or final plat to save the subdivider both time and money in preparing maps and plans. The plan will be classified as a minor or major subdivision by the Planning Board as defined by these regulations. Subdivision classified as minor may proceed directly to preparation of a final plat without submission and approval of a preliminary plat which shall be required for a major subdivision.

This step does not require formal application, fee or filing with the Planning Board.

Section 10.04 Oswego County Department of Health

Oswego County Department of Health approval is required for any major subdivision containing five (5) or more lots.

Section 10.05 Preliminary Plat

All major subdivisions shall be subject to the Preliminary Plat requirements, as specified herein. The subdivider shall file an application for approval of the Preliminary Plat on forms available from the Town Clerk accompanied by all documents specified in Section 10.07 herein.

Review of Subdivision. Following the review of the Preliminary Plat and supplementary material submitted for conformity to these regulations, and following negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider, the Planning Board shall hold a public hearing. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. This hearing shall also fulfill the requirements of SEQR and a draft environmental impact statement (Draft EIS) should the Planning Board as lead agency make a positive declaration directing the preparation of such Draft EIS by the subdivider. Within forty-five (45) days from the public hearing, the Planning Board shall approve, approve with modifications or disapprove in writing the preliminary plat and state its reasons for disapproval.

Notice of Decision. The action of the Planning Board shall be noted on four (4) copies of the Preliminary Plat and reference made to any modifications determined. One (1) copy shall be returned to the subdivider and the other three (3) copies retained by the Planning Board.

Effect on Approval. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider must comply with these regulations and all requirements set forth by the Planning Board in their review of the preliminary plat, and any other County Health Department requirements.

Section 10.06 Final Plat

All subdivisions, as defined herein, shall require Final Plat approval by the Planning Board.

The subdivider shall file an application for Final Plat approval on forms available from the Town Clerk, and accompanied by documentation as specified in Section 10.07 herein, to the Planning Board. Such application shall be submitted at least ten (10) days prior to the meeting at which it is to be considered by the Planning Board, and, no later than six (6) months after the date of the preliminary plat approval.

Optional Public Hearing. A public hearing may be held by the Planning Board after a complete application is filed and prior to rendering a decision. This hearing shall be held within forty-five (45) days of the official submission date of the plat. The subdivider shall attend the hearing. The Planning Board shall approve, conditionally approve, or disapprove the Final Plat in writing within forty-five (45) days of the public hearing.

If disapproved, the grounds for disapproval shall be stated in the record of the Planning Board and contained in written findings prepared by the Planning Board, including reference to the regulation violated by the Plat. Failure of the Planning Board to render findings within the stated forty-five (45) day period shall be deemed final approval of the plat.

Waiver of Public Hearing. If the final plat is in substantial agreement with the preliminary plat, the Planning Board may waive the public hearing requirement. If no hearing is held, the Planning Board shall approve, conditionally approve, or disapprove the plat within forty-five (45)

days of the official submission date.

Notice of Decision. The subdivider shall be notified on the final action of the Planning Board and he shall record the Final Plat, or section thereof, in the Office of the Clerk of Oswego County, New York, within sixty (60) days after the date of approval; otherwise the plat shall be considered void and must again be submitted to the Planning Board for approval before recording in the Office of the Clerk of Oswego County, New York. The Code Enforcement Office shall not issue any building permits for the lots approved unless and until the Final Plat has been filed with the Oswego County Clerk and written proof of said filing has been submitted to the Code Enforcement Officer.

Conditional Approval. Upon conditional approval of such final plat, the Planning Board shall empower a duly authorized officer to sign the plat upon completion of such requirements as may be stated in the resolution. Within five (5) days of such resolution, the plat then shall be certified by the Secretary of the Planning Board as being conditionally approved. A certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plat shall then be mailed to the subdivider. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the Planning Board. Conditional approval of the final plat shall expire thirty (30) days after the date of the resolution granting such approval. The Planning Board may, however, extend the expiration time for a period not to exceed six (6) months.

Section 10.07 Information Required for all Plat Submissions

1. Name and address of subdivider and professional advisers, including license numbers.
2. Map of property proposed by a licensed land surveyor drawn to scale, at the scale of one (1) inch to one hundred (100) feet, showing:
 - a. Subdivision name, scale, north arrow and date.
 - b. Subdivision boundaries.
 - c. Contiguous properties and names and owners.
 - d. Existing and proposed roads, streets, sidewalks, utilities, structures, drainage systems and drainways.
 - e. Water courses, marshes, wooded areas, public facilities and other significant physical features on or near the site.
 - f. Proposed pattern of lots, including lot widths and depths, road layout, open space, drainage, sewerage, and water supply.
 - g. Land contours at ten (10) feet intervals, or other suitable indicators of slope, except that contours shall be mapped with intervals of not more

than five (5) feet where the slope is greater than ten (10) percent.

- h. Proposed alterations of existing topography.
3. Copy of tax map(s).
4. Existing restrictions on the use of land including easements and covenants.
5. Total acreage of subdivision and number of lots proposed.
6. Building types, approximate size and cost.

Section 10.08 Minor Subdivisions

The following shall be submitted with all applications for approval of a Final Plat for a minor subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on appropriate material, plus three (3) paper copies.
2. Information specified under Section 10.07, updated and accurate.
3. Sufficient data acceptable to the Planning Board to readily determine the location, bearing and length of every road line, lot line and boundary line; such data shall be sufficient to allow for the reproduction of such lines on the ground.
4. On site sanitation and water supply facilities shall be designed to meet the specifications of the Oswego County Department of Health, and a statement to this effect shall be made on the application and compliance with Local Law No.1 of 2002 regulating installation of sanitary systems (attached hereto as Appendix C).
5. Copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
6. Additional information as deemed necessary by the Planning Board.
7. SEQR Short or Full EAF as determined by the Planning Board.

Section 10.09 Preliminary Plat, Major Subdivision

The following shall be submitted with all applications for approval of a Preliminary Plat for a major subdivision:

1. Four (4) copies of the plat map, drawn to scale. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.
2. All information specified under Section 10.07, updated and accurate.

3. All parcels of land proposed to be dedicated to public use and the conditions of such use.
4. Grading and landscaping plans.
5. The width and location of any roads or public ways and the width, location, grades and road profiles of all roads or public ways proposed by the developer.
6. The approximate location and size of all proposed waterlines, hydrants and sewer lines showing connection to existing lines.
7. Drainage plan, indicating profiles of lines or ditches and drainage easements on adjoining properties.
8. Plans and cross-sections showing sidewalks, road lighting, roadside trees, curbs, water mains, sanitary sewers and storm drains, the character, width and depth of pavements and subbase, the location of any underground cables.
9. Preliminary designs for any bridges or culverts.
10. The proposed lot lines with approximate dimensions and area of each lot
11. An -actual field survey prepared by a licensed surveyor of the boundary lines of the tract, giving complete description by bearings and distances, made and certified by licensed surveyor. The corners of the tract shall also be marked by monuments of such size and type as approved by the Planning Board, shown on the plat.
12. A copy of all covenants or deed restrictions intended to cover all or part of the tract.
13. A draft environmental impact statement, if a positive declaration has been promulgated by the Planning Board.
14. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future road and drainage system of the unsubdivided part shall be submitted for study to the Planning Board.
15. Additional information as deemed necessary by the Planning Board.

Section 10.10 Final Plat, Major Subdivision

The following shall be submitted with all applications for approve of a Final Plat for the major subdivision:

1. One (1) copy of the plat to be submitted to the County Clerk, drawn with ink on suitable material, plus three (3) copies. The map scale shall be one (1) inch to one hundred (100) feet unless otherwise specified by the Planning Board.

2. Proposed subdivision name and the name of the Town and County in which the subdivision is located; the name and address of record owner and subdivider; name, address, license number and seal of the surveyor.
3. Road lines, pedestrian ways, lots, easements and area to be dedicated to public use.
4. Sufficient data acceptable to the Planning Board to determine readily the location, bearing and length of every road line, lot line, boundary line and to reproduce such line on the ground.
5. The length and bearing of all straight lines, radii, length of curves and central angles of all curves; tangent bearings shall be given for each road. All dimensions of the lines of each lot shall also be given. The plat shall show the boundaries of the property, locations, graphic scale, and true north point.
6. All offers of cession and any covenants governing the maintenance of unceded open space shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
7. Permanent reference monuments shall be shown and constructed in accordance with Planning Board specifications.
8. Approval by the Oswego County Health Department of sewage and water supply systems proposed or installed.
9. Appropriate documents disclosing compliance with SEQR including a short environmental assessment form at a minimum or a full environmental assessment form if deemed necessary by the Planning Board.
10. Construction drawings including plans, profiles, and typical cross sections, as required, showing the proposed location, size and type of road, sidewalks, road lighting standards, road trees, curbs, water mains, sanitary sewer or septic systems, storm drains or ditches, pavements, and sub-base and other facilities.
11. Evidence of legal ownership of property.
12. Deed restrictions, existing and proposed in form for recording.
13. A certificate by the Code Enforcement Officer certifying that the subdivider has complied with one of the following alternatives:
 - a. All improvements have been installed in accord with requirements of these regulations and with the action of the Planning Board giving approval of the preliminary plat, or
 - b. A performance bond or certified check has been posted in sufficient amount to assure such completion of all required improvements.

