

Administrative Legislation

SCHAGHTICOKE CODE

Chapter 1

GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Trustees of the Town of Schaghticoke: Art. I, 11-9-1988 as L.L. No. 1-1988. Amendments noted where applicable.]

ARTICLE I

Adoption of Code**[Adopted 11-9-1988 by L.L. No. 1-1988]****§ 1-1. Legislative intent.**

It is the intent of this local law to establish a codification of local laws, ordinances and certain resolutions of the Town of Schaghticoke for the purpose of increasing the effectiveness of town governmental administration, providing for greater public awareness of and access to town legislation and protecting the health, safety and welfare of town inhabitants. The local laws, ordinances and resolutions of the Town of Schaghticoke referred to in § 1-2 of this local law shall be known collectively as the "Code of the Town of Schaghticoke," and the various parts and sections of such local laws, ordinances and resolutions shall be distributed and designated as provided and set forth in § 1-2 of this local law.

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

Section numbers with asterisks in the second column have not been repeated in the first column because they are section numbers which relate to titles, effective dates or severability clauses, which sections are not pertinent to the codification. For severability, refer to § 1-13 hereof.

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 7, Conservation Advisory Council	Resolution	4-14-1975
§ 7-1	Section 1	
§ 7-2	Section 2	
§ 7-3	Section 3	
§ 7-4	Section 4	
§ 7-5	Section 5	
§ 7-6	Section 6	
	Section 7*	
Chapter 13, Defense and Indemnification of Officers and Employees	L.L. No. 1-1985	10-9-1985
§ 12-1	Section 1	
§ 12-2	Section 2	
	Section 3*	
	Section 4*	
Chapter 17, Ethics, Code of	Resolution	12-14-1970
Article I	Article I	
§ 17-1	Section 1	
§ 17-2	Section 2	
Article II	Article II	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 17-3	Section 1	
§ 17-4	Section 2	
§ 17-5	Section 3	
§ 17-6	Section 4	
Article III	Article III	
§ 17-7	Section 1	
§ 17-8	Section 2	
§ 17-9	Section 3	
Article IV	Article IV	
§ 17-10	Section 1	
§ 17-11	Section 2	
§ 17-12	Section 3	
	Article V	
	Section 1*	
	Article VI	
	Section 1*	
Chapter 25, Meetings, Notice of	Resolution	2-14-1977
§ 25-1	Section 1	Amended at time of adoption of Code
§ 25-2	Section 2	
§ 25-3	Section 3	
§ 25-4	Section 4	
§ 25-5	Section 5	
§ 25-6	Section 6	
§ 25-7	Section 7	
§ 25-8	Section 8	
§ 25-9	Section 9	
§ 25-10	Section 10	
	Section 11*	
	Section 12*	
Chapter 30, Officers and Employees		
Article I	L.L. No. 1-1981	11-17-1980
§ 30-1	Section 1	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
	Section 2*	
	Section 3*	
Article II	L.L. No. 1-1986	6-11-1986
§ 30-2	Section 1	
§ 30-3	Section 2	
Article III	L.L. No. 2-1986	6-11-1986
§ 30-4	Section 1	
§ 30-5	Section 2	
Article IV	L.L. No. 3-1986	6-11-1986
§ 30-6	Section 1	
§ 30-7	Section 2	
Article V	Ordinance	10-8-1986
§ 30-8	1	
§ 30-9	2	
	3*	
	4*	
Chapter 33, Ordinances, Adoption of	L.L. No. 1-1977	6-13-1977
§ 33-1	Section 1	
§ 33-2	Section 2	
§ 33-3	Section 3	
Chapter 43, Zoning Commission	Resolution	10-8-1986; amended in its entirety at time of adoption of Code
§ 43-1	Unnumbered	
Chapter 48, Alcoholic Beverages	L.L. No. 1-1978	6-22-1978
§ 48-1	Section 1	
§ 48-2	Section 2	
§ 48-3	Section 3	Amended at time of adoption of Code
§ 48-4	Section 4	Amended at time of adoption of Code
§ 48-5	Section 5	
§ 48-6	Section 6	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 48-7	Section 7	Amended at time of adoption of Code
	Section 8*	
	Section 9*	
Chapter 52, Bingo	L.L. No. 2-1974	9-9-1974
§ 52-1	Section 1	
§ 52-2	Section 2	
§ 52-3	Section 3	
§ 52-4	Section 4	
§ 52-5	Section 5	
§ 52-6	Section 6	
	Section 7*	
Chapter 57, Dogs		
Article I	Ordinance	6-9-1975
§ 57-1	Section 1	
§ 57-2	Section 2	
§ 57-3	Section 3	
§ 57-4	Section 4	
§ 57-5	Section 5	Amended at time of adoption of Code
§ 57-6	Section 6	Amended at time of adoption of Code
§ 57-7	Section 7	Amended at time of adoption of Code
§ 57-8	Section 8	
§ 57-9	Section 9	Amended at time of adoption of Code
§ 57-10	Section 10	Amended at time of adoption of Code
	Section 11*	
	Section 12*	
Article II	Ordinance	9-22-1980
§ 57-11	Section 1	
§ 57-12	Section 2	Amended 6-11-1986

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 57-13	Section 2	Amended 6-11-1986
	Section 3*	
Chapter 61, Environmental Quality Review	L.L. No. 1-1979	7-9-1979
§ 61-1	Section 1	
§ 61-2	Section 2	
§ 61-3	Section 3	
§ 61-4	Section 4	
Chapter 66, Fire Prevention and Building Code Administration		Adopted at time of adoption of Code
§§ 66-1 through 66-18		
Chapter 69, Flood Damage Prevention	L.L. No. 1-1987	6-10-1987
Article I	Section 1.0	
§ 69-1	1.1	
§ 69-2	1.2	
§ 69-3	1.3	
Article II	Section 2.0	
§ 69-4	Unnumbered	
Article III	Section 3	
§ 69-5	3.1	
§ 69-6	3.2	Amended at time of adoption of Code
§ 69-7	3.3	
	3.4*	
§ 69-8	3.5	
§ 69-9	3.6	
Article IV	Section 4.0	
§ 69-10	4.1	
§ 69-11	4.2	
§ 69-12	4.3	Amended at time of adoption of Code
Article V	Section 5.0	
§ 69-13	5.1	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 69-14	5.2	
§ 69-15	5.3	
Article VI	Section 6.0	
§ 69-16	6.1	
§ 69-17	6.2	
Chapter 72, Freshwater Wetlands	Ordinance	8-30-1976
§ 72-1	Section 1	
§ 72-2	Section 2	
Chapter 78, Junkyards	Ordinance	7-11-1984
§ 78-1	Section 1	
§ 78-2	Section 2	
§ 78-3	Section 3	
§ 78-4	Section 4	
§ 78-5	Section 5	Amended at time of adoption of Code
§ 78-6	Section 6	Amended at time of adoption of Code
§ 78-7	Section 7	Amended at time of adoption of Code
	Section 8*	
	Section 9*	
	Section 10*	
Chapter 82, Landfills	Ordinance	3-5-1962
§ 82-1	Section 1	
§ 82-2	Section 2	
§ 82-3	Section 3	
§ 82-4	Section 3(a)	Added 7-8-1987
§ 82-5	Section 4	Amended 2-10-1982
§ 82-6	Section 5	Amended 2-10-1982
	Section 6*	
§ 82-7	Section 7	Amended 2-10-1982; 7-8-1987
	Section 8*	
	Section 9*	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 86, Mass Gatherings	L.L. No. 3-1980	11-17-1980
§ 86-1	Section 1	
§ 86-2	Section 2	
§ 86-3	Section 3	Amended at time of adoption of Code
§ 86-4	Section 4	
§ 86-5	Section 5	
§ 86-6	Section 6	
§ 86-7	Section 7	
§ 86-8	Section 8	
	Section 9*	
Chapter 89, Mobile Homes	L.L. No. 1-1974	4-22-1974
§ 89-1	Section 1.1	
§ 89-2	Section 2.1	
§ 89-3	Section 3.1	Amended at time of adoption of Code
§ 89-4	Section 4.1	
§ 89-5	Section 5.1	
§ 89-6	Section 6.1	
§ 89-7	Section 7.1	
§ 89-8	Section 8.1	Amended 8-4-1982 by L.L. No. 1-1982; 7-8-1987 by L.L. No. 2-1987
§ 89-9	Section 9.1	
§ 89-10	Section 10.1	
§ 89-11	Section 11.1	Amended at time of adoption of Code
§ 89-12	Section 12.1	
	Section 13.1*	
	Section 14.1*	
Chapter 94, Notification of Defects	L.L. No. 1-1975	7-14-1975
§ 94-1	Section 1	
§ 94-2	Section 2	
§ 94-3	Section 3	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 94-4	Section 4	
§ 94-5	Section 5	Amended at time of adoption of Code
	Section 6*	
Chapter 100, Records, Public Access to	Resolution	3-13-1978
§ 100-1	1	
§ 100-2	2	
§ 100-3	3	
§ 100-4	4	
§ 100-5	5	Amended at time of adoption of Code
§ 100-6	6	
§ 100-7	7	Amended at time of adoption of Code
§ 100-8	8	
§ 100-9	9	
§ 100-10	10	
	11*	
Chapter 105, Sewers		
Part 1	L.L. No. 2-1984	7-11-1984
Article I	Article I	
§ 105-1	Unnumbered	
Article II	Article II	
§ 105-2	Secs. 1 through 36	
Article III	Article III	
§ 105-3	Sec. 1	
§ 105-4	Sec. 2	
§ 105-5	Sec. 3	
§ 105-6	Sec. 4	
Article IV	Article IV	
§ 105-7	Sec. 1	
§ 105-8	Sec. 2	
§ 105-9	Sec. 3	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 105-10	Sec. 4	
§ 105-11	Sec. 5	
§ 105-12	Sec. 6	
§ 105-13	Sec. 7	
Article V	Article V	
§ 105-14	Sec. 1	
§ 105-15	Sec. 2	
§ 105-16	Sec. 3	
§ 105-17	Sec. 4	
§ 105-18	Sec. 5	
§ 105-19	Sec. 6	
§ 105-20	Sec. 7	
§ 105-21	Sec. 8	
§ 105-22	Sec. 9	
§ 105-23	Sec. 10	
§ 105-24	Sec. 11	
§ 105-25	Sec. 12	
§ 105-26	Sec. 13	
Article VI	Article VI	
§ 105-27	Sec. 1	
§ 105-28	Sec. 2	
§ 105-29	Sec. 3	
§ 105-30	Sec. 4	
§ 105-31	Sec. 5	
§ 105-32	Sec. 6	
§ 105-33	Sec. 7	
§ 105-34	Sec. 8	
§ 105-35	Sec. 9	
§ 105-36	Sec. 10	
§ 105-37	Sec. 11	
§ 105-38	Sec. 12	
§ 105-39	Sec. 13	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 105-40	Sec. 14	
§ 105-41	Sec. 15	
§ 105-42	Sec. 16	Amended at time of adoption of Code
§ 105-43	Sec. 17	
§ 105-44	Sec. 18	
§ 105-45	Sec. 19	
§ 105-46	Sec. 20	
§ 105-47	Sec. 21	
§ 105-48	Sec. 22	
§ 105-49	Sec. 23	
§ 105-50	Sec. 24	
§ 105-51	Sec. 25	
Article VII	Article VII	
§ 105-52	Sec. 1	Amended at time of adoption of Code
§ 105-53	Sec. 2	
§ 105-54	Sec. 3	
§ 105-55	Sec. 4	
§ 105-56	Sec. 5	
§ 105-57	Sec. 6	
Article VIII	Article VIII	
§ 105-58	Sec. 1	
§ 105-59	Sec. 2	
§ 105-60	Sec. 3	
§ 105-61	Sec. 3	
§ 105-62	Sec. 4	
Article IX	Article IX	
§ 105-63	Sec. 1	
§ 105-64	Sec. 2	
§ 105-65	Sec. 3	
§ 105-66	Sec. 4	
§ 105-67	Sec. 5	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
§ 105-68	Sec. 6	
Article X	Article X	
§ 105-69	Sec. 1	
Article XI	Article XI	
§ 105-70	Sec. 1	
Article XII	Article XII	
§ 105-71	Sec. 1	
Article XIII	Article XIII	
§ 105-72	Sec. 1	
Article XIV	Article XIV	
§ 105-73	Unnumbered	
	Article XV	
	Sec. 1*	
	Article XVI*	
	Article XVII*	
Part 2	L.L. No. 3-1984	7-11-1984
Article XV	Article 1	
§ 105-74	Secs. A and B	
Article XVI	Article 2	
§ 105-75	Secs. 1 through 38	
Article XVII		
§ 105-76	Article 3	
§ 105-77	Article 4	
§ 105-78	Article 5	
§ 105-79	Article 6	
§ 105-80	Article 7	
§ 105-81	Article 8	
§ 105-82	Article 9	
§ 105-83	Article 10	
Article XVIII		
§ 105-84	Article 11	
§ 105-85	Article 12	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Article XIX	Article 13	
§ 105-86		
	Article 14*	
	Article 15*	
Chapter 108, Subdivision of Land	8-18-1975	
Article I	Article I	
§ 108-1	Unnumbered	
Article II	Article II	
§ 108-2	Unnumbered	
§ 108-3	Section 1	
§ 108-4	Section 2	Amended 4-13-1988
§ 108-5	Section 3	
§ 108-6	Section 4	
§ 108-7	Section 5	
§ 108-8	Section 6	
Article III	Article III	
§ 108-9	Unnumbered	
§ 108-10	Section 1	
§ 108-11	Section 2	
§ 108-12	Section 3	
§ 108-13	Section 4	Amended 4-8-1987
§ 108-14	Section 5	
§ 108-15	Section 6	
Article IV	Article IV	
§ 108-16	Section 1	Amended 4-8-1987
§ 108-17	Section 2	
Article V	Article V	
§ 108-18	Unnumbered	
Article VI	Article VI	
§ 108-19	Section 1	
§ 108-20	Section 2	
	Article VII*	

Derivation Table

New Number (chapter, title, Article, section)	Old Number (source)	Adoption or Amendment Date
Chapter 112, Taxation		
Article I	Resolution	11-10-1982
§ 112-1	1	Amended 1-11-1984
	2*	
	3*	
Article II	Resolution	12-10-1986
§ 112-2	1	
	2*	

§ 1-3. Repeal of local laws and ordinances.

The local laws and ordinances of a general and permanent nature enacted or adopted by the Town Board of the Town of Schaghticoke and not included in the Code of the Town of Schaghticoke and in force on the date of the adoption of this local law are hereby repealed as of the effective date of this local law, except as hereinafter provided.

§ 1-4. Local laws and ordinances saved from repeal; matters not affected by repeal.

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Schaghticoke prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Schaghticoke, or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law and brought pursuant to any legislative provision of the Town of Schaghticoke.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Schaghticoke.
- E. Any local law, ordinance or resolution of the Town of Schaghticoke providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Schaghticoke or any portion thereof.
- F. Any ordinance or resolution of the Town of Schaghticoke appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Schaghticoke or other instruments or evidence of the town's indebtedness.

- G. Local laws, ordinances or resolutions authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.
- J. Any local laws, ordinances or resolutions relating to salaries.
- K. Any local laws or ordinances adopted subsequent to July 8, 1987.

§ 1-5. Meaning and intent of previously adopted legislation unchanged.

In compiling and preparing the local laws, ordinances and resolutions of the town for publication as the Code of the Town of Schaghticoke, as distributed and designated in the table in § 1-2 hereof, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made.

§ 1-6. Copy of Code on file.

A copy of the Code of the Town of Schaghticoke, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Schaghticoke and shall remain there for use and examination by the public until final action is taken on this local law; and if this local law shall be adopted, such copy shall be certified by the Town Clerk by impressing thereon the Seal of the Town of Schaghticoke, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-7. Changes or additions.

- A. In compiling and preparing the local laws, ordinances and resolutions for adoption and revision as part of the Code pursuant to the Municipal Home Rule Law § 20, Subdivision 3, certain grammatical changes and other minor changes were made in one or more of the local laws, ordinances or resolutions. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the provisions so changed had been previously formally amended to read as such.
- B. In addition, certain changes, amendments and additions are enacted herewith, to become effective upon the effective date of this local law (chapter and section number references are to these materials as they are numbered and appear in the Code).¹

§ 1-8. Amendments to Code.

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Schaghticoke," or any new local laws, ordinances or resolutions, when enacted or adopted in such form as to indicate the intention of the Town Board to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code of the Town of Schaghticoke shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code of the Town of Schaghticoke shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

1. Editor's Note: In accordance with § 1-7B, the following sections have been added or amended: §§ 7-3, 25-1, 25-4, Ch. 43, §§ 48-3, 48-4, 48-7, 57-5, 57-6, 57-7, 57-9, 57-10, Ch. 66, §§ 69-6, 69-12A(4), 78-5A, 78-6C and K, 78-7B, 86-3F, 89-3, 89-11, 94-5, 100-5D, 100-7F and G, 105-42 and 105-52. A complete description of each change or addition is included in L.L. No. 1-1988, a copy of which is on file in the office of the Town Clerk.

§ 1-9. Code book to be kept up-to-date.

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

§ 1-10. Sale of Code book; supplementation.

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

§ 1-11. Tampering with Code.

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

§ 1-12. Penalties for offenses.

Any person committing an offense against any chapter or Article of this Code for which a different penalty is not specifically provided shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for each offense by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day that an offense continues shall constitute a separate violation.

§ 1-13. Severability.

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

§ 1-14. Incorporation of provisions into Code.

The provisions of this local law are hereby made Chapter 1 of the Code of the Town of Schaghticoke, to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-15, inclusive.

§ 1-15. When effective.

This local law and the Code of the Town of Schaghticoke adopted hereby shall take effect immediately upon the filing with the Secretary of State of the State of New York of a copy of this local law.

Chapter 7**CONSERVATION ADVISORY COUNCIL**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 4-14-1975 by resolution. Section 7-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Zoning Commission — See Ch. 43.

§ 7-1. Legislative intent.

The preservation and improvement of the quality of the natural and man-made environment within the Town of Schaghticoke, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Schaghticoke. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a council for conservation of the environment is a necessary step in fostering unified action on environmental problems.

§ 7-2. Establishment of Council.

The Town Board of the Town of Schaghticoke hereby creates a council pursuant to Article 12-F of the General Municipal Law of the State of New York, which shall be known as the "Schaghticoke Conservation Advisory Council," hereinafter called the "Council," whose members shall serve without compensation.

§ 7-3. Membership; terms.²

The Council shall consist of nine members appointed by the Town Board, one of whom shall be designated as Chairman by the Town Board and all of whom shall serve at the pleasure of the Town Board for a term not exceeding two years. Persons residing within the Town of Schaghticoke who are concerned with the improvement and preservation of environmental quality shall be eligible for appointment as members of the Council. Vacancies on the Council shall be filled in the same manner as the original appointment.

§ 7-4. Officers; rules of procedure; reports.

At the first meeting of the Council, its members shall elect from among themselves a Vice Chairman and a Recording Secretary. The Council shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file an annual report.

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

§ 7-5. Powers and duties.

The powers and duties of the Council shall be to:

- A. Conduct researches into the land area of the Town of Schaghticoke.
- B. Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the Town of Schaghticoke.
- C. Advise the Town Board on matters affecting the preservation, development, improvement and use of natural and man-made features and conditions of the town with regard to beauty and other environmental qualities, noting any threats to that environment raised by man's activities, so as to enhance the long-range value to the people of the Town of Schaghticoke.
- D. Develop and conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.
- E. Conduct studies, surveys and inventories of the natural and man-made features within the Town of Schaghticoke and such other studies and surveys as may be necessary to carry out the general purpose of this chapter.
- F. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the town, including but not limited to natural landmarks and streams, swamps, marshlands and other wetlands, scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide base of information for recommendations by the Council for their preservation and/or use.
- G. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town of Schaghticoke in accord with the purposes of this chapter.
- H. Maintain liaison and communications with public and private agencies and organizations of local, state, national and international scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Council.
- I. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Master Plan of the Town of Schaghticoke and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.
- J. When authorized by resolution of the Town Board of the Town of Schaghticoke, accept by gift, grant, devise, bequest or otherwise, property, both real and personal, in the name of the Town of Schaghticoke as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town of Schaghticoke. Such real property may be accepted in fee for land and water rights or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

§ 7-6. Annual report.

The Council shall submit by November 1 of each year an annual report to the Town Board concerning the

activities and work of the Council and shall submit such additional reports and recommendations as may be necessary to fulfill the purposes of this chapter.

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Chapter 12

DEFENSE AND INDEMNIFICATION OF OFFICERS AND EMPLOYEES

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 10-9-1985 by L.L. No. 1-1985. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 30.

§ 12-1. Statutory benefits accepted.

The Town Board hereby adopts § 18 of the Public Officers Law and confers the benefits thereof upon all town officers and employees.

§ 12-2. Eligibility for defense; effect.

The town shall provide for the defense of any town officer or employee in any civil action or proceeding arising out of any alleged act or omission in which it is alleged that the officer or employee has violated the civil rights of the claimant, petitioner or plaintiff under Sections 1981 and 1983 of the United States Civil Rights Act. The town shall indemnify and save harmless such officer or employee in the amount of any judgment or settlement of claim obtained against such officer or employee. Such legal defense and indemnification shall be provided where the officer or employee at the time of such alleged act or omission was acting in good faith and within the scope of his public employment, powers or duties. The provisions of this section shall be in addition to any other statute, local law or enactment providing legal defense and indemnification in civil actions brought against such officer or employee.

ETHICS, CODE OF

Chapter 17

ETHICS, CODE OF

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 12-14-1970 by resolution. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 30.

ARTICLE I
Intent of Town Board

§ 17-1. Legislative intent.

The Town Board of the Town of Schaghticoke recognizes that there are state statutory provisions mandating towns to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this town as part of our state's important system of local government. It is the purpose of this chapter to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a Board of Ethics to render advisory opinions to the town's officers and employees as provided for herein.

§ 17-2. Interpretation.

The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts-of-interest provisions or procedures prescribed by statute of the State of New York and also in addition to common-law rules and judicial decisions relating to the conduct of town officers to the extent that the same are more severe in their application than this chapter.

ARTICLE II
Code of Ethics

§ 17-3. Definitions.

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

TOWN — Any board, commission, district, council or other agency, department or unit of the government of the Town of Schaghticoke.

TOWN EMPLOYEE — Any officer or employee of the Town of Schaghticoke, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

§ 17-4. Conflicts of interest.

No town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

§ 17-5. Standards of conduct.

- A. No town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.
- B. No town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.
- C. No town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
- D. No town employee shall engage in any transaction as representative or agent of the town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
- E. A town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position or influence of any party or person.
- F. Each town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
- G. Each town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- H. No town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

§ 17-6. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III
Board of Ethics

§ 17-7. Establishment; membership. [Amended 3-9-2005 by L.L. No. 1-2005]

There is hereby established a Board of Ethics consisting of five members to be appointed by the Town Board, all of whom reside in the Town of Schaghticoke and who shall serve without compensation and at the pleasure of the Town Board of the Town of Schaghticoke. A majority of such members shall be persons other than town employees, but said Board shall include at least one member who is an elected or appointed Town employee of the Town of Schaghticoke.

§ 17-8. Advisory opinions.

The Board of Ethics established hereunder shall render advisory opinions to Town employees on written request and, upon request of the Town Board, make recommendations to such Town Board as to any amendments of this chapter. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics, or if none, of the Town Attorney.

§ 17-9. Rules of procedure; records.

Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE IV
Administration

§ 17-10. Distribution of copies.

Upon the adoption of this chapter, the Town Supervisor shall cause a copy thereof to be distributed to every Town employee of this town. Failure to distribute any such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code nor the enforcement of provisions hereof. The Town Supervisor shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the town. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

§ 17-11. Filing in office of State Comptroller.

Within 30 days of the adoption of this chapter, the Town Clerk shall file a copy thereof in the office of the State Comptroller.

§ 17-12. Appropriations.

The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the Board of Ethics established hereunder, but such Board of Ethics may not commit the expenditure of Town moneys except within the appropriations provided herein.

Chapter 25**MEETINGS, NOTICE OF**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 2-14-1977 by resolution. Amended in its entirety 8-11-2010 by L.L. No. 6-2010; subsequent amendments noted where applicable.]

GENERAL REFERENCES

Adoption of ordinances — See Ch. 33.

§ 25-1. Legislative intent.

The purpose of this chapter is to provide notice to the public and the news media of the regular and special meetings of the Town Board and other Boards of the Town of Schaghticoke (collectively referred to as the "Town," "Board," or "Board of the Town of Schaghticoke") at which public business is officially transacted, in compliance with the Open Meetings Law (Public Officers Law, Article 7). Such notice is designed to facilitate public attendance at such meetings and to enable members of the public to observe and listen to the deliberations and decisions of the Town.

§ 25-2. Definitions.

- A. The terms, words and phrases used in this chapter shall have the same meaning as such terms, words and phrases are defined in § 102 of the Public Officers Law.
- B. Additional terms as used in this chapter shall have the meanings indicated:

NEWS MEDIA — The newspapers designated at the annual organizational meeting of the Town Board as the official Town newspapers in which legal notices may be published, those local radio and television stations designated at the annual organization meeting of the Town Board and the Town website.

NOTICE — Means, but shall not be limited to, written or oral information relating to the date, time and place where a meeting is to be held.

§ 25-3. Locations for posting of notice.

The following locations are hereby designated as the sites where notice of all meetings held by a Board of the Town of Schaghticoke shall be posted:

- A. Town Clerk's bulletin board.
- B. Melrose Post Office.
- C. Town website.

§ 25-4. News media to receive notice.

The news media designated at the annual Town Board organizational meeting, as from time to time modified by the Town Board, are hereby designated as the news media that shall receive notice of

the meetings of the Town. The Town may, but need not, provide notice to additional news outlets not designated at the organizational meeting.

§ 25-5. Duty of Town Clerk to provide notice.

- A. The Town Clerk or Board Secretary shall be responsible for providing notice to the public and the news media as provided in this chapter.
- B. The Town Clerk or Board Secretary shall, upon request, whenever possible, provide notice to any person of the date, time, and place of a meeting of the Town, whether the request for such information is made in person, in writing, or by telephone.

§ 25-6. Notice of meetings scheduled one week in advance.

- A. The public shall be informed of meetings scheduled at least one week in advance by the posting of a notice at least 72 hours in advance of such meeting at the locations designated in § 25-3 herein.
- B. The news media designated at the annual organizational meeting herein shall be informed of a meeting scheduled at least one week in advance by the providing to an officer or employee of the news media a copy of the notice by mail, telephone, facsimile or personal delivery at least 72 hours in advance of such meeting.
- C. The Town Clerk, Board Secretary or his/her designee shall prepare an affidavit of service and posting to document that notice was provided and posted as required by this section.

§ 25-7. Notice of meetings scheduled less than a week in advance.

- A. Public notice of the time and place of a meeting scheduled less than one week in advance shall be given, to the extent practicable, to the news media and shall be conspicuously posted in the public locations designated in § 25-3 at a reasonable time prior thereto.
- B. The Town Clerk, Board Secretary or his/her designee shall prepare an affidavit of service and posting to document that notice was provided and posted as required by this section.

§ 25-8. Notice of regularly scheduled meetings.

- A. When a Board schedules meetings in advance that are to be held at specific times and locations and on dates, a single notice may be provided to the public and the news media.
- B. Notice specifying the time, location and dates of regularly scheduled meetings shall be posted in locations designated in § 25-3 herein.
- C. Notice specifying the time, location and dates of regularly scheduled meetings shall be provided to the news media designated in § 25-4 herein. Such notice shall be provided in accordance with the requirements set forth in § 25-6B.

§ 25-9. Notice of change in time, date or location of meeting.

When the time, date, or location of a scheduled meeting is changed, the Town Clerk or Board Secretary shall, as soon as practicable:

- A. Post notices showing the change in date, time or location of a meeting at the sites designated by § 25-3 herein; and

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- B. Provide notice to the news media designated to receive notice by § 25-4 herein as provided in § 25-6 or 25-7 of this chapter, as the case may be

OFFICERS AND EMPLOYEES

Chapter 30

OFFICERS AND EMPLOYEES

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

GENERAL REFERENCES

Code of Ethics — See Ch. 17.

ARTICLE I

Assessor

[Adopted 11-17-1980 by L.L. No. 1-1981]

§ 30-1. Appointment of Assessor.

From and after January 1, 1981, there shall be but one Assessor for the Town of Schaghticoke, Rensselaer County, New York, who shall be appointed to said office as provided in § 1522 of the Real Property Tax Law of the State of New York.³

3. Editor's Note: Section 1522 of the Real Property Tax Law was repealed by L. 1984, c. 472, effective 7-7-1984. See now § 310 of the Real Property Tax Law.

ARTICLE II
Term of Highway Superintendent
[Adopted 6-11-1986 by L.L. No. 1-1986]

§ 30-2. Change in term of office.

The term of office of the elected Town Superintendent of Highways of the Town of Schaghticoke hereafter elected is hereby changed from two years to four years.

§ 30-3. Approval by electors.

This Article shall become effective only if approved at the general election to be held in November 1986 by the affirmative vote of a majority of the qualified electors of the Town of Schaghticoke voting upon a mandatory referendum in the above matter and as prescribed by law.⁴

4. Editor's Note: Approved at referendum 11-4-1986.

ARTICLE III
Term of Town Clerk
[Adopted 6-11-1986 by L.L. No. 2-1986]

§ 30-4. Change in term of office.

The term of office of the elected Town Clerk of the Town of Schaghticoke hereafter elected is hereby changed from two years to four years.

§ 30-5. Approval by electors.

This Article shall become effective only if approved at the general election to be held in November 1986 by the affirmative vote of a majority of the qualified electors of the Town of Schaghticoke voting upon a mandatory referendum in the above matter and as prescribed by law.⁵

5. Editor's Note: Approved at referendum 11-4-1986..

ARTICLE IV
Term of Tax Collector
[Adopted 6-11-1986 by L.L. No. 3-1986]

§ 30-6. Change in term of office.

The term of office of the elected Town Tax Collector for the Town of Schaghticoke hereafter elected is hereby changed from two years to four years.

§ 30-7. Approval by electors.

This Article shall become effective only if approved at the general election to be held in November 1986 by the affirmative vote of a majority of the qualified electors of the Town of Schaghticoke voting upon a mandatory referendum in the above matter and as prescribed by law.⁶

6. Editor's Note: Approved at referendum 11-4-1986.

ARTICLE V
Code Enforcement Officer
[Adopted 10-8-1986]

§ 30-8. Position established; purpose.

There is hereby established in the Town of Schaghticoke a Code Enforcement Officer for the administration and enforcement of the provisions of all laws, ordinances, resolutions, regulations and orders applicable to junk, junk cars, junkyards, mobile homes, dumps and dumping and such other matters as the Town Board may determine by resolution or otherwise from time to time.

§ 30-9. Appointment.

The Code Enforcement Officer and such deputies as the Town Board may deem necessary shall be appointed by the Town Board and shall serve at the pleasure of the Board at a compensation to be fixed by the Town Board.

ARTICLE VI

Town Attorney**[Adopted 6-12-1991 by L.L. No. 1-1991]****§ 30-10. Compensation.**

The Town Board of the Town of Schaghticoke is hereby authorized to compensate the Town Attorney a fixed amount for the performance of the certain specified services performed as Town Attorney and also for additional services performed in excess thereof, with such additional compensation to be computed at an hourly rate which shall be determined from time to time by the Town Board.

§ 30-11. Documentation of services; method of payment.