14. Any other data such as certificates, affidavits, endorsements or other agreements as may be required by the Planning Board in enforcement of these regulations.

Section 10.11 Road Design Standards

Conformity with General Plan. The arrangement, width, location and extent of major road and all minor roads should conform and be in harmony with the General Plan for the Town. Roads not in the General Plan should conform to the recommendation of the Planning Board based on existing and planned roads, topography, public safety, convenience and proposed uses of land. The Town Highway Superintendent shall be consulted by the Planning Board for an advisory opinion before the approval of any new road.

Conformity with Town Road Standards. Design of all major and minor roads shall conform to the Road Specifications for the Town of West Monroe.

Arrangement. Residential minor roads shall be designed to discourage through traffic, whose origin and destination is not within the subdivision.

Location. When a proposed subdivision is adjacent to or contains a State highway, the Planning Board may seek information from the New York State Department of Transportation as to the status of said highway in reference to right-of-way and direction. The Planning Board may require a marginal road approximately parallel to and on each side of such a right-of-way at a distance suitable for an appropriate use of the intervening land as for park purposes in residential districts, or for commercial or industrial purposes. Such distance shall also be determined with due regard for the requirements of approach grades and future grade separation. Railroad rights-of-way shall receive similar consideration.

Intersections. Roads shall intersect one another at angles as near to a right angle as possible, and no intersections of roads at angles less than sixty (60) degrees shall be approved. Road intersections shall be rounded with a radius of twenty-five (25) feet measured at right-of-way line when said intersection occurs at right angles. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of radius acceptable to the Planning Board. Road jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.

Dead End Roads. Dead end roads shall be avoided whenever possible. Each dead end road shall be provided with a turn around deemed sufficient by the Town Highway Superintendent for snow plowing. Dead end roads designed to be so permanently shall not be permitted unless provided with a turn around.

Half Roads. Dedication of a half road shall be prohibited, except when essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half road is adjacent to a tract to be subdivided, the other half of the road shall be platted within such tract. For purposes of these regulations, a half road shall be considered a dead end road, until such time as the other

half of the road is dedicated.

Access. In commercial and industrial districts, definite and assured provision shall be made for service access such as off-road parking, loading and unloading consistent with and adequate for the uses proposed.

Names and Numbers. Names of new roads shall not duplicate existing or platted roads. New roads which are extended or in alignment with existing roads shall bear the name of the existing roads. House numbers shall be assigned in accordance with the house numbering system now in effect in the Town.

Road Signs. The subdivider shall provide and erect road signs of a type to be approved by the Town Board at all road intersections prior to acceptance of the constructed roads.

Trees. If roadside trees are provided, they should be outside of the road right-of-way and planted in such a manner as not to impair visibility at any corner or corners.

Section 10.12 Road Construction Standards

1. Road improvements shall be installed at the expense of the subdivider.
2. Roads shall be built in conformance with the Road Specifications for the Town of West Monroe.

Section 10.13 Sidewalks

Sidewalks may be required and shall be installed as follows:

1. Sidewalks shall be installed at the expense of the subdivider, at such locations as the Planning Board may deem necessary.
2. Sidewalks must be constructed to comply with the detail specifications of the Planning Board.
3. Sidewalks shall be concrete or other approved material, and have a minimum width off our (4) feet in residential areas, and five (5) feet in commercial and industrial areas.

Section 10.14 Utilities

Public utility improvements may be required and shall be installed as follows:

1. Fire Protection: Hydrants to be of size, type and location specified by appropriate state law and with approval of the local volunteer fire department.
2. Street lighting: Poles, brackets and lights to be of size, type and location approved by the local power company.
3. Electricity: Power lines may be placed underground and shall

conform to applicable local utility standards.

4. Utility Services: Shall be located from six (6) to eight (8) feet from the front property line to the center line of the utility service, between the sidewalk and curb line.

Section 10.15 Water Supply

It shall be the responsibility of the subdivider to demonstrate that water of a quantity sufficient to meet domestic needs and a quality that meets minimum health standards is available for every lot.

Section 10.16 Lots

Location. All lots shall abut by their full frontage on public roads to ensure suitable access.

Dimensions. Where access to a public sewer system is not available, lots shall be of a dimension sufficient for placement of a septic system in compliance with all applicable local, state and county sanitary standards including the Town of West Monroe Local Law Regulating Individual Sewer Disposal Systems.

Setbacks. Homes built on these lots shall be located not less than the following distances from respective property lines:

- i. Front lot line: 75 feet
- ii. Side lot line: 20 feet
- iii. Rear lot line: 20 feet

Frontage. All lots located within any public sewer district shall include frontage of at least 75 feet on a dedicated public highway or road.

Double Frontage Lots. Frontings on two roads other than corner lots shall be discouraged.

Pedestrian Easements. In order to facilitate pedestrian access from roads to schools, parks, play areas or nearby roads, perpetual unobstructed easements at least twenty (20) feet wide may be required by the Planning Board. In heavy traffic areas, sidewalks may be required in addition.

Lot Lines. Side lot lines shall be approximately at right angles to the road or radial to curved roads. On large size lots and except when indicated by topography, lot lines shall be straight.

Corner Lots. Lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.

Section 10.17 Unique and Natural Features

Unique physical features such as historic landmarks and sites, rock outcrops, hill top lookouts, desirable natural contours, and similar features shall be preserved where possible. Also streams, lakes, ponds and wetlands shall be left unaltered and protected by easements. All surfaces must be graded and restored within six (6) months of completion of subdivisions so no unnatural mounds or depressions are left. Original topsoil moved during construction shall be returned and stabilized by approved methods. Damage to existing trees should be avoided.

Section 10.18 Public Open Spaces and Sites

Consideration shall be given to the allocation of areas suitably located for community purposes as indicated on the General Plan and be made available by one of the following methods:

1. Dedication to the Town.
2. Reservation of land for the use of property owners by deed or covenant.
3. Reservation for acquisition by the Town within a reasonable period of time. Said reservation shall be made in such manner as to provide for a release of the land to the subdivider in the event the Town does not proceed with the purchase.

The Planning Board may require the reservation of such other areas or sites of a character, extent and location suitable to the needs of the Town as water plants, sewage treatment plant and other community purposes not anticipated in the General Plan.

Section 10.19 Unsuitable Land for Subdivisions

As a safety measure for the protection of the health and welfare of the people of the Town, that portion of the land which is found to be unsuitable for subdivision due to natural limitations (e.g., drainage problems), shall not be subdivided until adequate methods for remediation are formulated by the subdivider and approved by the Planning Board. Before final approval, the subdivider shall in lieu of the improvements, furnish a surety bond or certified check covering the cost of the required improvements.

Section 10.20 Bond for Installation of Improvements

a. General

In order that the Town has the assurance that the construction and installation of such improvements as storm sewer, public water supply, road signs, sidewalks, and roads will be constructed, the subdivider shall enter into one of the following agreements with the Town.

1. Construct all improvements directly affecting the subdivision as required by these regulations and by the Planning Board, prior to final approval of the plat, or

2. In lieu of the completion of the improvements, furnish a bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Town Attorney, or

3. In lieu of the completion of improvements, deposit a certified check in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

b. Conditions

Before the final plat is approved, the subdivider shall have executed a contract with the Town, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements. In addition, the subdivider shall reimburse the Town for any additional expense occurred by reasons of the subdivision application for consulting services including engineers, architects and attorneys based on billings to the Town by them.

The performance bond or certified check shall be to the Town and the contract shall provide that the subdivider, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of these regulations; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with such laws and regulations.

Any such bond shall require the approval of the Town Board and the Town Attorney as to form, sufficiency, manner of execution and surety.

Wherever a certified check is made, the same shall be made payable to the Town.

c. Extension of Time

The construction or installation of any improvements or facilities for which guarantee has been made by the subdivider in the form of a bond or certified check deposit, shall be completed within one year from the date of approval of the final plat. Road improvements shall be completed within two years from the date of approval of the bond or certified check. The subdivider may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Town may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

d. Agreement-Schedule of Improvements

When a certified check or performance bond are made pursuant to the preceding sections, the Town and subdivider shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the subdivider upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check

deposit or performance bond shall not be repaid to the subdivider until one (1) year following the completion, inspection, and acceptance by the Town of all construction and installation covered by the check deposit or performance bond as outlined in the subdivider's contract.

e. Inspections

Periodic inspections-during the installation of improvements shall be made by the Code Enforcement Officer to insure conformity with the approved plans and specifications as contained in the subdivider's contract and these regulations. The subdivider shall notify the Code Enforcement Officer when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board. Upon acceptable completion of installation and improvement, the Planning Board shall issue a letter to the subdivider or his representative and such letter shall be sufficient evidence for the release by the Town of the portion of the performance bond or certified deposit as designated in the subdivider's contract to cover cost of-such completed work.

f. Acceptance of Roads and Facilities

When the Code Enforcement Officer following final inspection of the subdivision, certifies to the Planning Board and the Town Board that all installation and improvements have been completed in accordance with the subdivider's contract, the Town Board may, by resolution, proceed to accept the facilities for which bond has been posted or check deposited provided that said improvements have been found acceptable by the Town Highway Superintendent in writing.

ARTICLE XI

Miscellaneous Land Use Regulations

Section 11.01 Outdoor fires

Outdoor fires fueled by trash, tires, construction debris or any similar materials are expressly prohibited, except with specific permission granted by the Fire Chief of the Town of West Monroe after written request demonstrating reasonable purpose, compelling need and adequate provisions for public safety.

Section 11.02 Desirable Character of All Premises

As a general requirement, all premises within the Town of West Monroe shall be maintained in conformity with the provisions of this local law so as to assure the desirable character of the property. This includes, but is not limited to, the following:

- a. Fences, retaining walls and other minor structures shall be maintained structurally sound, in good repair and with appropriate protective coating for wood surfaces.

- b. Steps, sidewalks, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained so as to afford safe passage under normal use and weather conditions.
- c. Yards, courts and vacant lots shall be kept free of physical hazards, accumulations of loose, illegally stored or illegally contaminated trash and debris, garbage and other material which would cause a fire hazard or act as a breeding place for vermin or insects. They should be maintained in a manner that will prevent dust or other materials from being blown around the neighborhood.
- d. Heavy undergrowth and accumulation of plant growth, noxious or detrimental to health shall be eliminated.
- e. Exterior property areas shall be free from conditions which might create a health, accident or fire hazard.
- f. The owner of a vacant building shall take such steps and perform such acts as may be required by the Code Enforcement Officer from time to time to make sure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or the public.

ARTICLE XII

VARIANCES

Section 12.01 Variances

To grant or deny use of area variances accordance with Town Law §274 et seq and as set forth below:

- a. Area Variance. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the adjoining property, neighborhood or community by such grant. In making such determination the Board shall also consider:
 - i. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - ii. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - iii. whether the requested area variance is substantial;

- iv. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - v. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.
- b. Use Variance. No Use Variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable Town regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that where the property is located:
- i. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - ii. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - iii. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - iv. That the alleged hardship has not been self-created.

Section 12.02 Conditions for Variances

In granting any variance, the Zoning Board of Appeals shall prescribe conditions that it deems to be necessary or desirable. In addition, the Zoning Board of Appeals, in granting of variance, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and health, safety and welfare of the community.

ARTICLE XIII

ENFORCEMENT

Section 13.01 Administration

This law shall be administered and enforced by the Code Enforcement Officer designated by the Town Board. No building permit or certificate of occupancy or other indicia of Town approval shall be issued by the Town for any use subject to this law except in compliance herewith.

Section 13.02 Inspections

The Enforcement Officer may inspect any land development site/premises covered herein at reasonable intervals and at reasonable times, to determine compliance with this Law. If entry

onto the site/premises is refused by the owner or occupant, the Enforcement Officer is authorized to obtain a search warrant to conduct the inspection.

Section 13.03 Notices and Orders; Service; Extension of Time; Appeal

Whenever the Code Enforcement Officer determines (either through inspection or otherwise) that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this local law or of any other state or local law, ordinance or regulation enforced by the Code Enforcement Officer, said officer shall give written notice of such violation or alleged violation to the person or persons responsible for such violation. Such persons shall include both the owner and occupant in the event the occupant is not the owner.

Such notice shall:

- a. specify in detail the factual basis for the alleged violation;
- b. provide fifteen (15) days for compliance measured from the date of posting said notice as hereafter described or such lesser periods of time when an emergency exists as may be determined by the Code Enforcement Officer;
- c. the Code Enforcement Officer may, for good cause shown in said officer's discretion, extend the compliance time specified in any notice or order issued under the provisions of this local law;
- d. it shall be sufficient service of a notice and order of the Code Enforcement Officer if said notice is posted in a conspicuous place upon the premises affected and a copy thereof mailed to the person to whom it is directed at the address filed by such person with the Town Clerk and if such person's address is not so filed in the office of the Town Clerk then in such case such notice shall be sent by certified mail to such person's last known address or place of residence.

The owner or the occupant shall have the right of appeal from the decision of the Code Enforcement Officer by filing a written notice of appeal specifying the grounds for the appeal with both the Town Clerk and with the Code Enforcement Officer. Such notice of appeal must be filed within ten (10) days of the posting of such notice as heretofore required. Such appeal shall be heard and determined by the Town Board at its next scheduled public meeting when both the Code Enforcement Officer and the owner or occupant shall present their respective positions with evidentiary proof. Further proceedings under this local law shall be stayed from the filing of the notice of appeal hereunder until a determination by the Town Board as herein provided for.

Proceedings initiated by the Code Enforcement Officer pursuant to this Section 12.02 and Section 12.03 as hereafter set forth in this local law shall not preclude the Code Enforcement Officer from utilizing the provisions for the imposition of fines and other relief set forth hereafter in Section 12.04 of this local law.

Section 13.04 Discharge of Owner's Duties by Town

- a. If the owner or occupant in the event such person is not the owner fails to comply with the notice of violation within twenty (20) days after the notice is sent, the Code Enforcement Officer may have the owner's compliance duties discharged by town employees or contractors. It shall be the personal obligation of the owner to reimburse the town for its expenses incurred in discharging said owner's responsibilities regardless of whether the owner is the occupant of said premises.
- b. Whenever a notice of violation or court order to remove a violation, secure, vacate or demolish a building has not been complied with, the Code Enforcement Officer may proceed to cause the violation to be removed or corrected or the structure to be demolished, repaired, altered, secured or vacated, or to take such other legal action as is necessary.
- c. The expense incurred by the town hereunder, plus fifteen (15%) percent of such amount, shall be charged to and paid by the persons responsible for such violation. The Code Enforcement Officer shall file with the Town Assessor a statement of the items of expense, including the surcharge authorized hereunder, and the date of execution of actions authorized thereunder. The Town Assessor shall proceed to collect said sums owing to the Town by adding them to the next year's property tax of such property and in any manner provided by law if in the meantime said amount is not paid by the person responsible.

Section 13.05 Penalties for Offenses

- a. The Owner or occupant of any such place of business or residence, or any person who commits or permits any acts in violation or any of the provisions of this local law or fails to comply with the provisions thereof shall be deemed to have committed an offense against such local law and also be liable for any such violation or the penalty therefore. Each day such violation shall continue or be permitted to exist shall constitute a separate violation. The penalties provided for in this section are in addition to any specific penalties provided elsewhere in this Law or its appendices.
- b. For every violation of any provision of this local law, the person violating the same shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) per day for each offense. Each day that such violation continues shall constitute a separate offense.
- c. The notice of violation shall specify the last date when each violation shall be corrected but not more than thirty (30) days after posting of the required notice. The Code Enforcement Officer may postpone the last day when a violation shall be corrected upon a showing by the owner or other responsible person that said person has begun to correct the violation but full correction of the violation cannot be completed within the time provided because of technical difficulties, inability to obtain necessary materials or labor, or inability to gain access to the premises where the violation occurs.

- d. The Town Attorney or Code Enforcement Officer may maintain an action or special proceeding in a court of competent jurisdiction for the recovery of civil penalties as herein described in Section 12.03(b), together with costs and disbursements.
- e. The defendant or respondent in any action or proceeding for civil penalties may show, in mitigation of his or her liability:
 - i. that the violation giving rise to the action was caused by the willful act, or gross negligence, neglect or abuse of another; or
 - ii. that he or she has begun to correct the violation properly upon receipt of notice thereof, but that full correction could not be completed within the time provided because of technical difficulties.
- f. In addition to the above provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such local law.

ARTICLE XIV

MISCELLANEOUS PROVISIONS/EFFECTIVE DATE

Section 14.01 Conflicts

A conflict between the requirements of this law and the requirements of any other ordinance, local law, rule or regulation, statute, or other provision of law shall be resolved by giving effect to the provision imposing the more restrictive requirements or higher standard.

Section 14.02 Separability

The provisions of this law are separable and the invalidity of a particular provision shall not invalidate any other provision.

Section 14.03 Effective Date

This law shall be effective upon filing with the Secretary of State.

APPENDIX A

RULES AND REGULATIONS OF THE BUILDING ENFORCEMENT OFFICER OF THE TOWN OF WEST MONROE, NEW YORK

Rule No. 1 Application for Building Permit

(a) No person, firm or corporation shall commence the erection, construction, enlargement, alteration, improvement, conversion, or change in the nature of the occupancy of any building or structure, or cause the same to be done, without first obtaining a separate building permit from the building enforcement officer for each such building or structure; except that no building permit shall be required for the performance of ordinary repairs which are not structural in nature.