The additional legal services to be performed by the Town Attorney shall be properly documented specifying the amount of time spent, and payment to the Town Attorney for the additional services is to be made pursuant to the payroll method.

§ 30-12. Supersession of statute.

This Article is intended to supersede § 27 of the Town Law regarding salaries.

§ 30-13. Residency requirements. [Added 3-10-2010 by L.L. No. 4-2010]

The Town Attorney of the Town of Schaghticoke and any Deputy Town Attorney at the time of his/her appointment and at any time throughout his/her term of office need not be an elector of the Town of Schaghticoke as long as he/she is a resident of or maintains an office for the practice of law in any one of the following counties located in the State of New York: Rensselaer, Saratoga, Washington, Albany, Columbia or Schenectady.

§ 30-14. Appointment of Deputy Town Attorneys. [Added 3-10-2010 by L.L. No. 4-2010]

The Town Board, in addition to any other powers that it has with respect to the employment of attorneys, shall have the authority to appoint one or more Deputy Town Attorneys, as it shall from time to time deem necessary or appropriate.

ORDINANCES AND LOCAL LAWS, ADOPTION OF

Chapter 33

ORDINANCES AND LOCAL LAWS, ADOPTION OF

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 6-13-1977 by L.L. No. 1-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Notice of meetings — See Ch. 25.

§ 33-1. Summary publication authorized.

Every ordinance and every amendment or supplement to an ordinance hereafter adopted or approved by the Town Board of the Town of Schaghticoke which is or may be required to be published in one or more newspapers in order to make such ordinance, amendment or supplement effectual shall not be so published in full, but it shall be sufficient to publish in such newspaper or newspapers a notice setting forth the title thereof, a brief description of the provisions thereof and a statement that the full text thereof is on file and may be inspected in the office of the Town Clerk.⁷

§ 33-2. Supersession of statutory provisions.

This chapter shall supersede in its application to the Town of Schaghticoke the provisions of §§ 133, 264 and 265 of the Town Law relating to publication only of an ordinance, amendment or a supplement to an ordinance adopted or approved by the Town Board.

§ 33-3. Permissive referendum.

This chapter shall be subject to referendum on petition pursuant to § 24 of the Municipal Home Rule Law⁸ and shall take effect immediately upon filing in the office of the Secretary of State in accordance with § 27 of such Law.

7. Editor's Note: Former § 33-1.1, Publication of local laws, which was added 3-28-1990 by L.L. No. 1-1990 and immediately followed this section, was repealed 1-13-2010 by L.L. No. 2-2010.

8. Editor's Note: No petition for a referendum regarding this chapter was ever filed.

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Chapter 38

RECORDS

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

GENERAL REFERENCES

Public access to records — See Ch. 100.

ARTICLE I
Records Management
[Adopted 1-21-1995]

§ 38-1. Program established; records management officer.

There shall be a records management program established under the aegis of the Town Clerk and headed by a records management officer (RMO). The officer will be responsible for administering the noncurrent and archival public records and storage areas for the Town of Schaghticoke in accordance with local, state and federal laws and guidelines.

§ 38-2. Powers and duties of records management officer.

The officer shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation, storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Schaghticoke.

- A. The records management officer shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:
 - (1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition;
 - (2) Information containing administrative, legal, fiscal, research, historical or educational value which warrant their permanent retention; or
 - (3) Records not subject to disposition according to state law.
- B. The officer shall establish guidelines for proper records management in any department or agency of the town in accordance with local, state and federal laws and guidelines.
- C. The officer shall report annually to the Supervisor and the governing body on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.
- D. The officer shall operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all town departments and agencies.
- E. The officer shall establish a town archives and perform the following functions:
 - (1) Advise and assist town departments in reviewing and selecting material to be transferred to the town's archives for preservation.
 - (2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.
 - (3) Establish and maintain an adequate repository for the proper storage, conservation, processing and servicing of archival records.
 - (4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.
 - (5) Develop a confidentiality policy for archival records designated confidential, provided that such

policy does not conflict with any federal or state statutes.

- (6) Provide information services to other town offices.
- (7) Collect archival materials which are not official town records but which have associational value to the town or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations, and to the potential endangerment of such materials if they are not collected by the archives.
- (8) Develop a procedure whereby historically important records are to be identified at the point of generation.

§ 38-3. Records Advisory Board.

There shall be a Records Advisory Board designated to work closely with and provide advice to the records management officer. The Board shall consist of the Town Attorney and the Town Historian, The Board Shall meet periodically and have the following duties:

- A. Provide advice to the records management officer on the development of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements.
- C. Review retention periods proposed by the records management officer for records not covered by State Archives schedules.
- D. Provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

§ 38-4. Custody.

- A. A town department is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior to being transferred to the archives.
- B. Records shall be transferred to the archives upon the recommendation of the RMO or the head of the department which has custody of the records and the approval of the Records Advisory Board.
- C. Records may be permanently removed from the archives at the request of the RMO or the head of the department which has custody of the records immediately prior to the transfer of those records to the archives, subject to the approval of the Records Advisory Board.

§ 38-5. Replevin.

The Town Attorney may take steps to recover local government records which have been alienated from proper custody, and may, when necessary, institute actions of replevin.

§ 38-6. Disposal of records.

No records shall be destroyed or otherwise disposed of by a department of the town unless approval has been obtained from the records management officer. No records shall be destroyed or otherwise disposed of by the records management officer without the express written consent of the department head having

authority.

§ 38-7. Definitions.

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

ARCHIVES — Those official records which have been determined by the officer and Advisory Committee to have sufficient historical or other value to warrant their continued preservation by the local government.

RECORDS — Any documents, books, papers photographs, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinances or in connection with the transaction of official town business.

RECORDS CENTER — An establishment maintained by the town primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

RECORDS DISPOSITION —

A. The removal by the town, in accordance with approved records control schedules, or records no longer necessary for the conduct of business by such agency through removal methods which may include:

- (1) The disposal of temporary records by destruction or donation; or
- (2) The transfer of records to the records center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.

B. The transfer of records from one town agency to any other town agency.

RECORDS MANAGEMENT — The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

SERVICING — Making information in records available to any town agency for official use or to the public.

Chapter 43

ZONING COMMISSION

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 10-8-1986 by resolution. Amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 108.

§ 43-1. Commission established; membership.

A Zoning Commission is hereby established with its membership to consist of the applicants now available. A Chairman is hereby appointed, and the names of the Chairman and of the members shall be maintained on file in the office of the Town Clerk.⁹ The Chairman shall designate members to individual committees with specific goals.

General Legislation

9. Editor's Note: The Zoning Commission as initially established consisted of a Chairman plus 12 members.

Chapter 48**ALCOHOLIC BEVERAGES**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 6-22-1978 as L.L. No. 1-1978. Sections 48-3, 48-4 and 48-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Mass gatherings — See Ch. 86.

§ 48-1. Title.

This chapter shall be known and cited as the "Town of Schaghticoke Local Law No. 1-1978 Regulating Consumption of Alcoholic Beverages in Public Places."

§ 48-2. Legislative intent.

The Town of Schaghticoke recognizes that consumption of alcoholic beverages in public places must be adequately controlled so as to prevent public disorder, nuisances, littering and other acts and conditions detrimental to the health, safety and welfare of the residents of the town, and this chapter is intended to provide such control and regulation.

§ 48-3. Definitions.¹⁰

As used herein, the following words shall have the meanings below set forth:

ALCOHOLIC BEVERAGE — All beverages as defined in § 3 of the Alcoholic Beverage Control Law of the State of New York.

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

INTENT TO CONSUME — Includes any of the following:

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

PUBLIC PLACE — Any highway, street, sidewalk, park, playground, parking lots, shopping centers, malls or any other place to which the public or a substantial group of persons has access, but excluding those public places wherein the use and consumption of alcoholic beverages is authorized pursuant to a license or permit issued under the Alcoholic Beverage Control Law.

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

§ 48-4. Prohibited conduct.¹¹

No person shall consume or ingest any alcoholic beverage in any public place within the Town of Schaghticoke. Carrying on the person, holding or possessing any open, unsealed, resealed or partially full bottle, can or container of an alcoholic beverage in a public place as hereinabove defined with the intent to consume such beverage or a portion thereof shall constitute prima facie evidence of a violation of this section.

§ 48-5. Presumptive evidence.

Any open, unsealed, resealed or partially full bottle, can or container which contains an alcoholic beverage found in any vehicle in any such public place shall be presumptive evidence that the same is in the possession of all the occupants of said vehicle and in the possession of the person last having control and custody of said vehicle.

§ 48-6. Exceptions.

The foregoing prohibition against drinking alcoholic beverages in public places or possessing open, unsealed, resealed or partially empty bottles, cans or containers of such alcoholic beverage shall not apply nor be a violation of this chapter in the event of a gathering, function or event sponsored by a local fire department, recognized civic organization or recognized church organization or an event which has been granted a special permit by the Town Board of the Town of Schaghticoke or its authorized official.

§ 48-7. Penalties for offenses.¹²

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

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

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

Chapter 52**BINGO**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 9-9-1974 by L.L. No. 2-1974. Amendments noted where applicable.]

§ 52-1. Title.

This chapter shall be known as "Local Law No. 2-1974 of the Town of Schaghticoke, Rensselaer County, New York, a Local Law Authorizing the conduct of Bingo Games."

§ 52-2. Territory affected.

This chapter shall be applicable to all territory within the limits of the Town of Schaghticoke.

§ 52-3. Legalization of games.

It shall be lawful for any authorized organization, namely, a bona fide religious, charitable or nonprofit organization of veterans, volunteer firemen and similar nonprofit organizations, upon obtaining a license therefor as provided by the General Municipal Law, Article 14-H, and rules and regulations adopted by the State Bingo Control Commission pursuant to the State Bingo Control Law, to conduct the game or games of bingo in the territory of the Town of Schaghticoke.

§ 52-4. Restrictions upon conduct of games.

- A. No game shall be conducted on the first day of the week, commonly called "Sunday."
- B. No person, firm, association, corporation or organization other than an authorized organization licensed under the provisions of said Article 14-H of the General Municipal Law shall be permitted to conduct such games.
- C. The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of the organization permitted to conduct such games.
- D. No single prize shall exceed the sum or value of \$250.
- E. No series of prizes on any one occasion shall aggregate more than \$1,000.
- F. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- G. No person shall receive any remuneration for participating in the management or operation of any such game.
- H. The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a misdemeanor.
- I. No bingo game shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

§ 52-5. Delegation of authority.

The Town Board of the Town of Schaghticoke may, pursuant to § 498 of the General Municipal Law, delegate to an officer or officers of such town designated by the Town Board for such purpose any of the authority granted to such governing body by said Article 14-H of the General Municipal Law in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees.

§ 52-6. Penalties for offenses.

The making of any false statement in any application for a license or in any statement annexed thereto, or any other violation of the provisions of said Article 14-H of the General Municipal Law or any violation of the terms of such a license, shall constitute a misdemeanor and shall subject the offender to forfeiture of license and shall render the offender ineligible to apply for a license for one year thereafter, all pursuant to the provisions of § 495 of the General Municipal Law.

SCHAGHTICOKE CODE

Chapter 57

DOGS

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

ARTICLE I
Dog Control
[Adopted 6-9-1975]

§ 57-1. Title.

This article shall be known as the "Dog Ordinance of the Town of Schaghticoke."

§ 57-2. Purpose.

The purpose of this article shall be to preserve the public peace and tranquility of the Town of Schaghticoke and to contribute to the public welfare and preservation and protection of the property and persons of the inhabitants of said Town by declaring and enforcing certain regulations and restrictions on activities of dogs within the Town.

§ 57-3. Definitions.

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

AT LARGE — Elsewhere than on the premises of the owner or on the premises of another person without the knowledge, consent or approval of said other person.**[Amended 12-8-2010 by L.L. No. 9-2010]**

DOGS — Both male and female dogs, licensed or unlicensed, and includes the singular and plural.

OWNER — Any person, firm, association or corporation owning, harboring, keeping and having the custody or control of any dog.

§ 57-4. Regulations.

- A. No person owning, harboring or having the care, custody or charge of any dog, whether male or female, or whether licensed or not, shall allow or permit such dog at any time to run at large within the Town of Schaghticoke unless such dog shall be effectively restrained by a chain or leash not exceeding eight feet in length by a competent person.
- B. No owner of a dog or of a duly approved kennel within the Town of Schaghticoke shall suffer or permit any dog or dogs to create any unreasonably loud or disturbing noise of such intensity or duration as to be detrimental to the life, health or welfare of any individual, and the violation hereof is prohibited and deemed to be a public nuisance, and such dog or dogs shall be so housed and confined in a place so constructed as to prevent such disturbing and unnecessary noise, as may result from the habitual or continual barking of such dog or dogs. The provisions of this subsection shall be liberally construed to prevent excessive, unreasonable, disturbing and unnecessary noise, due consideration being given to the circumstances, time of day, particular location of each violation and the demands of public health, safety and welfare.

§ 57-4.1. Dog sanitation. [Added 10-8-2003 by L.L. No. 3-2003]

If a dog defecates in a public place or upon property owned by someone other than the owner of the dog, the dog owner, as that term is defined herein, shall promptly remove and properly dispose of the droppings in a responsible and sanitary manner.

§ 57-5. Seizure and impounding of dogs. [Amended 11-9-1998 by L.L. No. 1-1998; 1-13-2010 by L.L.]

No. 1-2010]

Any dog running at large within the Town of Schaghticoke contrary to § 57-4 or which is a dangerous dog, as defined in state law, or a dog which chases vehicles of any kind in the streets or public places, or which is an unconfined, unspayed female dog in time of heat, or which runs with a pack of dogs, shall be subject to seizure and impounding by the Dog Control Officer, any police officer, or by any other person or agency designated by the Town or authorized by law to seize or impound such dog and any such dog control officer, police officer, other person or agency so seizing such dog hereunder shall be empowered to exercise such degree of force as shall be necessary to effect such seizure.

§ 57-6. Notice to owner; redemption fees. [Amended 11-9-1998 by L.L. No. 1-1998; 1-13-2010 by L.L. No. 1-2010; 12-8-2010 by L.L. No. 9-2010]

After any such seizure and impounding, an owner of such dog, if ascertainable from such dog's license tag, shall be notified thereof personally or by affixing a written notice to such owner's last-known place of residence. Such dog so seized and impounded shall be held for a period of five days, during which period such dog shall be properly fed and cared for at the expense of the Town (to be reimbursed to the Town as set forth below). During such five-day period, the owner of such dog shall recover the same during normal business hours by producing a license for such dog and by paying such sum of money as is set forth in the contract then in effect between the Town and the agency or person tasked with holding, feeding and/or caring for said dog, which sum shall be paid to the Town Clerk.¹³

§ 57-7. Disposition of impounded dogs. [Amended 11-9-1998 by L.L. No. 1-1998]

If any dog is not redeemed as provided in this article, the Dog Control Officer, any police officer or any other person or agency designated by the Town Board for the purpose of seizing such dog may order the destruction of such animal; provided that if said dog is not claimed or redeemed by its lawful owner or his duly authorized agent, then the keeper may deliver said dog to a responsible or proper person upon payment of the impounding fee and five days' keeping and producing a license for said dog.

§ 57-8. Record of impounded dogs.

The keeper of the dog shall keep a record and description of each animal impounded, the date of receipt of such animal, the date and manner of its disposal and, if redeemed, the name and address of the person by whom redeemed.

§ 57-9. Interference with authorities. [Amended 11-9-1998 by L.L. No. 1-1998]

No person shall hinder, resist or oppose the Dog Control Officer, any police officer, agent or employee or representative of the Town in the performance of his duties under this article.

§ 57-10. Penalties for offenses. [Amended 11-9-1998 by L.L. No. 1-1998]

Any person committing an offense against the provisions of this article shall be guilty of a violation punishable by a fine of not more than \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

13. Editor's Note: See also Art. II, Licensing of Dogs.

ARTICLE II
Licensing of Dogs
[Adopted 12-8-2010 by L.L. No. 9-2010¹⁴]

§ 57-11. Definitions; word usage.