(b) Application for a building permit shall be made to the building enforcement officer on forms provided by him and shall contain the following information:

- (1) A description of the land on which the proposed work is to be done;
- (2) A statement of the use or occupancy of all parts of the land and the proposed building or structure;
- (3) The valuation of the proposed work;
- (4) The full name and address of the owner and of the applicant, and the names and addresses of their responsible officers if any of them are corporations, and the name and address of the owner's authorized agent, if any;
- (5) A brief description of the nature of the proposed work;
- (6) If the construction is to be in accordance with the provisions of the state building construction code, a statement that the application is made for permission to construct in accordance with the provisions of such code;
- (7) A statement that the applicant consents to permit the building enforcement officer, any building inspector and any officer or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in Rule No. 7.

(8) Such other information as may reasonably be required by the building enforcement officer to establish compliance of the proposed work with the requirements of the applicable building laws, ordinances, rules and regulations.

(c) The application shall be signed by the owner or his authorized agent.

(d) The application shall be made by the owner or by the agent, architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner that the proposed work is authorized by the owner and that the applicant is authorized to make such application; and the affidavit shall contain a statement that the owner authorized the applicant to consent to permit the building enforcement officer, any building inspector and any officer or employee of the building department to enter upon the premises without a search warrant in the manner prescribed in Rule No. 7.

(e) Each application for a building permit shall be accompanied by duplicate copies of plans and specifications, including a plot plan, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed and the materials to be incorporated, distance from lot line, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys, and, where required by the building officer, details or structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data; plans and specifications shall bear the signature of the person responsible for the design and drawings and where required by Sections 7202 or 7203, as amended, of Articles 145 or 147 of the Education Law of the State of New York, the seal of a licensed architect or a licensed professional engineer; the building enforcement officer may waive the requirements for filing plans and specifications for minor alterations and issue a building permit so stating.

(f) Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the building enforcement officer and approval received from the building enforcement officer prior to the commencement of such change of work.

(a) Upon the filing of an application for a building permit and/or certificate of occupancy, the fee as set forth in Schedule "A" attached hereto then in effect, shall be payable.

(b) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided no work has been commenced. If work has been started and the application is not approved, the fees paid shall not be refunded.

Rule No. 3 Issuance of Building Permit or Disapproval of Application

(a) The building enforcement officer shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith. He shall approve or disapprove the application within sixty days from the date of submission of the application.

(b) Upon approval of the application and upon receipt of the legal fees therefore, the building enforcement officer shall issue a building permit to the applicant upon the form prescribed by the building enforcement officer and shall affix his signature or cause his signature to be affixed thereto.

(c) Upon approval of the application, both sets of plans and specifications shall be endorsed with the work "approved". One set of such approved plans and specifications shall be retained in the files of the building department and the other set shall be returned to the applicant together with the building permit and shall be kept by the applicant at the building site open to inspection by the building enforcement officer or his authorized representative at all reasonable times.

(d) If the application together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations, the building enforcement officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the building enforcement officer shall cause such refusal, together with the reasons therefore, to be transmitted to the applicant in writing.

Rule No. 4 Performance of Work Under Building Permit

(a) A building permit shall be effective to authorize the commencing of work for a period of six months after the date of its issuance. For good cause the building enforcement

officer may allow a maximum of two extensions for periods not exceeding three months each. All work shall conform to the approved application, plans and specifications and shall be in accordance with applicable building laws, ordinances, rules and regulations.

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

Rule No. 5 Revocation of Building Permit

The building enforcement officer may revoke a building permit theretofore issued in the following instances:

(a) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

(b) Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law;

(c) Where he finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications; or

(d) Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the building enforcement officer.

Rule No. 6 Stop Orders

(a) Whenever the building enforcement officer has reasonable grounds to believe that work on any building or structure is being prosecuted in violation of the provisions of the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an applications, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work, and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the construction of such building.

APPENDIX B

THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING LATERALS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATION THEREOF: IN THE TOWN OF WEST MONROE, COUNTY OF OSWEGO, STATE OF NEW YORK

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Local Law shall be as follows:

SECTION 101. "A.S.A." shall mean American Standards Association

SECTION 102. "A.S.T.M." shall mean American Society for Testing and Materials.

SECTION 103. "Town Council" shall mean the duly elected Town Council of the Town of West Monroe or their authorized deputy or representative.

SECTION 104. "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20. C., expressed in milligrams per liter.

SECTION 105. "Builder" shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

SECTION 106. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

SECTION 107. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, and shall be the responsibility of the building owner.

SECTION 108. "Combined Sewer" shall mean a sewer intended to receive both surface runoff and sewage.

SECTION 109. "Contractor" shall mean any person, firm or corporation approved by the

Town Council to do work on the sewage system in the Town.

SECTION 110. "Cooling Water" shall mean the water discharged from any system of condensation, air conditioning, cooling, refrigeration or other, but which shall be free from odor and oil. It shall contain no polluting substances which would produce B.O.D. or suspended solids each in excess of ten milligrams per liter.

SECTION 111. "Developer" shall mean any person, persons, or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

SECTION 112. "Engineer" shall mean the Professional Engineer retained as Town Engineer for the Town of West Monroe or for a particular sewer district.

SECTION 113. "Garbage" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

SECTION 114. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sewage.

SECTION 115. "Grinder Pump" shall mean a sewage service pump provided and maintained by the Town and located on private property and installed by the Owner. The grinder pump shall grind macerate and pump sewage into the mainline sewer.

SECTION 116. "Mainline Sewer" shall mean the sanitary sewer which in general is located within street Rights-of-Way and is laid parallel to the longitudinal axis of the road.

SECTION 117. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

SECTION 118. "N.Y.S.D.E.C." shall mean New York State Department of Environmental Conservation.

SECTION 119. "N.Y.S.D.O.T." shall mean New York State Department of Transportation.

SECTION 120. "Owner" shall mean any individual, firm, company, association, corporation, society, person or group having title to real property.

SECTION 121. "Person" shall mean any individual, firm, company, association, society, corporation or group.

SECTION 122. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

SECTION 123. "Property Line" shall mean the edge of a sewer right-of-way or street right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.

SECTION 124. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2-inch in any dimension.

SECTION 125. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SECTION 126. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SECTION 127. "Service Lateral" shall mean the sanitary sewer which extends from the mainline sewer toward the property being provided with sewer service. The "service lateral" shall begin at a wye or manhole in the "mainline sewer" and terminate within five (5) feet of the street or sewer Right-of-Way.

SECTION 128. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

SECTION 129. "Sewage Treatment Plan" shall mean any arrangement of devices and structures used for treating sewage.

SECTION 130. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SECTION 131. "Sewer" shall mean a pipe or conduit that carries wastewater.

SECTION 132. "Shall" is mandatory; "May" is permissive.

SECTION 133. "Storm Sewer" or "Storm Drain" shall mean a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.

SECTION 134. "Superintendent" shall mean the Superintendent of the Town of West Monroe's Sewage Works or his authorized deputy, agent or representative.

SECTION 135. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.

SECTION 136. "Unpolluted Water or Waste" shall mean any water or waste containing none of the following: free or emulsified grease, or oil; acid or alkali; phenols, or other

substances imparting taste or odor in receiving waters; toxic or poisonous substances in suspension, colloidal state, or solution; and noxious or odorous gases. It shall contain not more than 10,000 milligrams per liter of dissolved solids, of which not more than 2500 milligrams per liter shall be as chloride with permissible volumes subject to review by the Superintendent, and not more than ten milligrams per liter each of suspended solids and B.O.D. The color shall not exceed fifty milligrams per liter.

SECTION 137. "Unsanitary" shall mean a situation that is liable to promote disease or cause a public nuisance.

SECTION 138. "U.S.E.P.A." shall mean United States Environmental Protection Agency.

SECTION 139. "Town" shall mean the Town of West Monroe, New York.

SECTION 140. "Watercourse" shall mean a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

USE OF PUBLIC SEWERS REQUIRED

SECTION 201. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within a sewer district in the Town of West Monroe any human or animal excrement, garbage or other objectionable waste. Exceptions may be granted by the Town Council to an owner or lessee acting in the normal course of garden operations and farming.

SECTION 202. It shall be unlawful to discharge to any watercourse, either directly or through any storm sewer, within a sewer district in the Town of West Monroe, any sewage, industrial wastes or other polluted waters.

SECTION 203. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage in the sewer districts in the Town.

SECTION 204. The Owner of any house, camp, cottage, mobile home, motor home, building or property, used for human occupancy, employment, recreation or other purposes, which generate, are capable of generating and/or discharge sewage, situated within a sewer district in the Town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this local law within one (1) year after the date of official notice to do so, provided that the property's service lateral extension is within five (5) feet of the property line (as defined in Article I) within the street or sewer right-of-way. The Owner of new houses or buildings constructed within a sewer district in the Town shall be required at his

expense to install suitable toilet facilities therein and to connect such facilities directly with the proper sewer in accordance with the provisions of this local law prior to occupancy of the house or building provided that the property's service lateral extension is located within five (5) feet of the property (as defined in Article I) line and the distance across the property from the building to the property line is less than two hundred (200) feet. No building capable of generating or discharging sewage located two hundred (200) feet or more from the property line (as defined in Article I) shall be required to connect to the sewer line. However, any such building shall be served by a sewage disposal system which complies with all controlling agencies and this Local Law.

If connected to a sewer, the Owner shall remain connected and liable to sewer service charges unless the building or structure is demolished and notice given to the Town. Disconnections of water service or removal of plumbing facilities shall not relieve the Owner from the provisions of this law.

ARTICLE III

PRIVATE SEWAGE DISPOSAL

SECTION 301. Where a public sanitary sewer is not available under the provisions of Section 204, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the New York State Department of Health and the Town Ordinance of the Town of West Monroe, dealing with septic tank installations.

The installation of the private sewage disposal system shall be completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction. The work shall be inspected by the Superintendent before any underground portions are covered; and the person performing such work shall notify the Superintendent when the installation is completed.

SECTION 302. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 204, a direct connection shall be made to the public sewer in compliance with this local law, and any septic tanks, cesspools and similar private sewage disposal facilities, shall be abandoned and filled with suitable backfill material within ninety (90) days after the direct connection is made to the public sewer.

SECTION 303. No statement contained in this article shall be constructed to interfere with any additional requirements that may be imposed by the authorized representative of the New York State Department of Health.

ARTICLE IV

BUILDING SEWERS. CONNECTIONS AND FEES

SECTION 401. No person shall uncover, make any connections with or opening into, use,

alter or disturb, any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

SECTION 402. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the Owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. An authorized representative of the Town shall make all final connections to the Sanitary Sewer.

No permit, tap-in and inspection fee shall be required for connections made during the one (1) year hook-up period provided for under the provisions of Section 204. After the one (1) year period has expired, a permit, grinder pump tap-in and inspection fee shall be paid to the Town Clerk at the time an application is filed; provided, however, that no more than four (4) living units in the same building may be connected to a single tap. The Town Board shall fix a permit, grinder pump tap-in and inspection fee for each residential, commercial or industrial building after recommendation of the Engineer based on the size and nature of the operation proposed.

SECTION 403. Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this local law.

SECTION 404. The building sewer shall be solvent welder joints, ASTM D-3034-73, Schedule 40. Joints shall be tight and waterproof in accordance with Article V, Section 505. Any pan of the building sewer that is located within ten (10) feet of a water service pipe shall be constructed of extra heavy cast iron soil pipe with leaded joints or PVC pipe with solvent welded joints. Cast iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent. Building sewer pipe shall have a maximum length of five (5) feet between joints for cast iron pipe and ten (10) feet for PVC.

SECTION 405. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe clean out and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

SECTION 406. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall

be performed in accordance with Sections ASTM Specification C12 or the latest revision thereof except that no backfill shall be placed until the work has been inspected by the Superintendent and except that trench width measured at the top of the installed pipe shall not exceed twenty-four (24) inches.

SECTION 407. All joints and connection shall be made gastight and watertight. No Portland cement or masonry joints will be permitted.

SECTION 408. The connection of the building sewer into an existing public sewer shall be made within five (5) feet of the property line. Except as provided under Sections 502 and 503, if the portion of the building sewer located in the street or right-of-way has not previously been provided, such will be constructed from the existing public sewer to within five (5) feet of the property line by the Town upon submittal of a proper request by the property owner and upon deposit of the estimated cost thereof. Responsibility for damage to the building sewer shall be borne by the Owner. All costs and expenses incident to the installation and connection of the entire length of building sewer including any portion of the building sewer that may be required to be installed for connection to the service lateral in the street or right-of-way shall be borne by the Owner as part of the fee set forth in Section 402. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer (within five (5) feet of the property line) will be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent.

All lots with connections to a public sewer (with the exception of the lots located in the Big Bay Sewer District) must include frontage of at least 75 feet on a dedicated public highway or road. All such lots shall contain at least 40,000 square feet. Said connection must also comply with all applicable Federal, State and Local laws and regulations. The lots located in the Big Bay Sewer District must include frontage of at least 50 feet on a dedicated public highway or road and contain at least 5,000 square feet.

SECTION 409. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. At least a 48-hour notice shall be given to the Superintendent prior to the inspection.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled; and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject the person to whom a permit is issued to a penalty of up to \$250.00 for each such offense, and said person shall also bear the cost of reopening the trench for inspection.

SECTION 410. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways

and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

SECTION 411. When any building sewer is to serve a school, hospital, or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Superintendent, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Superintendent shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Superintendent. If required, a new manhole shall be installed in the public sewer pursuant to Section 504, and the building sewer connection made thereto as directed by the Superintendent.

ARTICLE V

SEWER EXTENSIONS

SECTION 501. All extensions to the sanitary sewer system owned and maintained by the sewer districts or the Town shall be properly designed in accordance with and in strict conformance with all requirements of the New York State Department of Environmental Conservation. Plans and specifications for sewer extensions shall be submitted to, and approval obtained from, the Engineer and the New York State Department of Environmental Conservation before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

SECTION 502. Sewer extensions, including individual building sewers from public sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Town Board, the number of properties to be served by such extension warrants its costs. Under this arrangement, the property owner shall pay for and install the building sewer from the property line to his residence or place of business in accordance with the requirements of Article IV. Property owners may propose sewer extensions within the Town in accordance with Section 194 et. seq. of the Town Law, and as it may be amended. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Town Board in accordance with the Town Law.

SECTION 503. If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer shall construct a sewer extension, if such extension serves more than one property and if such extension is approved by the Town Board in accordance with the requirements of Section 501. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in Section 504. The installation of the sewer extension must be subject to inspection by the Engineer and the expenses for this inspection shall be paid for by the owner, building or developer.

The Engineer's decisions shall be final in matters of quality and methods of construction.

The sewer, as constructed, must pass the exfiltration test required in Section 505 before it is to be used. The cost of the sewer extension thus made shall be absorbed by the developers or the property owners, including all building sewers.

SECTION 504.

Installation - Pipe and fittings shall be laid on stable foundations, free from standing water, and trimmed to shape. For pipe bedding use Type C-1 trench lining gravel material as supplied by Owner. The remaining trench backfill material to be Type a-2 material as described in Section 2C, clause 2C15. In particular, stones 2 inches or larger shall be removed from the bearing surface of the pipe foundation. At the joints, enough depth and width shall be provided to permit the pipe layer to reach entirely around the pipe so that the joints may be made in a proper manner. Pipes shall have full bearing throughout their entire length, which shall be accomplished by shaping the bottom of the ditch or adequately tamping the backfill under the pipe in accordance with Table 1, Minimum Compaction Requirements, of the Section entitled "Excavation and Backfill". When laid in tunnels, pipes shall be blocked in such a manner as to take the weight off the bells. Pipe laid in normal trench excavation shall not be laid on wood blocking. Mechanical type joints shall be tightened within the AWWA-recommended torque range.

Unless otherwise shown on the Drawings, as a minimum, all pipe shall be backfilled to the springline, including hand tamping with T-bars, shovel slicing, and flatheads, and mechanically compacted and the remaining backfill placed in 12-inch lifts to 1 foot above the crown of the pipe in accordance with Table 1, Minimum Compaction Requirements, of the section entitled "Excavation and Backfill". Backfill material within 12 inches of the pipe shall be free of stones greater than 2 inches in any dimension. Unless otherwise shown on the Drawings, the minimum total finished cover over the top of the pipe barrel of all pipe shall be 5 feet

Proper and suitable tools and appliances for driving the new pressure sewer beneath the pavement shall be used. The Contractor shall drive the new sewer by jacking or boring methods. The Contractor shall maintain 5 feet of cover above the sewer pipe while jacking or boring. If jacking or boring results in less than 4.5 feet of cover above the sewer, the Contractor shall repeat work at no additional cost to the Owner until a minimum of 4.5 feet of cover is obtained.

Material - Rigid PVC pipe, couplings and fittings shall be extruded using compounds conforming to ASTM Standard D1784 with cell classifications congruent with the intended use of the pipe. PVC pipe shall be manufactured in accordance with the ASTM Standard D1785 and D2241, except as modified below.

PVC pipe for pressure sewer service in nominal sizes of 1.5-inch through 4-inch, inclusive, shall meet the requirements of AWWA Standard C900. Unless otherwise specified in the schedule, PVC pipe shall be Class 200 having a standard dimension ratio (SDR) of 21. All PVC pipe shall be installed in strict accordance with the manufacturer's recommendations.

Fittings - The pipe fittings for use on PVC pressure pipe shall be PVC incorporating rubber

gaskets, or where shown threaded or solvent weld joints.

Joints - Pipe to be furnished with rubber gasket push-on joints. The type of joint shall meet the following requirements:

1. **Push-on Joint** - All PVC pipe shall have push-on joints consisting of an integrally cast bell with a factory installed, solid cross-section gasket, securely locked in place to prevent displacement during assembly. Joints shall meet the requirements of AWWA Standard C900. For connection of PVC pipe to other materials, use adaptors as recommended by the pipe manufacturer.