Unless otherwise stated in the section where the term is used in this article, the meaning of terms used in this article shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. For the purposes of this article, "shall" is mandatory; "may" is permissive.

DETECTION DOG — Any dog that is trained and is actually used for such purposes or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms, cadavers, or school or correctional facility contraband.

DOG — Male and female, licensed and unlicensed, member of the species *Canis familiaris*.

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

HEARING DOG — Any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within New York State during the period such dog is being trained or bred for such purpose.

IDENTIFICATION TAG — A tag issued by the Town Clerk or its designee which sets forth the identification number together with the name of the Town and State of New York, the telephone number of the Town Clerk, and any other information deemed necessary by the Town Clerk or its designee.

OWNER — Any person who harbors or keeps any dog.

OWNER OF RECORD — The person in whose name any dog was last licensed pursuant to this article, except that, if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of such person. If it cannot be determined in whose name any dog was last licensed or if the owner of record has filed a statement pursuant to the provisions of Article 7 of the New York State Agriculture and Markets Law, the owner shall be deemed to be the owner of record of such dog, except that, if the owner is under 18 years of age, the owner of record shall be deemed to be the parent or guardian of such person.

POLICE WORK DOG — Any dog owned or harbored by any state or municipal police department or any state or federal law enforcement agency, which has been trained to aid law enforcement officers and is actually being used for police work purposes.

RESIDENT — An individual who maintains a residence within the Town of Schaghticoke.

SERVICE DOG — Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

THERAPY DOG — Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other settings and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

14. Editor's Note: This local law also superseded former Art. II, Licensing of Dogs, adopted 9-22-1980, as amended.

TOWN — The Town of Schaghticoke.

WAR DOG — Any dog which has been honorably discharged from the United States Armed Services.

WORKING SEARCH DOG — Any dog that is trained to aid in the search for missing persons, is actually used for such purpose and is registered with the New York State Department of Agriculture and Markets; provided, however, that such services provided by said dog shall be performed without charge or fee.

§ 57-12. License required.

An owner of a dog four months of age or over in the Town shall obtain a current license for said dog and shall place and keep on such dog a collar to which shall be securely attached a valid identification tag for that dog in accordance with the requirements of the Agriculture and Markets Law of the State of New York, including subsequent amendments, changes and successor laws and this article.

§ 57-13. Rabies vaccination required.

- A. An owner of a dog four months of age or over in the Town in accordance with the requirements of the Agriculture and Markets Law of the State of New York shall be required to have the dog vaccinated to prevent the spread of rabies.
- B. Section 57-13A shall not apply to dogs brought into the Town for a period not to exceed 15 days; dogs confined to the premises of an incorporated society devoted to the care of lost, stray or homeless animals; dogs confined to the premises of public or private hospitals devoted to the treatment of sick animals; dogs confined to the premises of educational or research institutions for the purpose of research; or dogs confined to the premises of a person licensed as a Class A dealer under the Federal Laboratory Animal Welfare Act engaged in the business of breeding or raising dogs for profit.
- C. Section 57-13A shall not apply to any dog whose health would be adversely affected by a rabies vaccination, provided that a written statement, certified by a duly licensed veterinarian, specifying such condition is presented to the Town Clerk or its designee and filed with the Town Clerk's office.
- D. An owner of a dog who willfully fails or refuses to submit said dog for vaccination within 10 days after a request by the dog Control Officer, police officer, health officer or Town Clerk shall be subject to penalties provided for in this article.

§ 57-14. Licensing exemptions.

- A. No license is required for any dog:
 - (1) Under the age of four months and which is not at-large; or
 - (2) Residing in a pound or shelter maintained by or under contract by the Town, Rensselaer County or State of New York, or a duly incorporated society for the prevention of cruelty to animals, or a duly incorporated humane society or duly incorporated dog protective services.
- B. No license is required of a dog confined to a public or private hospital devoted solely to the treatment of sick animals, or confined for the purpose of research by any college or other educational or research institution.

§ 57-15. Application for license.

- A. Applications for a license or a renewal thereof shall be accompanied by a nonrefundable processing

fee of \$4 for a spayed or neutered dog and \$10 for a dog that is not spayed or neutered. Excepted from payment of the licensing fee are applications submitted for a dog license for any guide, hearing, service, war, working search, detection, police and therapy dogs. All dog licenses may be purchased by visiting the Town Hall or a designated place in the future. The Town Clerk may designate one or more pounds or shelters that are under contract with the Town or Rensselaer County to issue licenses in accordance with procedures established by the Town Clerk. An application for a license or renewal shall be on the form prescribed by the Town and shall provide for the following minimum information:

- (1) The name, residence address and telephone number of each owner; and
 - (2) The name, sex, approximate age, breed, color, markings and other identifying details of the dog; and
 - (3) State whether the dog has been spayed or neutered; and
 - (4) Such other information or documentation deemed necessary by the Town Clerk or its designee to effectuate the purpose of this article.
- B. Rabies certification. The application for a license or renewal shall be accompanied by a statement certified by a licensed veterinarian showing that the dog has received the rabies vaccine; or, in lieu thereof a statement certified by a licensed veterinarian that because of the dog's age or other reason, the life of the dog would be endangered by the administration of the vaccine.
- C. In the case of a spayed or neutered dog, every application shall be accompanied by a certificate signed by a licensed veterinarian or a sworn affidavit signed by the owner in the form acceptable to the Town Clerk or its designee showing that the dog has been spayed or neutered, except that such certificate or affidavit is not required if same is already on file with the Town Clerk. In lieu of the spay or neuter certificate, an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as a spayed or neutered dog.
- D. No individual under the age of 18 years shall be deemed an owner of record and be issued a dog license.

§ 57-16. Licensing fees.

All fees will be used in funding the administration of the dog Licensing And Control Law of the Town of Schaghticoke.

- A. License fee (Revenues derived from this fee shall be the sole property of the Town of Schaghticoke and may be used only for controlling dogs and enforcing Article 7 of the New York State Agriculture and Markets Law and this article:
- (1) Spayed or neutered dog: \$4.
 - (2) Unspayed or unneutered dog: \$10.
- B. Surcharge. (Surcharge is remitted to New York State Department of Agriculture and Markets for deposit by the State Comptroller into the "population control fund.")
- (1) Unspayed/unneutered surcharge. In addition to the license fee established by § 57-16 of this

article, each applicant for a dog license shall pay a surcharge of \$3 if the dog to be licensed is not spayed or neutered.

- (2) Spayed/neutered surcharge. In addition to the license fee established by § 57-16 of this article, each applicant for a dog license shall pay a surcharge of \$1 if the dog sought to be licensed is spayed or neutered.

C. Replacement of lost tag: \$3.

D. Enumeration fee. In addition to the license fee imposed by § 57-16 of this article, each applicant for a dog license shall pay a surcharge of \$1 which shall be retained by the Town of Schaghticoke and used to defray the cost of an enumeration of dogs living within the Town of Schaghticoke and the cost of providing replacement identification tags.

E. Purebred license: Surcharge of \$3 (monies to be forwarded to administrator of New York State's Animal Population Control Program).

§ 57-17. Issuance of license and identification tag.

A. Upon validation by the Town Clerk or its designee, a dog license shall be issued to the owner and a record of its issuance retained in the office of the Town Clerk. Such records shall be made available to the Commissioner of the New York State Department of Agriculture and Markets pursuant to New York State Agriculture and Markets Law.

B. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately apply for a new license for the dog. A license cannot be transferred to another dog.

C. Identification number; replacement tag.

- (1) The Town Clerk or its designee shall assign an identification number to a dog when it is first licensed. Such identification number shall be carried by the dog on an Identification Tag which shall be affixed to the collar of the dog at all times, except that the tag is not required to be worn while the dog is participating in a dog show.
- (2) No tag carrying an identification number shall be affixed to the collar of any other dog other than the one to which the number has been assigned.
- (3) Any person wishing to replace a tag previously issued shall pay the sum of \$3 to the Town Clerk or its designee for a replacement tag.

§ 57-18. Term of license; renewals.

All licenses shall be issued for a period of one year. All licenses issued pursuant to this article, and any renewal thereof shall expire on the last day of the month of the period for which they are issued, except that no license or renewal shall be issued for a period expiring after the expiration date of the current rabies certificate for the dog being licensed and/or the expiration date of the certified statement by a licensed veterinarian, in lieu of a rabies certificate. The Town Clerk may require an updated rabies certificate and/or updated statement certified by a licensed veterinarian with an expiration date after the termination of the license prior to renewing or issuing a license.

§ 57-19. Change of ownership; lost or stolen dog; death of dog.

A. Change in owner or address. In the event of a change in ownership of any dog which has been licensed

pursuant to this article or change of address of the owner of record of any dog, the owner of record shall, within 10 days of the change, file with the Town Clerk or its designee a written notification of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.

- B. Lost or stolen dog. If any dog which has been licensed is lost or stolen, the owner of record shall, within 10 days of discovery of such loss or theft, file with the Town Clerk or its designee a written notification of such event. In the case of loss or theft, the owner of record shall not be liable for any violation of this article committed after such notification has been made.
- C. Death of dog. In case of the death of a licensed dog, the owner of record shall notify the Town Clerk or its designee of the dog's death within 10 days from the date of death of the dog.

§ 57-20. Use of money.

Pursuant to New York State Agriculture and Markets Law, all money and penalties collected by the Town for violation of this article remain the property of the Town. The money can be used for dog control purposes, funding low-cost spay/neuter programs and subsidizing humane education programs.

§ 57-21. Seizure and impoundment of dogs.

In addition to the provisions of Article I, the dog Control Officer or police officer shall seize any dog that:

- A. Is not licensed, whether the dog is located on or off the owner's property; or
- B. Is licensed but is not in control of the dog's owner, or not on the property of the dog's owner, if there is a probable cause to believe that the dog is dangerous; or
- C. Is, in the opinion of the Dog Control Officer or police officer, posing an immediate threat to the public safety.

§ 57-22. Fees for seizure of dogs.

The fee for seizure and impoundment of dogs in violation of this article or the Laws of the New York State Department of Agriculture and Markets are as follows:

- A. First offense: the same impoundment and euthanasia (if applicable) fees per dog that are charged to the Town for such service.
- B. Second (and each subsequent) offense: \$60 plus the impoundment and euthanasia fees per dog.

§ 57-23. Violations and penalties.

Any person convicted of a violation of this Article II shall be liable for a civil penalty of \$50 for the first violation; of \$75 for a second violation; and \$100 for each subsequent violation.

ARTICLE III

Fees, fines and charges.**[Added 12-12-2012 by L.L. No. 4-2012]¹⁵****§ 57-24. Levy of fees, fines and charges.**

Any person who owns a dog, harbors a dog or permits a dog to reside on his or her property shall be responsible for the payment of any fees, fines or charges (collectively, "fees") due and owing under this Chapter 57. After due demand via regular mail to the dog owner and/or property owner at the address listed on the last assessment roll and the passage of 30 days, any fees which are unpaid shall be assessed against the land of the dog owner and/or property owner and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy. However, prior to the imposition of the levy, the dog owner and/or property owner shall be provided an additional notice via regular mail to the address listed on the last assessment roll of the potential levy and an opportunity for a hearing before the Town Board which shall be on 10 days' notice.

15. Editor's Note: This local law also superseded former Art. III, Fees, fines and charges, adopted 11-14-2012 by L.L. No. 3-2012.

Chapter 61**ENVIRONMENTAL QUALITY REVIEW**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 7-9-1979 by L.L. No. 1-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Advisory Council — See Ch. 7.

Landfills — See Ch. 82.

Flood damage prevention — See Ch. 69.

Mobile homes — See Ch. 89.

Freshwater wetlands — See Ch. 72.

Subdivision of land — See Ch. 108.

Junkyards — See Ch. 78.

§ 61-1. Purpose.

The purpose of this chapter is to implement for the Town of Schaghticoke SEQR and Part 617.

§ 61-2. Definitions.

- A. Statutory terms. The terms and words used in this chapter shall have the same meaning as such terms and words are given in Article 8 of the Environmental Conservation Law and Part 617, unless the context requires a different meaning.
- B. Definitions. As used in this chapter, the following terms shall have the following meaning:
 - EAF — Environmental assessment form.
 - EIS — Environmental impact statement.
 - PART 617 — The rules and regulations set forth in 6 NYCRR 617.
 - SEQR — The State Environmental Quality Review Act as set forth in Article 8 of the Environmental Conservation Law.
 - TOWN — The Town of Schaghticoke.

§ 61-3. Compliance required.

No action, other than an exempt, excluded or Type II action, shall be carried out, approved or funded by any agency, board, body or officer of the town unless it has complied with SEQR, Part 617 to the extent applicable and this chapter.

§ 61-4. Procedure.

- A. An EAF shall be prepared by or on behalf of any agency, board, body or officer of the town in connection with any Type I action such agency, board, body or officer contemplates or proposes to carry out directly. For an unlisted action an EAF in short or long form may be prepared to facilitate a preliminary determination of environmental significance.

- B. An application for permit or funding of a Type I action shall be accompanied by an EAF, and for an unlisted action may be accompanied by a short- or long-form EAF as may be needed to assist the lead agency in making a preliminary determination of environmental significance. An applicant may prepare a draft EIS to accompany the application in place of the EAF. In lieu of an EAF, the Town Board or a lead agency having authority to adopt its own regulations may adopt different procedures for reviewing environmental significance of unlisted actions. The lead agency shall make a preliminary determination of environmental significance of the action on the basis of the EAF, draft EIS or, with respect to unlisted actions, in accordance with its own procedures, as the case may be, and such other information it requires. Such determination shall be made within 15 days of its designation as lead agency or within 15 days of its receipt of all information it requires, whichever is later. For Type I actions a determination of nonsignificance shall be noticed and filed as provided in Part 617.10(b); for unlisted actions a determination of nonsignificance shall be sent to the applicant and maintained in accordance with Part 617.7(e) and 617.10(f). After a determination of nonsignificance, the action, including one involving a permit or funding, shall be processed without further regard to SEQR, Part 617 or this chapter.
- C. The time of filing an application for approval or funding of an action shall commence to run from the date the preliminary determination of environmental nonsignificance is rendered, or if in lieu of an EAF the applicant prepares a draft EIS, from the date the applicant files a draft EIS acceptable to the lead agency.

SCHAGHTICOKE CODE

Chapter 63

FARMING

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

ARTICLE I

Right to Farm**[Adopted 9-11-1996 by L.L. No. 1-1996]****§ 63-1. Legislative intent.**

By the adoption of this law, the Town Board of Schaghticoke declares its intent to maintain the desirable rural character of the Town of Schaghticoke; to permit the continuation of the business of farming as it is now carried out throughout the Town of Schaghticoke, including, without limitation, in any agricultural districts within the town; and to retain the existence of farms within the town in view of the substantial contribution to the tax base as now provided by said farms and farm properties. The Town Board of the Town of Schaghticoke further recognizes that there exist certain farming practices which must be permitted to be carried on in the furtherance of the business of farming and which can be carried on within the Town of Schaghticoke without interfering with the use and enjoyment of land not now devoted to the business of farming.

§ 63-2. Definitions.

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

FARMER — Any person, organization, entity, association, partnership or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, the raising of livestock and the operation of poultry farms.

FARMING PRACTICES — Any activity, now permitted by law, engaged in by a farmer as defined herein, in connection with and in furtherance of the business of farming and shall include, without limitation, the collection, transportation, distribution and storage of animal wastes; storage, transportation and use of equipment for tillage, planting and harvesting; transportation, storage and use of legally permitted fertilizers and limes, insecticides, herbicides, and pesticides all in accordance with local, state and federal law and regulations and in accordance with the manufacturer's instructions and warnings; construction of farm structures and facilities as permitted by local and state building codes and regulations; and construction and maintenance of fences.