SECTION 505.

All pressure pipelines shall be tested in accordance with AWWA Standard C600. The following procedure shall be used:

All newly laid pipe or any valved section thereof, shall be subjected to a hydrostatic pressure 50 percent in excess of the working pressure at any point on the section being tested for a period of two hours. A leakage test shall be conducted concurrently with the pressure test. The rate of leakage shall not exceed 11.65 gallons per day, per mile of pipe, per inch of nominal pipe diameter. Any leaks or defective pipe disclosed by the leakage and pressure tests shall be repaired or replaced and aforementioned tests repeated as often as necessary until in conformance with the requirements. All visible leaks, regardless of the amount, shall be repaired. The Contractor shall accomplish the required tests on the pipeline by individually testing each component section of the installed main. The maximum length of section permitted to be tested at anyone time will be approximately one mile, and normally will be less. All water for tests shall be furnished and disposed of by the Contractor at his expense. The source and/or quality of water which the Contractor proposes to use in testing the lines shall be potable water acceptable to the Engineer.

SECTION 506. All sewer extensions constructed at the property owner's, builder's, or developer's expense, after final approval and acceptance by the Engineer, shall become the property of the Town if they are located in the street or public right-of-way, at no cost to the Town, and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed against defects in materials or workmanship for twelve (12) months. The guarantee shall be in a form provided for by the Town. At the sole discretion of the Town, a completion bond or certified check may be required as part of the guarantee.

SECTION 507. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town unless a suitable and approved method of waste disposal is proposed and provided. All new developments within a sewer district shall be provided with an approved system of sanitary sewers which shall be connected to the public sewer system. This connection shall be made before any occupancy takes place in the

new development

ARTICLE VI
USE OF THE PUBLIC SEWERS

SECTION 601. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a watercourse approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Superintendent, to a storm sewer or natural outlet.

SECTION 603. Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
- (b) Any waters or wastes which contain grease or oil or other substance that will solidify or become discernibly viscous at temperatures between 32 and 150 degrees Fahrenheit.
- (c) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, exceeding an average of 50 milligrams/liter (417 pounds per million gallons) or other soluble matter.
- (d) Any gasoline, benzene, naphtha, fuel oil or mineral oil, or other flammable or explosive liquid, solid or gas.
- (e) Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide, or other substance which either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- (f) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent. Garbage grinders may be connected to the sanitary sewer system only from homes, hotels, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food for the purpose of consumption on the premises or when served by caterers.
- (g) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids or any other solid or viscous substance, capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- (h) Any waters or wastes, acid and alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the

sewage works. Free acids and alkalis must be neutralized, at all times, within a permissible pH range of 6.0 to 9.5.

- (i) Any cyanides, in excess of 0.2 milligrams per liter by weight as CN. Radioactive Wastes that do not comply with Federal or State Regulations.
- (k) Any waters or wastes that for a duration of IS minutes has a concentration greater than 5 times that of "normal" sewage as measured by Suspended Solids and B.O.D. and/or which is discharged continuously at a rate exceeding 300 gallons per minute except by special permit. Normal sewage shall be defined as falling within the following ranges:

| <u>Constituents</u> | <u>Permissible Range</u> |
|-----------------------|--------------------------|
| Suspended Solids | 180 to 350 mg/l |
| B.O.D. | 140 to 300 mg/l |
| Chlorine Requirements | 5 to 15 mg/l |

- (l) Any storm water, roof drains, spring water, cistern or tank overflow, footing drain, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge or effluent from any air conditioning machine or refrigeration unit.
- (m) No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters or the effluent of the Town sewage treatment plant. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage at the point where it is discharged in the Public Sanitary Sewage System and at no time shall the hourly concentration exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Engineer in volume and concentration of wastes discharged.

Limits of Toxic Substances in Sewage

| | |
|-----------------------------|-----------|
| Cadmium. | 0.4 mg/1 |
| Hex. Chromium. | 0.2 mg/1 |
| Total Chromium. | 4.0 mg/1 |
| Copper. | 0.8 mg/1 |
| Lead | 0.2 mg/1 |
| Mercury. | 0.2 mg/1 |
| Nickel. | 4.0 mg/1 |
| Zinc. | 1.2 mg/1 |
| Arsenic. | 0.2 mg/1 |
| Available Chlorine. | 50.0 mg/1 |
| Cyanide-free. | 0.4 mg/1 |

| | |
|--------------------------|-----------|
| Cyanide-complex. | 1.6 mg/1 |
| Selenium. | 0.2 mg/1 |
| Sulfide. | 6.0 mg/1 |
| Barium. | 4.0 mg/1 |
| Manganese. | 4.0 mg/1 |
| Gold. | 0.2 mg/1 |
| Silver. | 0.2 mg/1 |
| Fluorides | |
| To Fresh Water. | 4.0*mg/1 |
| To Saline Water. | 36.0 mg/1 |
| Phenol. | 4.0 mg/1 |

* May be multiplied by a factor of 1.5 if the municipal water supply is not fluoridated.

SECTION 604. Grease, oil and sand interceptors shall be provided when the above set limits for those substances are exceeded or when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place, shall be gastight and watertight.

SECTION 605. Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Superintendent at any time.

SECTION 606. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of Suspended Solids, or (c) containing more than 15 milligrams per liter of chlorine requirement, or (d) containing any quantity of substances having the characteristics described in Section 603, or (e) having an average daily flow greater than two percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Engineer. Where necessary, in the opinion of the Engineer, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the Biochemical Oxygen Demand to 300 milligrams per liter and the Suspended Solids to 350 milligrams per liter by weight, or (2) reduce the chlorine requirements to 15 milligrams per liter, or (3) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 603, or (4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Engineer and of the New York State

Department of Environmental Conservation, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Preliminary treatment facilities shall comply with any applicable requirements promulgated pursuant to Section 307 of Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500. Failure to comply with one or more of the remedial procedures as required by the Engineer will constitute a violation of this Local Law.

SECTION 607. Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.

SECTION 608. When required by the Engineer, the Owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

SECTION 609. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Sections 603 and 606 shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Wastewater" upon suitable samples taken at the control manhole provided for in Section 608. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

SECTION 610. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town or any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

SECTION 611. All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any chemical or mechanical corrective treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association. However, alternative methods for the analysis of industrial wastes may be used subject to mutual agreement between the Town Council, and the producer of such wastes and the approval by the N.Y.S.D.E.C. The frequency and duration of the sampling of any industrial waste shall not be less than once every 3 months for a 24-hour period. However, more frequent and longer periods may be required at the discretion of the Town Council.

SECTION 612. No provisions of this Local Law shall prohibit the enforcement of Section 307 of the "Act" (PL92-500).

ARTICLE VII

PROTECTION FROM DAMAGE

SECTION 701. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structures, appurtenance or equipment, which is part of the Town sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, or other applicable provisions of the law.

ARTICLE VIII

POWERS AND AUTHORITY OF INSPECTORS

SECTION 801. The Superintendent, the Engineer, and other duly authorized employees of the Town and authorized employees of the U.S. Environmental Protection Agency and the N.Y.S.D.E.C. bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Local Law.

ARTICLE IX

PENALTIES

SECTION 901. Any person found to be violating any provision of this Local Law, except Section 701, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SECTION 902. Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Local Law other than those provisions pertaining to the payment of charges for services established herein shall be guilty of disorderly conduct or other applicable provisions of the law and shall be subject to fine not exceeding \$250.00 for each offense. The continued violation of any provision of any section of this Local Law other than those pertaining to the payment of charges for services established herein shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

SECTION 903. Additionally, upon violation of this Local Law, the proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, construction or maintenance of cesspools, septic tanks, sewage disposal systems, pipes or drains to restrain, correct or abate such violation to prevent the occupancy of any building or structure or land where said violations of this Local Law are found.

SECTION 904. Any person violating any of the provisions of this Local Law shall become

liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation, and the Village may initiate an action in a court of competent jurisdiction to recover such damages.

ARTICLE X

SEWER USE CHARGES

SECTION 1001. The source of the revenues for debt service and capital expenditures shall be a sewer capital charge and the source of revenues for operation and maintenance of the public sewerage works shall be a sewer rent charge to owners of any real property located within the incorporated limits of the Town, served or required to be served by the sewerage works.

SECTION 1002. The sewer capital charge will be levied annually commencing on the date established by the Town Board and shall be included within the annual tax bill. The amount levied and collected will be the amount the Town is obligated to pay for the principal and interest on its outstanding sewer serial bonds. The sewer capital charge will be established by the Town Board on an annual basis and the charge will be in accordance with the classification of units set forth in Section 1005.

SECTION 1003. The sewer rent charge shall mean a scale of charges established and imposed by the Town Board for the use of the sewerage works in accordance with the classification of units set forth in Section 1005. Additionally, the estimated cost for electrical service for each grinder pump shall be equitably apportioned by the Town Board among the user(s) of each grinder pump.

SECTION 1004. The classification of units shall mean the benefits and quantities of usage of the sewerage works assigned to different classifications of real property in the Town.

SECTION 1005. The basis of the charge for sewer capital charges and sewer rents to be paid by the owners of real property served, or required to be served, shall be determined from the following schedule:

| <u>Classification</u> | <u>No. of Units</u> |
|--|----------------------------|
| Single Family House | 1 |
| Two-Family House | 1.75 |
| Each apartment in a multiple dwelling (three or more units) | .75 |
| Mobile Home | 1 |
| Gasoline Service Station | 1.50 |

| | |
|--|-------------------------------------|
| Car Wash Facility, per stall | 1 |
| Restaurant (including taverns and diners) kitchen | 1 per public restroom plus 1 per |
| Church | .50 |
| Marina | 2.5 |
| Fish Processing Facilities | 3 |
| Bank (five employees per unit), but not less than one | 1 |
| Dentist, Doctor, Mortician Office, Beauty Salon | 1.50 |
| Laundromat - per six machines or part thereof | 1.50 |
| Supermarket | 1 |
| Fraternal, Volunteer and non-profit, including Fire Department, Grange and Masons | 1 |
| Residential business not otherwise defined herein | .50 |
| Store building, including, but not limited to, drug store, hardware, liquor store | 1 |
| Hotel, Motel or Boarding House, per bed | .25 |
| School, per every ten students, faculty and administration | 1 |
| Office Building, five employees per unit, but not less than one | 1 |
| Government Agencies, five employees per unit, but not less than one | 1 |
| Lumber Yard | 1.50 |
| Storage House and Vacant Business with sewage facilities | .25 |
| Warehouse, five employees per unit, but not less than one | 1 |

For any classification not set forth herein, the Town Board shall establish the appropriate unit value.

SECTION 1006. Revenues derived from such sewer capital charges and sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Capital and Rent Fund." Moneys in such fund shall be used for the payment of the cost of debt service, capital expenditures, and operation and maintenance of the sewerage works.

SECTION 1007. The Town Board shall have the authority to adopt, by resolution, rules and regulations concerning the interpretation and administration of this Local Law and owners of real property served, or required to be served, by the sewerage works shall be subject thereto.

The Town Board shall have the authority to establish, change or amend the Classification Units set forth in subdivision Section 1005, after public notice.

SECTION 1008. All users of sewage works, including tax exempt properties, must pay sewer capital charges and sewer rent charges.

ARTICLE XI

VALIDITY

SECTION 1201. All Ordinances or Local Laws or parts of Ordinances or parts of Local Laws of the Town of West Monroe in conflict herewith are hereby repealed.

SECTION 1202. If any or a portion of this Local Law or the application thereof to any person or circumstances shall be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provisions or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town of West Monroe hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provisions been apparent.

APPENDIX C

THE
REGULATION OF THE INSTALLATION
OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
for the
TOWN OF WEST MONROE, NEW YORK

Town of West Monroe
Town Board
West Monroe, New York

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TOWN LOCAL LAW NO.1 OF 2002
FOR THE REGULATION OF THE
INSTALLATION OF INDIVIDUAL
SEWAGE DISPOSAL SYSTEMS

The Town Board of the Town of West Monroe, County of Oswego and State of New York, do enact and ordain as follows:

Section 1 Short Title

This local law shall be known as Local Law No.1 of 2002 to Regulate Installation of Individual Sewage Disposal Systems in the Town of West Monroe, New York.

Section 2 Applicability

This local law shall apply throughout the entire Town of West Monroe, New York and shall represent the minimum requirements necessary for the installation and/or construction of individual sewage disposal systems.

Section 3 Required Permits

It shall be unlawful for any person to hereafter maintain, construct, alter or install any Individual Sewage Disposal System within the Town of West Monroe, New York, unless that person holds a valid permit issued by the Building Code Enforcement Officer who shall have the power and authority to administer this local law. Only one such permit shall be issued for any one lot, the requirements for which are set forth in Section 5(B) hereof except for approved two family and multi-family dwellings.

Section 4 Definitions

As used in this local law, the term "Individual Sewage Disposal System" means a facility serving one or more parcels of land and disposing of sewage or other liquid wastes into the soil of such parcels, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law of the State of New York requiring a permit for a discharge of sewage into the waters of the State of New York.

Section 5 Standards for Individual Sewage Disposal Systems

(A) Individual Sewage Disposal Systems shall be designed, constructed and maintained in accordance with the standards of the State Commissioner of Health as set forth in the State Department of Health bulletin entitled "New York State Health Department Waste Treatment Handbook - Individual Household Systems" as amended. In addition to the requirements set forth in said bulletin, each house plumbing, drain and sewer connection to septic tank shall include the installation of a vent in the drain line extending 12" to 18" above grade, in accordance with the New York State Building Construction Code Applicable to Plumbing, Chapter 5-P512-4 "Freshair Inlets"

as amended. The system shall be designed and percolation tests performed by a surveyor or engineer duly licensed by the State of New York and comply with existing pertinent state regulations and requirements.

(B) Where an Individual Sewage Disposal System is to be installed, the minimum lot area for the lot on which it is to be installed shall be at least 40,000 square feet. Said lot shall include frontage of at least 150 feet on a dedicated public highway or road. Excepted therefrom shall be lots on a subdivision already approved or submitted to the Town Planning Board for approval that are not serviced by public sewer and water that front on a cul-de-sac, and, such lots shall contain 40,000 square feet and have a frontage of at least 60 feet on the cul-de-sac. Also excepted therefrom are all lots located within any public sewer district. The citing of an Individual Sewage Disposal System must also comply with all applicable Federal, State and Local laws and regulations, including but not limited to, citing the System in relation to property boundaries and in relation to water sources.

Section 6 Inspection of Plans; Issuance of Permit. Fees

(A) The applicant shall, at the time of filing the application on forms provided by the Town, submit a system plan prepared as provided for herein for the proposed installation and pay to the Town Clerk fees for the issuance of said permit and for the performance of any requested inspections in amounts to be determined, from time to time, by the Town Board of the Town of West Monroe.

(B) Upon receipt of an application for such permit, the Building Code Enforcement Officer shall review the application, the percolation test results and the site plan to determine completeness and compliance with the provisions hereof. Field inspection of the proposed site maybe necessary to enable the Building Code Enforcement Officer to properly review the proposed installation.

(C) Upon review and approval of the percolation test results and the system plan by the Building Code Enforcement Officer, said officer shall forthwith forward the application and supporting documents including the system plan and percolation test to the Oswego County Health Department for its review and approval. Upon receipt of said written County approval of the system plan, the Building Code Enforcement Officer shall cause to be issued a permit for the system plan for an Individual Sewage Disposal System upon payment of the appropriate fee.

(D) The Building Code Enforcement Officer or other representative of the Town of West Monroe, New York, may inspect the progress of the installation or the installation of the individual sewage disposal system at reasonable intervals and at reasonable times, to determine compliance with this local law.

(E) Whenever, upon inspection of any installation of an Individual Sewage Disposal System, it is determined that conditions or practices exist which are in violation of any of the provisions of this local law, or any regulations adopted pursuant thereto, the Building Code Enforcement Officer shall give notice in writing to the person to whom the permit was issued, or the occupant of the property serviced by said system, as the case may be, advising them that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, but not less than thirty (30) days nor more than sixty (60) days, the permit to install and operate said

Individual Sewage Disposal System shall be suspended. At the end of such period, such installation shall be reinspected and, if conditions or practices have not been corrected, the Enforcement Officer shall suspend the permit and give notice, in writing, or such suspension to the person to whom the permit was issued or the occupant of the property serviced by said System, as the case may be.

Section 7 Penalties

A violation of this local law shall be an offense punishable by a fine not to exceed \$50.00 for each day of violation or by imprisonment for a period not to exceed 6 months, or both. Each day's continued violation shall constitute a separate additional violation. In addition, the Town Board of the Town of West Monroe shall have such other remedies as are provided by law to enforce the provisions of this local law including seeking injunctive relief in Supreme Court. Upon repeated violations by the same permittee, his or her right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term, or permanently revoked, after notice and hearing by the Town Board of the Town of West Monroe.

Section 8 Miscellaneous

(A) 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, morals, safety and general welfare of the Town of West Monroe. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted law, rule, regulation, statute or ordinance, the most restrictive thereof, or those imposing the higher standard shall govern.

(B) Amendments. The Town Board of the Town of West Monroe may, from time to time, on their motion, or on petition, amend supplement, change, modify or repeal this local law in accordance with the applicable provisions of law.

(C) Variance. The Town Board of the Town of West Monroe may, after public hearing upon ten (10) days written notice. in the official newspaper of the Town of West Monroe in furtherance of a written application, vary or adapt strict application of any of the requirements of this local law in the case of exceptionally irregular, or otherwise nonconforming lots or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land involved while considering the public health and safety, but in no other case.