§ 63-3. Right to farm established.

It is resolved by the Town Board of the Town of Schaghticoke that farmers as defined herein may lawfully engage in farming practices as defined herein within the Town of Schaghticoke at such times, including the night time hours, and at such locations as is necessary to conduct the business of farming, and that no person, entity, association, partnership or corporation shall engage in any act to prevent or deter such conduct as it is approved herein.

FEES

Chapter 65

FEES

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

GENERAL REFERENCES

Building construction — See Ch. 66, Art. II.

ARTICLE I

Building Permit Fees

[Adopted 5-9-2007 by L.L. No. 6-2007¹⁶; amended in its entirety 8-11-2010 by L. L. No. 8-2010]

§ 65-1. Fees enumerated.

The Town Board is hereby authorized to set any fees that it has been elsewhere authorized to impose by resolution of the Town Board. From time to time said fees may be adjusted by the Town Board by resolution. It shall not be necessary for the Town Board to enact a local law to set or modify any such fees.

16. Editor's Note: This local law repealed former Ch. 65, Art. I, Building Permit Fees, adopted 8-11-1999.

Chapter 66**FIRE PREVENTION AND BUILDING CODE ADMINISTRATION**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 11-8-2006 by L.L. No. 3-2006.¹⁷ Amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 61.

Property maintenance — See Ch. 98.

Flood damage prevention — See Ch. 69.

Stormwater management — See Ch. 107.

Mobile homes — See Ch. 89.

Subdivision of land — See Ch. 108.

§ 66-1. Purpose and intent. [Amended 8-11-2010 by L.L. No. 7-2010]

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

§ 66-2. Definitions.

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

BUILDING PERMIT — A permit issued pursuant to § 66-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY — A certificate issued pursuant to § 66-7B of this chapter.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer appointed pursuant to § 66-3B of this chapter.

CODE ENFORCEMENT PERSONNEL — Shall include the Code Enforcement Officer and all inspectors.

COMPLIANCE ORDER — An order issued by the Code Enforcement Officer pursuant to § 66-15A of this chapter.

ENERGY CODE — The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to § 66-3D of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 66-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

17. Editor's Note: This local law also repealed former Ch. 66, Fire Prevention and Building Code Administration, consisting of Art. I, Adoption and Administration of Standards, adopted 11-9-1988 by L.L. No. 1-1988, and Art. II, Building Construction, adopted 8-19-1975.

PERMIT HOLDER — The person to whom a building permit has been issued.

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

PROPERTY MAINTENANCE CODE — The Property Maintenance Code of New York State, as currently in effect and as hereafter amended from time to time. **[Added 8-11-2010 by L.L. No. 7-2010]**

STOP-WORK ORDER — An order issued pursuant to § 66-6 of this chapter.

TEMPORARY CERTIFICATE — A certificate issued pursuant to § 66-7D of this chapter.

TOWN — The Town of Schaghticoke.

UNIFORM CODE — The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§ 66-3. Code Enforcement Officer and inspectors. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Property Maintenance Code, the Energy Code and this chapter. The Code Enforcement Officer shall have the following powers and duties:
- (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, temporary certificates and operating permits and the plans, specifications and construction documents submitted with such applications;
 - (2) Upon approval of such applications, to issue building permits, certificates of occupancy, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
 - (3) To conduct construction inspections; inspections to be made prior to the issuance of certificates of occupancy, temporary certificates and operating permits; firesafety and property maintenance inspections; inspections incidental to the investigation of complaints; and all other inspections required or permitted under any provision of this chapter;
 - (4) To issue stop-work orders;
 - (5) To review and investigate complaints;
 - (6) To issue orders pursuant to Subsection A of § 66-15, Enforcement; penalties for offenses, of this chapter;
 - (7) To maintain records;
 - (8) To collect fees as set by the Town Board of this Town;
 - (9) To pursue administrative enforcement actions and proceedings;
 - (10) In consultation with this Town's Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Property Maintenance Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Property Maintenance Code, the Energy Code or this chapter; and

- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.
- B. The Code Enforcement Officer shall be appointed by the Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, an individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.
- D. One or more inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Officer and inspectors shall be fixed from time to time by the Town Board of this Town.

§ 66-4. Building permits. [Amended 8-11-2010 by L.L. No. 7-2010]

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

IIIA liquids;

- (6) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (8) Installation of partitions or movable cases less than five feet nine inches in height;
 - (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (11) Replacement of any equipment, provided that the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (12) Repairs, provided that such repairs do not involve:
 - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof or of any structural beam or load-bearing component;
 - (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) The enlargement, alteration, replacement or relocation of any building system; or
 - (d) The removal from service of all or part of a fire-protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Property Maintenance Code or the Energy Code.
- D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code, the Property Maintenance Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;
 - (2) The Tax Map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
 - (5) At least two sets of construction documents (drawings and/or specifications) which:
 - (a) Define the scope of the proposed work;

- (b) Are prepared by a New-York-State-registered architect or licensed professional engineer where so required by the Education Law;
 - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
 - (d) Substantiate that the proposed work will comply with the Uniform Code, the Property Maintenance Code and the Energy Code; and
 - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code, the Property Maintenance Code and the Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Property Maintenance Code and the Energy Code.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.
- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. However, upon a showing of compelling circumstances, the Code Enforcement Officer may grant up to a six-month extension on the building permit. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- J. Revocation or suspension of building permits. If the Code Enforcement Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information or that the work for which a building permit was issued violates the Uniform Code, the Property

Maintenance Code or the Energy Code, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that:

- (1) All work then completed is in compliance with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code; and
 - (2) All work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 66-16, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 66-5. Construction inspections. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:
- (1) Work site prior to the issuance of a building permit;
 - (2) Footing and foundation;
 - (3) Preparation for concrete slab;
 - (4) Framing;
 - (5) Building systems, including underground and rough-in;
 - (6) Fire-resistant construction;
 - (7) Fire-resistant penetrations;
 - (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
 - (9) Energy Code compliance; and
 - (10) A final inspection after all work authorized by the building permit has been completed.
- C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Uniform Code, the Property Maintenance Code or the Energy Code. Work not in compliance with any applicable provision of the Uniform Code, the Property Maintenance Code or the Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code, reinspected, and found satisfactory as completed.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 66-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 66-6. Stop-work orders. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:
- (1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code, the Property Maintenance Code or the Energy Code, without regard to whether such work is or is not work for which a building permit is required and without regard to whether a building permit has or has not been issued for such work; or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required and without regard to whether a building permit has or has not been issued for such work; or
 - (3) Any work for which a building permit is required which is being performed without the required building permit or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop-work orders. Stop-work orders shall:
- (1) Be in writing;
 - (2) Be dated and signed by the Code Enforcement Officer;
 - (3) State the reason or reasons for issuance; and
 - (4) If applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
- D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order.
- E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 66-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

§ 66-7. Certificates of occupancy. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. Certificates of occupancy required. A certificate of occupancy shall be required for any work which is the subject of a building permit and for all structures or buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy.
- B. Issuance of certificates of occupancy. The Code Enforcement Officer shall issue a certificate of occupancy if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy:
- (1) A written statement of structural observations and/or a final report of special inspections; and
 - (2) Flood hazard certifications.
- C. Contents of certificates of occupancy. A certificate of occupancy shall contain the following information:
- (1) The building permit number, if any;
 - (2) The date of issuance of the building permit, if any;
 - (3) The name, address and Tax Map number of the property;
 - (4) If the certificate of occupancy is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy is issued;
 - (5) The use and occupancy classification of the structure;
 - (6) The type of construction of the structure;
 - (7) The assembly occupant load of the structure, if any;
 - (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
 - (9) Any special conditions imposed in connection with the issuance of the building permit; and
 - (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy and the date of issuance.
- D. Temporary certificate. The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be

occupied safely; that any fire- and smoke-detecting or fire-protection equipment which has been installed is operational; and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed 90 days, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Property Maintenance Code and the Energy Code.

- E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspended such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 66-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy or for temporary certificate.

§ 66-8. Notification regarding fire or explosion.

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

§ 66-9. Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the following procedures:

- A. A building or structure or part thereof which is an imminent danger to life and safety of the public as a result of a fire or explosion is hereby declared to be a public nuisance.
- B. Whenever the Building Inspector finds a building or structure or part thereof to be an imminent danger to life and safety of the public as a result of a fire or explosion, the Building inspector may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger.
- C. The Building inspector may require the occupants of any such building or structure or part thereof to vacate the premises forthwith. No person shall use or occupy such building or structure or part thereof until it is made safe. Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections or repairs or to demolish and remove such building or structure or part thereof.
- D. All costs and expenses incurred by the Town of Schaghticoke in connection with any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a bill for such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay for such expenses within 10 days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose

such lien. As an alternative to the maintenance of any such action, the Building inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof, with the Assessor, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Schaghticoke.

§ 66-10. Operating permits.

- A. Operating permits required. Operating permits shall be required for conducting the activities or using the categories of buildings listed below. Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.
- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1.
 - (2) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling.
 - (3) Using pyrotechnic devices in assembly occupancies.
 - (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more.
 - (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of this Town.
 - (6) Acetylene generators: to operate an acetylene generator having a calcium carbide capacity exceeding five pounds.
 - (7) Automobile tire rebuilding plants: to operate an automobile tire rebuilding plant.
 - (8) Automobile wrecking yards: to operate an automobile wrecking yard.
 - (9) Bowling establishments: for bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.
 - (10) Cellulose nitrate motion-picture film: to store, keep or have on hand more 25 pounds of cellulose nitrate motion-picture film.
 - (11) Cellulose nitrate plastics (pyroxylin):
 - (a) To store, keep or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).
 - (b) To manufacture articles of cellulose nitrate plastics (pyroxylin), which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.

- (12) Combustible fibers: to store, handle or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
- (13) Combustible materials: to store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels or similar containers, rubber tires, baled cotton, rubber, cork or other similar materials, in excess of 2,500 cubic feet gross volume on any premises.
- (14) Compressed gases.
 - (a) To store, handle or use at normal temperatures and pressures:
 - [1] Flammable compressed gas: more than 2,000 cubic feet.
 - [2] Nonflammable compressed gas: more than 6,000 cubic feet.
 - (b) To store, handle or use any quantity of liquefied natural or hydrogen gas.
- (15) Cryogenics: to store, handle or use cryogenic fluids, except cryogenics used as a motor fuel and stored in motor vehicle tanks, as follows:
 - (a) Production, sale or storage of cryogenic fluids.
 - (b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers or liquefied oxygen in excess of 10 gallons.
- (16) Dry-cleaning plants: to use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (17) Dust-producing plants: to operate any grain elevator; flour, starch or feed mill; woodworking plant; or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur or other materials producing explosive-potential dust.
- (18) Explosive ammunition and blasting agents:
 - (a) To manufacture, possess, store, sell or otherwise dispose of explosives and blasting agents.
 - (b) To use explosives or blasting agents.
 - (c) To operate a terminal for handling explosives and blasting agents.
- (19) Flammable and combustible liquids:
 - (a) To store, handle or use flammable liquids in excess of 6 1/2 gallons inside dwellings or in excess of 10 gallons inside any other building or other occupancy or in excess of 60 gallons outside of any building, which provision shall not apply to:
 - [1] Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat or portable heating plant.
 - [2] Paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes.
 - (b) To store, handle or use combustible liquids in excess of 25 gallons inside a building or in excess of 60 gallons outside of a building, which provision shall not apply to fuel oil used in connection with oil-burning equipment.

- (c) A permit shall be obtained for the initial installation of an oil burner and a fuel-oil tank used in connection therewith. A permit shall be required for the replacement of a fuel-oil tank connected to an oil burner.
- (d) For processing, blending or refining flammable or combustible liquids.
- (20) Flammable finishing: for spraying, coating or dipping operations utilizing flammable or combustible liquids.
- (21) Fruit-ripening process: to conduct a fruit-ripening process using ethylene gas.
- (22) Fumigation and thermal insecticidal fogging: to conduct fumigation or thermal insecticidal fogging operations.
- (23) Hazardous chemicals:
 - (a) To store, handle or use more than 55 gallons of corrosive liquids or more than 50 pounds of oxidizing materials or more than 10 pounds of organic peroxides or more than 50 pounds of nitromethane or 1,000 pounds or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
 - (b) To store, handle or use any quantity of air-reactive, water-reactive or unstable materials.
- (24) Junkyards: to operate a junkyard.
- (25) Liquefied petroleum gas: for each installation of liquefied petroleum gas, employing a container or an aggregate of interconnected containers with water capacity of over 2,000 gallons, and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social or recreational purposes. Installers shall maintain a record of all installations and replacements of portable cylinders and shall have it available for inspection.
- (26) Lumberyards: to operate a lumberyard.
- (27) Magnesium: for melting, casting, heat-treating, machining or grinding of more than 10 pounds of magnesium per working day.
- (28) Matches:
 - (a) To manufacture matches.
 - (b) To store matches in excess of 25 cases, [NOTE: One case equals one matchman's gross of 14,400 matches.]
- (29) Organic coatings: to perform organic coating operations utilizing more than one gallon of organic coating on any working day.
- (30) Ovens and furnaces: to operate industrial processing ovens and furnaces operating at approximate atmospheric pressures and temperatures not exceeding 1,400° F. which are heated with oil or gas fuel or which, during operation, contain flammable vapors from the material in the oven or catalytic combustion system.
- (31) Service stations and repair garages: to operate a service station or repair garage.

- (32) Welding and cutting: to operate a welding and cutting business. A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.
- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.
- C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.
- D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall remain in effect until reissued, renewed, revoked, or suspended.
- F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 66-16, Fees, of this chapter must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 66-11. Firesafety and property maintenance inspections. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:
- (1) Firesafety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (2) Firesafety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
 - (3) Firesafety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed at least once every 36 months.
- B. Inspections permitted. In addition to the inspections required by Subsection A of this section, a firesafety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at any time upon the request of the owner of the property to be inspected or an authorized agent of such owner; receipt by the Code Enforcement Officer of a

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

- C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 66-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

§ 66-12. Complaints. [Amended 8-11-2010 by L.L. No. 7-2010]

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

- A. Performing an inspection of the conditions and/or activities alleged to be in violation and documenting the results of such inspection;
- B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 66-15, Enforcement; penalties for offenses, of this chapter.
- C. If appropriate, issuing a stop-work order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 66-13. Recordkeeping.

- A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:
 - (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All building permits, certificates of occupancy, temporary certificates, stop-work orders, and operating permits issued;

- (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 66-4 through 66-12, inclusive, of this chapter; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 66-14. Program review and reporting.

- A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 66-13, Recordkeeping of this chapter and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Town is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town in connection with administration and enforcement of the Uniform Code.

§ 66-15. Enforcement; penalties for offenses. [Amended 8-11-2010 by L.L. No. 7-2010]

- A. Compliance orders.
- (1) The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Property Maintenance Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:
 - (a) Be in writing;
 - (b) Be dated and signed by the Code Enforcement Officer;
 - (c) Specify the condition or activity that violates the Uniform Code, the Property Maintenance Code, the Energy Code, or this chapter;
 - (d) Specify the provision or provisions of the Uniform Code, the Property Maintenance Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity;

- (e) Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance;
 - (f) Direct that compliance be achieved within the specified period of time; and
 - (g) State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
- (2) The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.
- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets and any other necessary supporting instruments for any violation of the Uniform Code, the Property Maintenance Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Property Maintenance Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of this Town by the Code Enforcement Officer. Such actions are hereby deemed authorized by the Town Board.
- D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Property Maintenance Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Property Maintenance Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Property Maintenance Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of this Town.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 66-6, Stop-work orders, of this chapter, in any

other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 66-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 66-16. Fees.

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

§ 66-17. Intermunicipal agreements. [Amended 8-11-2010 by L.L. No. 7-2010]

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

§ 66-18. Repeal of prior laws; title; consistency with zoning provisions.

This chapter repeals and supersedes Chapter 66 of the Code of the Town of Schaghticoke entitled "Fire Prevention and Building Code Administration," which shall continue to be so entitled. To the extent that this chapter is inconsistent with any provision of Section X(B) of the Town of Schaghticoke Zoning Law, this chapter shall prevail.

§ 66-19. No limitation on duties or powers of Building Inspector.

Nothing contained in this chapter shall be construed to limit or abridge any duty, power or obligation of the Building Inspector conferred by any other chapter of the Code of the Town of Schaghticoke.

FLOOD DAMAGE PREVENTION

Chapter 69

FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 12-9-2015 by L.L. No. 2-2015.¹⁸ Amendments noted where applicable.]

GENERAL REFERENCES

Mobile homes — See Ch. 89.

Subdivision of land — See Ch. 108.

Stormwater management — See Ch. 107.

Zoning — See Ch. 125.

18. Editor's Note: This local law also repealed former Ch. 69, Flood Damage Prevention, adopted 6-10-1987 by L.L. No. 1-1987, as amended.

ARTICLE I
Statutory Authorization and Purpose

§ 69-1. Findings.

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

§ 69-2. Statement of purpose.

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

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

§ 69-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and

- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II

Definitions

§ 69-4. Word usage.

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

§ 69-5. Terms defined.

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

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

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

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or one-hundred-year floodplain. For purposes of this chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

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

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

BUILDING — See "structure."

CELLAR — Has the same meaning as "basement."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

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

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

federal standards.

FEDERAL EMERGENCY MANAGEMENT AGENCY — The federal agency that administers the National Flood Insurance Program.

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

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

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

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

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- B. "Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A(1) above.

FLOODPLAIN or FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source. (See the definition of "flooding.")

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

FLOODWAY — Has the same meaning as "regulatory floodway."

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

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

HISTORIC STRUCTURE — Any structure that is:

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

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

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

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

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

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILE HOME — Has the same meaning as "manufactured home."

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

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD — Has the same meaning as "base flood."

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

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and

- D. Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 69-14B of this chapter.

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ARTICLE III
General Provisions

§ 69-6. Applicability.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Schaghticoke, Rensselaer County.

§ 69-7. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard for the Town of Schaghticoke, Community Number 361168, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) Flood Insurance Rate Map Panel Numbers: 36083C0009D, 36083C0016D, 36083C0017D, 36083C0018D, 36083C0019D, 36083C0037D, 36083C0038D, 36083C0039D, 36083C0041D, 36083C0042D, 36083C0043D, 36083C0053D, 36083C0054D, 36083C0061D, 36083C0062D, 36083C0106D, 36083C0108D, 36083C0109D, 36083C0116D, 36083C0117D, 36083C0130D, 36083C0140D, whose effective date is January 6, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (2) A scientific and engineering report entitled "Flood Insurance Study, Rensselaer County, New York, All Jurisdictions," dated January 6, 2016.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Office of the Town Clerk, Town of Schaghticoke, 290 Northline Drive, Melrose, New York 12121.

§ 69-8. Interpretation; conflict with other laws.

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 69-9. Penalties for offenses.

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of Schaghticoke from taking such other lawful action as is necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under Article VI will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

§ 69-10. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Schaghticoke, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

ARTICLE IV
Administration

§ 69-11. Designation of local administrator.

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

§ 69-12. Floodplain development permits.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 69-7, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee as set forth by the Town Board by resolution. In addition, the applicant shall be responsible for reimbursing the Town of Schaghticoke for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$1,500 to cover these additional costs.

§ 69-13. Application for permit.

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

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 69-16C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 69-18, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the

original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 69-7 when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

§ 69-14. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited to the following.

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 69-13, Application for permit, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article V Construction Standards, and, in particular, § 69-15A, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article V, Construction Standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
 - (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 69-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
 - (2) When base flood elevation data are not available, the local administrator may use flood

information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of watercourses.

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

D. Construction stage.

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

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

F. Stop-work orders.

- (1) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 69-9 of this chapter.
- (2) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 69-9 of this chapter.

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 69-7, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.

- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:
 - (1) Floodplain development permits and certificates of compliance;
 - (2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsection D(1) and (2), and whether or not the structures contain a basement;
 - (3) Floodproofing certificates required pursuant to Subsection D(1), and whether or not the structures contain a basement;
 - (4) Variances issued pursuant to Article VI, Variance Procedures; and
 - (5) Notices required under Subsection C, Alteration of watercourses.

ARTICLE V
Construction Standards

§ 69-15. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 69-7:

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage;
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage; and
 - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- B. Encroachments.
- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
 - (b) The Town of Schaghticoke agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Schaghticoke for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Schaghticoke for all costs related to the final map revision.
 - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 69-7, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - (b) The Town of Schaghticoke agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Schaghticoke for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Schaghticoke for all costs related to the final map revisions.

§ 69-16. Standards for all structures.

The following standards apply to new development, including new and substantially improved structures,

in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 69-7:

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and the bottom of all such openings no higher than one foot above the lowest adjacent finished grade. Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.
- C. Utilities.
 - (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
 - (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
 - (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 69-17. Residential structures.

- A. Elevation. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 69-15A, Subdivision proposals, and § 69-15B, Encroachments, and § 69-16, Standards for all structures.
- (1) Within Zones A1-A30, AE and AH, and also Zone A, if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 69-7 (at least two feet if no depth number is specified).
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

§ 69-18. Nonresidential structures.

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in § 69-15A, Subdivision proposals, and § 69-15B, Encroachments, and § 69-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A, if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure shall either:
- (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
- (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection A(2), including the specific elevation (in relation to mean sea level) to which the structure

is to be floodproofed.

- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 69-19. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in § 69-15, General standards, and § 69-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either be on site fewer than 180 consecutive days, be fully licensed and ready for highway use; or meet the requirements for manufactured homes in Subsections B, C and D. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 69-7 (at least two feet if no depth number is specified).

ARTICLE VI
Variance Procedures

§ 69-20. Appeals Board.

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

§ 69-21. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the provisions of § 69-20D(1) through (12), have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
 - (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (1) The criteria of Subsections A, D, E and F of this section are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required in § 69-14H of this chapter.

(RESERVED)

Chapter 72

(RESERVED)

[Former Ch. 72, Freshwater Wetlands, adopted 8-30-1976, was repealed 8-11-2010 by 5-2010.]

SCHAGHTICOKE CODE

Chapter 74

GAMES OF CHANCE

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 8-22-1996 by L.L. No. 2-1996.¹⁹ Amendments noted where applicable.]

GENERAL REFERENCES

Bingo — See Ch. 52.

§ 74-1. Statutory authority; title.

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

§ 74-2. Definitions.

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

§ 74-3. Games authorized; restrictions.

- A. Games of chance may be conducted in the town by an authorized organization after obtaining a license therefor, in accordance with the provisions, requirements and limitation of Article 9-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this chapter.
- B. The conduct of games of chance on Sundays is authorized, except as otherwise provided in Article 9-A of the General Municipal Law.
- C. In addition to the restrictions contained in § 189 of the General Municipal Law, the conduct of games of chance in the town shall be subject to the following restrictions: NONE.

§ 74-4. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State, after approval thereof by the voters of the town voting thereon at the general election held on November 5, 1996.

19. Editor's Note: This local law was passed at a mandatory referendum held 11-5-1996.

Chapter 78**JUNKYARDS**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 7-11-1984. Sections 78-5A, 78-6C and K and 78-7B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Code Enforcement Officer — See Ch. 30, Art. V.

§ 78-1. Legislative intent.

By the adoption of this chapter the Town Board of the Town of Schaghticoke declares its intent in so doing to be to regulate, control and license the activities or businesses known as "auto graveyards," "junkyards," "secondhand parts collection areas," the processing of used metals for resale and the dumping, storage and disposal of waste, secondhand or used materials of whatever composition. Said Town Board hereby declares that such activities or businesses can constitute a hazard to property and persons and a public nuisance. Such materials may be highly flammable and sometimes explosive. Gasoline tanks on old autos often contain in some quantity combustible gasoline; the engine and other parts of such autos are frequently covered with grease and oil, which is also flammable. The tires, plastic seats, tops and other elements of such autos are also flammable. Batteries and other elements of such autos can contain acids and other matter potentially harmful to humans. These autos frequently contain sharp metal or glass edges or points upon which a human could receive serious cuts and abrasions. These autos can constitute attractive nuisances to children and certain adults. The presence of such junkyards is unsightly and tends to detract from the value of surrounding land and property unless such areas are properly maintained and operated.

§ 78-2. Definitions.

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

AUTO — Passenger auto, truck, tractor-truck, trailer, bus, motorcycle or other vehicle, however propelled, as well as tractors, bulldozers, machinery and equipment other than farm machinery and equipment.

JUNKYARD — Any place of storage or deposit, whether in connection with another business or not, where two or more unregistered motor vehicles no longer intended or in condition for legal use on the public highways are held, whether for the purpose of resale of used parts therefrom, for the purpose of reclaiming for use some or all of the materials therein, whether metal, glass, fabric or otherwise, for the purpose of disposing of the same or for any other purpose. Such term shall include any place of storage or deposit for any such purpose of used parts or waste material from motor vehicles which, taken together, equal in bulk two or more such vehicles; provided, however, that the term "junkyard" shall not be construed to mean an establishment having facilities for processing iron, steel or nonferrous scrap and whose produce is scrap iron, steel or nonferrous scrap for sale for resmelting purposes only, nor an establishment which garages all vehicles within buildings at all times. For purposes of this definition, it shall be presumed that any vehicle unregistered for more than six months is no longer intended for legal use on public highways.

§ 78-3. License required.

- A. No person shall operate, establish or maintain a junkyard until he:
- (1) Has obtained a license to operate a junkyard business, and
 - (2) Has obtained a certificate of approval for the location of such junkyard.
- B. No person shall engage in or conduct on real property within the Town of Schaghticoke, either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise, any activity or business, either for profit or otherwise, at wholesale or retail, 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:
- (1) Bodies, engines or parts of autos;
 - (2) Any other secondhand or used property of whatever material it is composed; or
 - (3) Any waste material, whether composed of wood, paper, cloth, cardboard, plastics, metals, stone, cement or otherwise, without first obtaining a license therefor as hereinafter provided.
- C. No person, without first obtaining a license therefor as hereinafter provided, shall store or keep on real property within the Town of Schaghticoke, either for himself or for and on behalf of any other person directly or indirectly as agent, employee or otherwise, any item of farm machinery and equipment no longer in serviceable or usable condition unless said item is both used by the owner as a source of used parts for his farm operation and located on said farm premises so as not to be readily observed by persons traveling on adjacent highways or waterways.
- D. Exemptions.
- (1) Regardless of any provisions of this chapter hereinbefore stated or hereinafter set forth, no license shall be required of an operator of a garage or repair shop enterprise for:
 - (a) The storing at his place of business of motor vehicles upon which he is working, owned by his customers and which are to be returned to his customers upon the completion of the work.
 - (b) The storing of a number not in excess of 10 unregistered or secondhand motor vehicles for any other purpose, provided that said motor vehicles are stored on the said operator's premises in an orderly manner removed from public view in a way reasonable under the circumstances of the operator's premises.
 - (2) To obtain such an exemption, such operator shall file each license year with the Clerk of the Town of Schaghticoke a certificate stating that such operator conducts a garage or repair shop open for business to the public at a certain specified location.
 - (3) No person engaged in the selling of new or used motor vehicles, machinery or equipment shall be required to obtain a license for the storing, depositing and exhibiting of said motor vehicles, machinery or equipment, as long as said motor vehicles, machinery or equipment are in a salable condition.

§ 78-4. Application for license.

- A. Each applicant for a license hereunder shall execute under oath an application therefor, to be supplied to him by the Town Clerk, which shall contain the following information:

- (1) That the applicant is over 18 years of age.
 - (2) That he is a citizen of the United States.
 - (3) Whether he has ever been convicted of a felony or misdemeanor and such other facts or evidence as is 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.
 - (4) A description of the exact type of business he intends to conduct.
 - (5) The nature of the materials he intends to handle.
 - (6) The number of employees he intends to engage.
 - (7) The name and address of the owner or owners of the land and the nature of the right of occupancy of the applicant in the use of such land.
- B. At the time of making the application, the applicant shall submit to and file with the Town Clerk a map or plan of the real property upon which he intends to conduct the activity or business for which he is making application for a license hereunder, with the area of such real property which it is proposed to use for such purpose and the location of the fence required hereunder indicated thereon, as well as the location of any buildings on such land and the location of any streets or highways abutting or passing through such land and the location of any water, sewer or gas mains or laterals available thereto as well as the general drainage pattern of such land.
- C. In the application the applicant shall agree that if granted the license applied for, he will conduct the activity or business pursuant to the regulations hereinafter set forth, and that upon his failure to do so, such license may be revoked forthwith.
- D. A person presently engaged in or conducting an activity or business such as described herein on real property within the Town of Schaghticoke must apply for a license therefor within 60 days of the adoption of this chapter. If the place where he conducts such activity or business presently complies with the requirements a person must meet to secure a license in the first instance, he shall be issued a license therefor if he meets the other requirements contained herein. If the place where he conducts such activity or business does not presently comply with the requirements a person must meet to secure a license in the first instance, he may be granted a temporary license for six months, during which time he must arrange the place where he conducts such activity or business so that it does then comply with the requirements a person must meet to secure a license in the first instance. If at the end of such six-month period such person has not arranged his place of such activity or business, he shall forthwith cease and desist engaging in or conducting the same and shall remove from such place any autos, parts or other materials of the nature described herein.
- E. If the person conducting such activity or business is not the sole owner thereof, he shall state such fact at the time he applies for his temporary license, and the Town Clerk at the time of issuing such temporary license shall send to the owners or each of them a notice of the issuance of such temporary license to such person, together with a copy of this chapter.

§ 78-5. License fee; issuance and effect.

- A. The fee for the license is hereby fixed at \$25 plus the costs of advertising, which sum covers not only the cost of the license itself but also the cost of making the necessary inspections of the premises to ascertain compliance with the regulations hereafter prescribed. 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 last day of December of the year of such issuance, after which a new application for license must be made yearly if licensee desires to continue such activity or business.²⁰

- B. Such license is personal with the licensee. It does not pass 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. Upon revocation of a license the Town Board may require the removal of autos, parts and materials left as above provided in the case of an applicant for a temporary license who fails to qualify for a license.

§ 78-6. Regulations for operation.

- 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 must erect and maintain an eight-foot fence which completely surrounds and substantially screens the junkyard and is adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt in by the licensee, and if such area abuts a residential area or public street or highway, such fence shall be no nearer than 50 feet to the boundary line thereof. All the materials dealt in by the licensee shall be kept within such fence at all times.²¹
- D. Inside and adjacent to and contiguous with such fence a strip of land at least 10 feet in width shall be kept free of all dry grass or other growth or other combustible materials so as to provide a fire lane for and around the whole area where the activity or business of the licensee is to be conducted.
- E. There shall be maintained at each such place of activity or business for which a license is issued at least one fire extinguisher of approved design and capacity for each 40,000 square feet of area. Each such fire extinguisher shall be hung or mounted in a conspicuous place, clearly marked and available.
- F. When the area is not supervised by the licensee or his employees, the fence shall be locked at a secure gate in a secure manner.
- G. Suitable sanitary facilities shall be available, connected to approved public sewers or septic tanks, for the use and convenience of the employees of the licensee as well as the general public visiting the area.
- H. The area of the licensee's activity or business shall not be used as a dump area nor a place for the burning and disposal of junk or trash.
- I. Operations resulting in noises causing an annoyance or disturbance to neighbors shall not begin before 8:00 a.m. and shall cease before 10:00 p.m.
- J. Any or all of the foregoing may be modified or eliminated by appropriate action of the Town Board where the applicant can demonstrate need or necessity of such modification or elimination by reasons of business activity, isolated location or for any other reason.

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

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

- K. The Town Code Enforcement Officer or the Town 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.²²

§ 78-7. Penalties for offenses; additional remedies.