(D) Consultants' Costs: During the course of the variance application review process hereunder, the Town Board may engage consultants (i.e., engineers, surveyors or lawyers) to assist the Town Board in its review of a pending variance application. In such event the costs of such consultant or consultants shall be the responsibility of the applicant for the variance. All charges of the engaged consultant shall be itemized on a time basis plus reasonable disbursements. The Town Board may require the variance applicant to make a deposit with the Town Clerk of a reasonable amount to cover the estimated costs or initial estimated costs of the variance review” and the consultant's billings shall be paid from the amount held by the Town Clerk. The Town Board shall withhold any final decision regarding the proposed variance until all the consultant's charges have been paid.

(E) Saving Clause. The invalidity of any section or provision of this local law shall not invalidate any other section, provision or part of it.

APPENDIX “D”

Local Law for Stormwater Management and Erosion & Sediment Control

A local law to amend the **Zoning Law** of the **Town of West Monroe**, Local law Number 1 of the Year 2007.

Be it enacted by the **Town Board** of the **Town of West Monroe** as follows:

Article 1. General Provisions

Section 1. Findings of Fact

It is hereby determined that:

- 1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- 1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- 1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- 1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- 1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- 1.6 Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- 1.7 Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
- 1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.
- 1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving

the following objectives:

- 2.1 Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-0-08-002 or as amended or revised;
- 2.2 Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-0-08-001 or as amended or revised;
- 2.3 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- 2.4 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- 2.5 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- 2.6 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.
- 2.7 Reduce phosphorus levels going in to lakes through stormwater management practices.

Section 3. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the **Town Board of West Monroe** has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the **Town of West Monroe** and for the protection and enhancement of its physical environment. The **Town Board of West Monroe** may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Applicability

- 4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
- 4.2 The municipality's Code Enforcement Officer shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Code Enforcement Officer will (1) review the plans, and (2) upon approval by the **Town Board of Trustees** of the **Town of West Monroe**, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board.
- 4.3 All land development activities subject to review and approval by the **board of the Town of West Monroe** under site plan regulations shall be reviewed subject to the standards contained in this local law
- 4.4 All land development activities not subject to review as stated in section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Code Enforcement Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 5. Exemptions

The following activities may be exempt from review under this law.

- 5.1** Agricultural activity as defined in this local law.
- 5.2** Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- 5.3** Repairs to any stormwater management practice or facility deemed necessary by the Code Enforcement Officer.
- 5.4** Any part of a subdivision if a plat for the subdivision has been approved by the **Town of West Monroe** on or before the effective date of this law.
- 5.5** Land development activities for which a building permit has been approved on or before the effective date of this law.
- 5.6** Cemetery graves.
- 5.7** Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- 5.8** Emergency activity immediately necessary to protect life, property or natural resources.
- 5.9** Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
- 5.10** Landscaping and horticultural activities in connection with an existing structure.

Article 2. Zoning Law Amendment: Stormwater Control

The Zoning Law is hereby amended to include Article 2, a new supplemental regulation titled Stormwater Control.

Section 1. Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation

Design Manual - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

Grading - excavation or fill of material, including the resulting conditions thereof.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity

Recharge - the replenishment of underground water reserves.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for Construction Activities GP-0-08-001 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems GP-0-08-002 - A permit under the New York State Pollutant Discharge Elimination System

(SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater - rainwater, surface runoff, snowmelt and drainage

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 2. Stormwater Pollution Prevention Plans

2.1. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.2 Contents of Stormwater Pollution Prevention Plans

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.

2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s). Site map shall be at a scale of 1" = 50;
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.
5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill -prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the stormwater runoff at the site.

2.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

2.4 Contractor Certification

- 2.4.1 Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”
- 2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- 2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

- 2.5 A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

3.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

- 3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)
- 3.1.2 New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

13.2 Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Article 2, Section 3.1 and the SWPPP shall be prepared by a licensed professional.

3.3 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

Section 4. Maintenance, Inspection and Repair of Stormwater Facilities

4.1 Maintenance and Inspection During Construction

- 4.1.1 The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve

compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

- 4.1.2 The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

4.2 Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the **Town of West Monroe** to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the **Town of West Monroe**.

4.3 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- 4.3.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- 4.3.2 Written procedures for operation and maintenance and training new maintenance personnel.
- 4.3.3 Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, section 3.3.

4.4 Maintenance Agreements

The **Town of West Monroe** shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The **Town of West Monroe**, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 5. Severability and Effective Date

5.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

5.2 Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

Approved by: West Monroe Town Board Date: February 11, 2009

Article 3. Subdivision Regulation Amendment

Article X of the Subdivision Regulations of the **Town of West Monroe** zoning law are hereby amended by adding the following to the information requirements:

A. For Preliminary Subdivision Plat add: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this local law.

B. For Final Subdivision Plat approval add: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this local law and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Final Subdivision Plat shall be consistent with the provisions of this local law.

Article 4. Site Plan Review Regulation Amendment

All sections of the Zoning Law regarding Site Plan Review regulations of the **Town of West Monroe** are hereby amended by adding the following to the information requirements:

For Site Plan Approval add: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved Site Plan shall be consistent with the provisions of this local law.

Article 5. Erosion & Sediment Control Law Amendment

Amendment:

Section 4.03 h and all other sections making reference to Erosion & Sediment Control in the local Law of the **Town of West Monroe** is hereby amended by adding the following clause: Stormwater Pollution Prevention Plan: A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this local law shall be required. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this local law. The approved erosion control permit shall be consistent with the provisions of this local law.

Article 6. Administration and Enforcement

Section 1. Construction Inspection

1.1 Erosion and Sediment Control Inspection

The **Town of West Monroe** Code Enforcement Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the **Town of West Monroe** code enforcement official at least 48 hours before any of the following:

- 1.1.1 Start of construction
- 1.1.2 Installation of sediment and erosion control measures
- 1.1.3 Completion of site clearing
- 1.1.4 Completion of rough grading
- 1.1.5 Completion of final grading
- 1.1.6 Close of the construction season
- 1.1.7 Completion of final landscaping
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Code Enforcement Officer.

1.2 Stormwater Management Practice Inspections

The **Town of West Monroe** Code Enforcement Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

1.3 Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

1.4 Submission of Reports

The **Town of West Monroe** Code Enforcement Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

1.5 Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the **Town of West Monroe** the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

Section 2. Performance Guarantee

2.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the **Town of West Monroe** in its approval of the Stormwater Pollution Prevention Plan, the **Town of West Monroe** may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the **Town of West Monroe** as the beneficiary. The security shall be in an amount to be determined by the **Town of West Monroe** based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the **Town of West Monroe**, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility (ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the **Town of West Monroe**. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2 Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the **Town of West Monroe** with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the **Town of West Monroe** may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

2.3 Recordkeeping

The **Town of West Monroe** may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 3. Enforcement and Penalties

3.1 Notice of Violation.

When the **Town of West Monroe** determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- 3.1.1 the name and address of the landowner, developer or applicant;
- 3.1.2 the address when available or a description of the building, structure or land upon which the

violation is occurring;

3.1.3 a statement specifying the nature of the violation;

3.1.4 a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

3.1.5 a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

3.1.6 a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2 Stop Work Orders

The **Town of West Monroe** may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the **Town of West Monroe** confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

3.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

3.4 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

3.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

3.6 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the **Town of West Monroe** may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 4. Fees for Services

The **Town of West Monroe** may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the **Town of West Monroe** or performed by a third party for the **Town of West Monroe**.

Schedule A

Stormwater Management Practices Acceptable for Water Quality (From: New York State Stormwater Management Design Manual, Table 5.1)

| Group | Practice | Description |
|----------------------------|---|---|
| Pond | Micropool Extended Detention Pond (P-1) | Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension. |
| | Wet Pond (P-2) | Pond that provides storage for the entire water quality volume in the permanent pool. |
| | Wet Extended Detention Pond (P-3) | Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time. |
| | Multiple Pond System (P-4) | A group of ponds that collectively treat the water quality volume. |
| | Pocket Pond (P-5) | A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool. |
| Wetland | Shallow Wetland (W-1) | A wetland that provides water quality treatment entirely in a shallow marsh. |
| | Extended Detention Wetland (W-2) | A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface. |
| | Pond/Wetland System (W-3) | A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time. |
| | Pocket Wetland (W-4) | A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool. |
| Infiltration | Infiltration Trench (I-1) | An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground. |
| | Infiltration Basin (I-2) | An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground. |
| | Dry Well (I-3) | An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff. |
| Filtering Practices | Surface Sand Filter (F-1) | A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix. |
| | Underground Sand Filter (F-2) | A filtering practice that treats stormwater as it flows through underground settling and filtering chambers. |
| | Perimeter Sand Filter (F-3) | A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot. |
| | Organic Filter (F-4) | A filtering practice that uses an organic medium such as compost in the filter in place of sand. |
| | Bioretention (F-5) | A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system. |
| Open Channels | Dry Swale (O-1) | An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media. |
| | Wet Swale (O-2) | An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment. |

Schedule B

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

Whereas, the Municipality of the **Town of West Monroe** ("Municipality") and the _____ ("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Oswego together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