- A. The owner or licensee of any such place of business who commits or permits any acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against such chapter and also shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or be permitted to exist shall constitute a separate violation.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than \$250 or to imprisonment not exceeding 15 days, or both such fine and imprisonment.²³
- C. Conviction for any above-mentioned violation shall result in an immediate forfeiture of the license.
- D. Any person violating this chapter shall be subject to a civil penalty enforceable and collectible by the town in the amount of \$500 for each such offense. Such penalty shall be collectible by and in the name of the town for each day that such violation shall continue.
- E. 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 chapter.

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

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

Chapter 82**LANDFILLS**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 3-5-1962. Amendments noted where applicable.]

GENERAL REFERENCES

Code Enforcement Officer — See Ch. 30, Art. V.

Junkyards — See Ch. 78.

§ 82-1. Legislative intent; findings.

- A. By the adoption of this chapter the Town Board of the Town of Schaghticoke declares its intent to be to regulate in a manner consistent with the interest of the citizens of the Town of Schaghticoke the dumping of garbage, rubbish, refuse and similar waste material on lands within the town and to provide for the disposal thereof on the established town sanitary landfill refuse disposal area.
- B. Garbage is a deleterious substance. Unattended private and public garbage dumps and disposal areas emit noxious odors and fumes, attract rodents and vermin and become breeding places therefor. The process of burning garbage causes smoke and oxidized garbage to be given off into the air which the community breathes. All of these conditions can adversely affect the development of the town unless they are properly and carefully regulated. Therefore, recognizing the above and the need of our town for an adequate and well-regulated procedure for the disposal of garbage, rubbish and refuse, and in the exercise of its police power in these regards, the Town Board of the Town of Schaghticoke does hereby enact this chapter.

§ 82-2. Applicability.

This chapter shall apply to dumping upon all lands, public or private, within the Town of Schaghticoke, and also it shall apply to all persons, and such term "persons" shall include all individuals, firms, partnerships, corporations, municipalities or municipal corporations and associations of persons.

§ 82-3. Dumping prohibited.

No person, as above defined, shall use any land within the Town of Schaghticoke as a dump, dumping ground or sanitary landfill area, nor shall any person throw, dump, deposit or place on such lands or cause to be thrown, dumped, deposited or placed on said lands any waste materials or waste substance such as bottles, cans, garbage, refuse, trash, rubbish, litter or any nauseous, noxious or offensive matter, nor dispose or attempt to dispose of any such materials, substance or matter by so-called sanitary landfills or otherwise on such lands or by burying or incinerating the same on such lands except on the established public sanitary landfill refuse disposal area owned and operated by the Town of Schaghticoke as provided herein.

§ 82-4. Solid waste from outside town. [Added 7-8-1987]

- A. Under no circumstances shall any person, firm, association or corporation be permitted to dump solid waste of any kind or nature originating from any place or places situated without the geographical confines of the Town of Schaghticoke on any place or places situated within the geographical

confines of the said Town of Schaghticoke. As used herein, "solid waste" shall be deemed to be any rubbish, garbage, refuse, sludge, building demolition and debris or any solid, liquid or semisolid material resulting from industrial, commercial, residential, agricultural or community activities which has served its original intended use and is being discarded.

- B. The Building Inspector for the Town of Schaghticoke shall have the authority to issue permits to town landowners for permission to dump solid waste on their property if the solid waste originated from a place or places situated within the geographical confines of the Town of Schaghticoke. An application for such a permit shall be on a form prescribed by the Town Board, and permits shall be issued only after the appropriate application fee has been paid and the application form has been properly completed, submitted and approved.
- C. Nothing herein contained shall be deemed to prohibit a town landowner from properly disposing of noncommercial or nonindustrial rubbish, waste material or building demolition and debris on property upon which such rubbish, waste material or garbage is produced, and no permit shall be required for such activity.

§ 82-5. Restrictions on use of landfill areas.

- A. No person shall deposit or cause to be deposited on the premises established as the public sanitary landfill refuse disposal area any material except at the place or places thereon and in the manner directed by the person in charge of the premises under the authority of the Town Board or by signs erected upon the premises by the authority of the Town Board.
- B. No person shall deposit or cause to be deposited on the public sanitary landfill refuse disposal area of the Town of Schaghticoke any material which originated or was collected from outside of the Town of Schaghticoke, except with the express prior written permission of the Town Board. **[Amended 2-10-1982]**
- C. No person not a resident of or conducting an established business in the Town of Schaghticoke may deposit or cause to be deposited any material on the town's sanitary landfill refuse disposal area.
- D. No person shall deposit or cause to be deposited on the public sanitary landfill refuse disposal area of the Town of Schaghticoke any material except on such days and at such time or times as said area shall be open pursuant to resolution of the Town Board.
- E. No person, except an officer or employee of the town, shall be upon the town's sanitary landfill refuse disposal area at any time except for the dumping of refuse at a permitted time.
- F. The Town Board shall, from time to time, promulgate rules and regulations for the operation and maintenance of the town's sanitary landfill refuse disposal area. **[Added 2-10-1982]**

§ 82-6. Permits for collectors.

- A. Persons engaged in the business of collecting garbage and refuse in the Town of Schaghticoke shall not, after the effective date of this chapter, use the facilities of the town's sanitary refuse disposal area without a permit therefor. Permits may be obtained from the Town Clerk upon payment to the Town Clerk of a fee in an amount to be established from time to time by resolution of the Town Board. The aforementioned permits shall expire on the 31st day of December in the year for which they were issued. **[Amended 2-10-1982]**
- B. Any permit issued hereunder may be revoked by the Town Board upon violation by the holder of said

permit of any provision of this chapter, after a hearing held by said Town Board at which the holder of said permit shall have an opportunity to be heard. **[Amended 2-10-1982]**

- C. No permit shall be required of the municipality of the Village of Schaghticoke.
- D. Any holder of a permit under this section shall be subject to all the provisions of this chapter, and the granting of a permit shall not be construed to grant any special rights or privileges.
- E. Every holder of a permit under this chapter shall be required to cover all garbage, trash, rubbish and refuse while the same is being transported in our town in order that papers, litter and offensive odors may not be emitted from the vehicle transporting the same. A tarpaulin covering the load, or covered containers or a van body or covered garbage vehicle shall be deemed to comply with the provisions of this section.
- F. The provisions of this section shall apply to all persons transporting refuse to the public sanitary landfill refuse disposal area.

§ 82-7. Penalties for offenses.

- A. Any person who commits or permits any act or acts in violation of any of the provisions of this chapter shall be deemed to have committed an offense against this chapter and shall be liable for any such violation or the penalty therefor. Each day such violation shall continue or shall be permitted to exist shall constitute a separate offense.
- B. Any person or persons, association or corporation committing an offense against this chapter or any section or provision thereof is guilty of an unclassified misdemeanor punishable by a fine of not less than \$250 and not exceeding \$1,000 or imprisonment for a period not exceeding one year for each such offense, or by both such fine and imprisonment. **[Amended 2-10-1982; 7-8-1987]**
- C. 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 this chapter.

Chapter 86**MASS GATHERINGS**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 11-17-1980 by L.L. No. 3-1980. Section 86-3F amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 86-1. Purpose.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility by regulating mass gatherings within the Town of Schaghticoke.

§ 86-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

MASS GATHERING — Any assemblage or gathering of people at a carnival, circus, fair, musical festival, concert, sporting or recreation event or other public amusement of a temporary nature to which a charge is made for admission or in connection with which a charge is made for the use or enjoyment of any facility or activity thereat or therein; however, such term "mass gathering" shall not include any activity having less than 250 people in attendance, nor shall the term apply to the operations, activities or affairs of any duly established municipal, educational, historical, fire-fighting, religious or agricultural/horticultural organization or institution located in the Town of Schaghticoke, nor to any political party qualified for a line on the ballot in a general election [i.e., a party receiving at least 5% of the vote in the last gubernatorial election].

§ 86-3. Permit required; application procedure.

No person, firm, corporation or company shall hold or promote, by advertising or otherwise, a mass gathering unless a permit shall have been issued therefor by the Town Board of the Town of Schaghticoke as herein provided.

A. An application for a permit under this section shall be submitted to the Town Board of the Town of Schaghticoke no less than 60 days prior to the proposed activity. A permit under this section may be issued by the Town Board upon the written application by the person who will promote or hold the mass gathering. The application may be in letter form and shall contain the following information:

- (1) The exact location of the mass gathering.
- (2) The name and address of the person or persons holding or promoting the mass gathering.
- (3) The date or dates and the hours of the proposed mass gathering.
- (4) The name and address of the owner or owners of the property or properties where the mass gathering will occur.
- (5) The nature of the interest of the applicant in the property or properties.
- (6) The expected number of people in attendance.
- (7) The expected number of vehicles intended to use the property or properties at one time and collectively.

- (8) The admission fee to be charged.
- (9) The purpose of the mass gathering, including the nature of the activities to be carried on.
- B. Each application shall be further accompanied by such additional plans, reports, specifications and other material as may be required by the Town Board by regulation respecting the proposed provisions for adequate parking, adequate traffic control, adequate crowd control, adequate sanitation facilities, adequate medical and first-aid facilities, adequate potable water supply, adequate fire protection, adequate drainage, adequate food services and adequate refuse, storage and disposal facilities and adequate plans for cleanup.
- C. Each applicant shall submit a plan or drawing to scale showing the method and manner in which:
 - (1) Sanitary facilities are to be provided for the disposal of human wastes.
 - (2) Water will be supplied, stored and distributed to those persons attending.
 - (3) The layout of any parking area for motor vehicles, including the means of egress from and ingress to such parking areas, with such plan to reflect the best and safest means of traffic control and safety for persons attending and the general public.
- D. Each applicant shall submit a statement specifying whether food or beverage is intended to be prepared, sold and distributed. If food or beverages are intended to be prepared, sold or distributed, each applicant shall submit a statement specifying the manner of preparation and distribution of such and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom.
- E. Each applicant for a permit shall submit proof of an adequate comprehensive liability insurance policy issued by an insurance company insuring the Town of Schaghticoke, its officers and employees from liability to persons or property and naming the Town of Schaghticoke, its officers and employees as being coinsured persons or as additional insured parties. Such policy shall not be cancelable by the insurer without 10 days' prior written notice to the Town of Schaghticoke.
- F. Each applicant shall deposit with the Town Clerk cash or good surety company bond, approved by the Town Board, in the minimum of \$100,000 and conditioned that no damage will be done to any public or private property and that the applicant will not permit any litter, debris or other refuse to remain upon any public or private property after 72 hours after the termination date of the permit which cash shall be refunded or surety company bond canceled upon certification to the Town Board by the Town Code Enforcement Officer that all conditions of this chapter have been complied with.²⁴
- G. If the applicant is a corporation, the name of the corporation and the names and addresses of its directors shall be set forth. Furthermore, if the applicant resides outside the County of Rensselaer, the applicant shall set forth the name and address of an agent, who shall be a natural person, who shall reside in or have a place of business in the County of Rensselaer and who shall be authorized to and shall agree by an acknowledged statement to accept notices or summons issued with respect to the application, the conduct of the mass gathering and any matter involving it arising out of the application, construction or enforcement of this chapter.

§ 86-4. Limitations and regulations.

Any person or organization holding a permit under this chapter and every place of public assemblage shall comply with the following provisions, the violation of which shall be unlawful:

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

- A. No mass gathering authorized pursuant to the provisions of this chapter shall extend or be conducted beyond 12:00 midnight of any day, nor shall any authorized mass gathering commence activity on any day prior to 9:00 a.m.
- B. No mass gathering authorized herein shall extend for a period in excess of five consecutive days.
- C. All vehicular parking shall be contiguous to the activity sponsored by the applicant.
- D. No light on any part of premises licensed hereunder or on any place of public assemblage shall be permitted to shine beyond the property line of the premises with an intensity sufficient to disturb the peace, health, safety or comfort of any adjacent residents or the general public.
- E. No soot, cinders, smoke, fumes, gases or disagreeable or unusual odors shall be permitted to emanate from the premises so as to be detrimental to any person or to the public or which either annoys, disturbs, injures, endangers or which may disturb, injure or endanger the health, safety and welfare of any person or the public.
- F. At no time shall music be played by mechanical device or live performance which annoys, disturbs, injures, endangers or which might annoy, disturb or endanger any person or the public in their health, comfort, safety, repose and peace.
- G. No loud, unnecessary or unusual noise shall be permitted to be made or caused to be made or continued at any time which either annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons or the public.
- H. There will be complete removal of refuse and complete cleanup of the area and location within 72 hours following the mass gathering.

§ 86-5. Revocation of permit.

Any permit granted hereunder may be revoked by the Town Board of the Town of Schaghticoke if it finds that the mass gathering area for which a permit was issued is maintained, operated or occupied in violation of this chapter or the Sanitary Code of the State of New York or of the health district in which such mass gathering takes place.

§ 86-6. Denial of application.

If the Town Board of the Town of Schaghticoke shall deny an application for a permit under this chapter, the Town Clerk of the Town of Schaghticoke shall notify the applicant in writing of the disapproval and shall include therein the reasons for such disapproval.

§ 86-7. Permit not transferable.

No permit issued by the Town Board shall be transferred or assigned to any person or used by any person other than the person to whom it was issued, nor shall such permit be used at any other time or on any location other than the date and location stated in the permit application.

§ 86-8. Penalties for offenses.

- A. A failure to comply with the provisions of this chapter shall be deemed a violation and the violator shall be liable to a fine of not more than \$1,000 for each such violation or a violator may be subject to imprisonment for a period not exceeding 60 days, or both.

- B. In addition to the above-provided penalties, the Town Board may maintain any action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this chapter.

Chapter 89**MOBILE HOMES**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 4-22-1974 by L.L. No. 1-1974. Sections 89-3 and 89-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.²⁵ Other amendments noted where applicable.]

GENERAL REFERENCES

Code Enforcement Officer — See Ch. 30, Art. V.

§ 89-1. Title.

This chapter shall be known as "Local Law No. 1-1974 of the Town of Schaghticoke, Rensselaer County, New York."

§ 89-2. Purpose.

- A. The purpose of this chapter is to promote the health, safety, morals and general welfare of the community, including the protection and preservation of the property of the Town of Schaghticoke and of its inhabitants, by establishing specific requirements and regulations governing the occupancy and maintenance of mobile homes and mobile home parks.
- B. The provisions of this chapter shall supersede all local laws, ordinances, codes or regulations to the extent that such local laws, ordinances, codes or regulations are inconsistent with the provisions of this chapter, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this chapter, and such more restrictive requirement or a higher standard shall govern during the period in which it is in effect.
- C. In a case where a provision of this chapter is found to be in conflict with a provision of a zoning, building, housing, electrical ordinance or regulation adopted pursuant thereto or any other local, county or state law, ordinance, code or regulation, the provision or requirement which is the most restrictive or which establishes a higher standard shall prevail.²⁶

§ 89-3. Definitions.

For the purpose of this chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section:

MOBILE HOME — A movable or portable year-round living unit designed and constructed to be towed on its own chassis, connected to utilities, with or without a permanent foundation. "Mobile home" shall mean a unit designed to be used exclusively for residential purposes.²⁷

25. Editor's Note: In this chapter the term "Town Building Inspector" has been changed to "Town Code Enforcement Officer" to conform to the provisions of an ordinance adopted October 8, 1986, which created the position of Code Enforcement Officer and authorized that Officer to administer, among other provisions, regulations for mobile homes.

26. Editor's Note: See Ch. 66, Fire Prevention and Building Code Administration.

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

MOBILE HOME LOT — A designated site of specific total land area which is located within a mobile home park for the accommodation of one mobile home and its occupants.

MOBILE HOME PARK — Any parcel of land which is planned and improved for the placement of two or more mobile homes which are used as dwellings and for occupancy of more than 90 consecutive days.

MOBILE HOME STAND — A durable surface located on a mobile home lot which is to be used for the placement of and capable of supporting a mobile home.

§ 89-4. Licenses required for mobile home parks.

No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Schaghticoke, shall use or allow the use of such land for a mobile home park unless a license has been obtained as herein provided.

A. Issuance of license.

- (1) The Town Code Enforcement Officer of the Town of Schaghticoke shall issue a license, to be effective from the date of issuance for a period of one year.
- (2) No license will be issued until the Town Clerk has received:
 - (a) A written application from the applicant.
 - (b) The required fee as herein provided.
 - (c) Approval of the application by the Rensselaer County Department of Health (or the New York State Department of Health District Office).
 - (d) Approval by the Town Code Enforcement Officer.
 - (e) A resolution from the Town Board approving the issuance of the license.
- (3) No license shall be transferable or assignable.

B. Supplemental license.

- (1) Any person holding a license for a mobile home park and desiring to add additional lots to such park shall file an application for a supplemental license.
- (2) The application for such supplemental license must be accompanied by three sets of plans and specifications as required by § 89-6. The application for a supplemental license shall be filed and handled according to the procedure established in this section.
- (3) When approved according to the provisions of Subsection A(2) and upon the receipt of the required fee, the Town Code Enforcement Officer shall issue a supplemental license, which will be effective from the date of issuance for a period of one year.

C. License renewal.

- (1) An application for the renewal of any mobile home park license which was issued in accordance with the provisions of this chapter must be filed with the Town Clerk on or before the first day of the month preceding the expiration of the license.
- (2) The renewal application shall not be accompanied by a plan of the park unless changes have been made to it.

- (3) Upon the approval of the Town Code Enforcement Officer and by resolution of the Town Board, the Town Code Enforcement Officer shall issue a renewal license, to be effective upon the expiration of the previous license and continue in force for a period of one year.
- (4) At the time the renewal license is issued, the applicant shall pay the required fee.
- (5) No renewal license shall be transferable or assignable.

D. License fees.

- (1) The applicant shall pay the Town Clerk an annual fee equal to the sum of \$25 plus \$1 multiplied by the number of mobile home lots authorized by the license.
- (2) The minimum fee to be paid shall be \$35.
- (3) The fee for a supplemental license shall be computed at the rate of \$1 per lot.

§ 89-5. License application procedure.

- A. Each application for a mobile home park license shall be in writing and signed by the applicant.
- B. The application and related information shall be filed with the Town Clerk in triplicate.
- C. The Town Clerk shall transmit one copy of the application to the Town Code Enforcement Officer; the Town Clerk shall refer one copy of the application to the Town Planning Board for review and report prior to final action by the Town Board in accordance with the provisions of § 274 of the Town Law. The Town Clerk shall place a notice in the official town newspaper or newspapers to the effect that such an application has been filed.
- D. The Town Code Enforcement Officer shall check the application for compliance with the minimum requirements as established by the rules and regulations of the New York State Department of Health, the Rensselaer County Department of Health, the Town of Schaghticoke and the Sanitary Code of the State of New York.²⁸ The Town Code Enforcement Officer shall, after such investigation, transmit the certified application to the Town Board, together with his written findings as to whether the application satisfies or does not meet the minimum health and sanitary standards, within 30 days after the date of filing the application with the Town Clerk.
- E. Upon receipt of the application from the Town Clerk, the Town Planning Board shall review the general arrangement of the mobile home park. This shall include a review of location and width of streets; the location, size and arrangements of lots; the location of other structures within the park or camp; the location of entrances and exits; and the location, type and extent of landscaping and screening materials. The Planning Board shall transmit the application back to the Town Board, together with its written findings, within 30 days of receipt of the application. Failure to act within 30 days of receipt of the application shall be deemed approval by the Town Planning Board.
- F. The Town Board shall review the findings of the Town Code Enforcement Officer and the Town Planning Board and by resolution indicate its approval or disapproval of the application within 60 days of the date of filing the application with the Town Clerk. The application shall be returned to the Town Clerk and the applicant notified in writing by the Town Clerk of the decision rendered within five days of the date of such decision.

28. Editor's Note: See Public Health § 225 et seq.

- G. If the application is disapproved, the applicant shall have the right to appear before the Town Board for a hearing.

§ 89-6. Application data.

Each application shall be accompanied by three complete sets of plans which are prepared by a surveyor, engineer or other qualified person. The plans shall be drawn to a scale of 20, 40 or 50 feet to one inch; shall include the date, North point and scale; and shall furnish the following information:

A. Legal data.

- (1) The name and address of the applicant or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation.
- (2) The description of land that is proposed to be used as a mobile home park, together with a map showing its location in the town.
- (3) The number of lots to be provided in such park.

B. Physical features.

- (1) Contours at two-foot intervals.
- (2) Location of watercourses, marshes and areas subject to flooding.
- (3) Wooded areas.

C. Existing development.

- (1) A location map which shows all land within 300 feet of the proposed park and all structures on the land which abuts the proposed park.
- (2) The location, names and widths of all adjacent streets.
- (3) The location of all waterlines and utilities within and adjacent to the proposed site.

D. Proposed development.

- (1) The location and widths of all entrances, exits, streets and walkways.
- (2) The location, size and arrangement of each lot within the park.
- (3) The method and plan for electric lighting.
- (4) The location and plan of all proposed structures and improvements.
- (5) Any proposed grading and plans for landscaping.
- (6) Any proposed stormwater drainage.
- (7) Any proposed utilities.
- (8) Any public improvements proposed by the town in or adjoining the proposed park.
- (9) Existing zoning.

§ 89-7. Requirements for parks.

The following requirements shall be applicable to mobile home parks:

A. Site.

- (1) The park shall be located in areas where grades and soil conditions are suitable for use as mobile home sites.
- (2) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and be free at all times from stagnant pools of water.
- (3) The park shall be free from heavy or dense growth of brush and woods.
- (4) The park shall be no less than two acres nor more than five acres in size, with a minimum of 100 feet of frontage on a public road.
- (5) The park shall be located no less than one mile distant from the nearest boundary line of any other mobile home park. **[Added 7-12-1989 by L.L. No. 1-1989]**

B. Mobile home lot.

- (1) Each mobile home park shall be marked off into mobile home lots.
- (2) The total number of mobile home lots in a mobile home park shall not exceed five per gross acre.
- (3) Each mobile home lot shall have a total area of not less than 6,000 square feet with a minimum dimension of 60 feet.

C. Mobile home placement.

- (1) Any mobile home shall not be parked or otherwise located nearer than a distance of:
 - (a) At least 30 feet from an adjacent mobile home in any direction.
 - (b) At least 50 feet from an adjacent property line.
 - (c) At least 100 feet from the right-of-way line of a public street or highway.
 - (d) At least 10 feet from the nearest edge of any roadway location within the park.
- (2) Only one mobile home shall be permitted to occupy any one mobile home lot.

D. Mobile home stand.

- (1) Each mobile home lot shall have a mobile home stand which shall provide for the practical placement on and removal from the lot of both the mobile home and its appurtenant structures and the retention of the home on the lot in a stable condition.
- (2) The stand shall be of sufficient size to fit the dimensions of the anticipated mobile home and its appurtenant structures or appendages.
- (3) The stand shall be constructed of an appropriate nonporous material which is durable and adequate for the support of the maximum anticipated loads.

- (4) The stand shall be suitably graded to permit rapid surface drainage.

E. Accessibility.

- (1) Each mobile home park shall be easily accessible from an existing public highway or street.
- (2) Where a mobile home park has more than 16 mobile homes, two points of entry and exit shall be provided, but in no instance shall the number of entry and exit points exceed four.
 - (a) Such entrances and exits shall be designated and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
 - (b) All entrances and exits shall be at right angles to the existing public highway or street.
 - (c) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
 - (d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with mobile homes attached.
- (3) Each park shall have improved streets to provide for the convenient access to all mobile home lots and other important facilities within the park. Streets shall be improved to at least meet Erwin Plan specifications.
 - (a) The street system shall be so designed to permit the safe and convenient vehicular circulation within the park.
 - (b) Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety.
 - (c) All streets shall intersect at right angles.
 - (d) All streets shall have the following minimum widths:
 - [1] One-way traffic movement, 12 feet.
 - [2] Two-way traffic movement, 20 feet.
 - (e) Except in cases of emergency, no parking shall be allowed on such street.
- (4) An improved driveway shall be provided for each mobile home lot. This driveway shall have a minimum width of nine feet.

F. Parking.

- (1) One off-street parking space shall be provided on each mobile home lot. The parking space shall be of similar construction and grading as the mobile home stand. Such space shall have a minimum width of nine feet and a minimum length of 20 feet.
- (2) Additional off-street parking space shall be provided at strategic and convenient locations for guests and delivery and service vehicles.
 - (a) There shall be one additional parking space for each two mobile home lots within the park.
 - (b) Such parking space shall be provided in bays which shall provide for adequate

maneuvering.

G. Utilities and service facilities.

- (1) The following utilities and service facilities shall be provided in each mobile home park, which shall be in accordance with the regulations and requirements of the Rensselaer County Department of Health, the New York State Department of Health and the Sanitary Code of New York State:²⁹
 - (a) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home lots, and buildings within the park shall be provided with proper water connections.
 - (b) Each mobile home lot shall be provided with a sewer which shall be connected to the mobile home situated on the lot, to receive the waste from the shower, tub, flush toilet, lavatory and kitchen sink in such home. The sewer shall be connected to a public or private sewer system so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects.
 - (c) Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. The cans shall be located no further than 200 feet from any mobile home lot. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to ensure that such cans shall not overflow.
- (2) Service buildings shall be provided as deemed necessary for the normal operation of the park; however, such buildings shall be maintained by the owner or manager of the park in a clean, sightly and sanitary condition.
- (3) Each mobile home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

H. Open space.

- (1) Each mobile home park shall provide common open space for use by the occupants of such park.
- (2) Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least 10% of the gross land area of the park.

I. Landscaping.

- (1) Lawn and ground cover shall be provided on those areas not used for the placement of mobile homes and other buildings, walkways, roads and parking areas.
- (2) Planting shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade and a suitable setting for the mobile homes and other facilities.
 - (a) Screen planting shall be provided to screen objectionable views. Views which shall be screened include laundry facilities, other nonresidential uses, garage, storage and

29. Editor's Note: See Public Health § 225 et seq.

collection areas and all abutting yards of adjacent properties.

- (b) Other planting shall be provided along those areas within the park which front upon existing public highways and streets to reduce glare and provide pleasant outlooks for the living units.

J. Recording.

- (1) The owner or operator of each mobile home park shall keep a written record of all persons occupying or using the facilities of such park. This record shall be available for a period of at least one year from the date of occupancy.
- (2) This record shall include:
 - (a) The name and address of the occupant of each mobile home.
 - (b) The name and address of the owner of each mobile home which is not occupied by such owner.

§ 89-8. Mobile homes located outside parks. [Amended 8-4-1982 by L.L. No. 1-1982]

- A. Prohibition of mobile homes. No person or persons, being the owner or occupant of any land in the Town of Schaghticoke, shall permit the use of such land for the placement and occupancy of a mobile home without first obtaining a permit therefor as hereinafter provided, nor shall any person place, with the intent to use or make available for use, a mobile home on any land not in a mobile home park within said town without first obtaining a permit as provided in Subsection B.
- B. Issuing of permits. The Town Board of the Town of Schaghticoke, upon a written application as provided in Subsection D, shall issue a permit to any owner of a single mobile home located on a private lot owned by the owner of such mobile home and not located in a mobile home park. Such permit shall be issued only if all provisions of this section have been complied with; it shall not be transferable or assignable. In the event that the owner of the mobile home is not the owner of the lot, the mobile home owner and the landowner shall apply for the permit as cosigners.
- C. Permitted uses. A permit for the use of land within the Town of Schaghticoke for the placement and occupancy of a mobile home may be granted in the following situations only: **[Added 7-8-1987 by L.L. No. 2-1987]**
 - (1) A permit may be granted for a period not to exceed six months if the applicant intends to construct on such land a dwelling house for his own occupancy or his employees' occupancy, and the mobile home may be occupied for that period and while construction is ongoing. Said mobile home shall be removed from the premises upon expiration of the permit. The permit may be extended for an additional six months upon good cause being shown and a showing that construction has not been completed.
 - (2) A permit may be granted to the owner of a farm, allowing the placement of not more than two mobile homes to be occupied only by full-time farm workers and their families employed by the owner and provided that, in addition to the other rules and regulations set forth herein, the mobile homes are located on a lot of at least 100 by 150 feet and are no closer than 40 feet to the farmhouse or any farm building, and provided that the lot is free from drainage problems and fenced off from farm animals.
- D. Application for permit. The application for such mobile home permit shall be filed with the Town

Clerk and shall state or include:

- (1) The name of the applicant and his permanent residence address, and the property owner if different from the mobile home owner.
- (2) The date of manufacture, registration number and dimensions of such mobile home.
- (3) Evidence that such mobile home, if manufactured after January 15, 1974, bears the seal required by the State of New York or an equivalent acceptable to the State of New York.
- (4) The street and number where such mobile home is to be located.
- (5) Evidence that the provisions of Subsection F of this section have been or will be complied with.
- (6) The original or a true copy of the deed to the land in question.
- (7) A plan drawn to scale of not smaller than one inch equals 20 feet. This plan must show the boundaries of the land, the location or plan for the proposed water supply and sewage disposal systems and the location of adjacent properties, streets and structures.
- (8) A fee in the amount of \$25.

E. Application procedure.

- (1) The Town Clerk shall transmit the application to the Town Code Enforcement Officer. Upon receipt, the Code Enforcement Officer shall review the application's compliance with the provisions of this section and the requirements of the Rensselaer County Department of Health. The Town Code Enforcement Officer shall then transmit the application, along with his written findings, to the Town Board.
- (2) The Town Board shall receive the application and the findings of the Town Code Enforcement Officer and by resolution indicate its approval or disapproval.
- (3) The Town Clerk shall notify the applicant of the decision of the Town Board, and the Town Code Enforcement Officer shall issue a license to the applicant if the application was approved.
- (4) If the application was disapproved, the applicant shall have the right to appear before the Town Board for a hearing.

F. Regulations. The owner and occupant of such mobile home and premises shall comply with the following regulations unless, upon a proper showing, the Board waives or modifies any of the following in whole or in part:

- (1) Each mobile home shall be a distance of at least 50 feet from the nearest right-of-way line of any public highway or street.
- (2) Each mobile home shall be a distance of at least 50 feet from any adjacent property line.
- (3) Each homesite shall have an adequate supply of potable water for drinking and domestic purposes, and the water supply system shall satisfy all requirements of the Rensselaer County Department of Health and/or the Town of Schaghticoke.
- (4) Each homesite shall have a sewer system complying with standards as set forth by the Rensselaer County Department of Health and/or the Town of Schaghticoke.

- (5) No more than one mobile home shall be placed or parked on any parcel of land which is located outside a licensed mobile home park.
 - (6) Every mobile home will have the space underneath the mobile home enclosed by skirting constructed of fire-resistant material.
 - (7) Each mobile home shall be provided with no less than one smoke detector adequate for the size of the mobile home.
 - (8) Each mobile home shall be supported and anchored down in one of the following ways:
 - (a) Adequately supported on a concrete slab six inches or more thick or on bedrock and anchored with steel cables 1/4 inch in diameter or larger attached from the mobile home to anchor bolts spaced a maximum of every 10 feet in the concrete slab or bedrock at the general outer edge of the mobile home. The concrete slab must have a minimum width and length no less than the mobile home it supports.
 - (b) Supported on masonry piers 16 inches square or larger extending a minimum of 40 inches below the ground level and spaced a maximum of every 10 feet at the general outer edge of the mobile home. An eyebolt made of one-half-inch-diameter or larger steel rod shall extend above the top of the pier and be embedded in the pier at least 12 inches. The mobile home shall be firmly attached at the masonry piers to these eyebolts. If chimney blocks are used as masonry piers, then they must be filled with concrete and each chimney block pier must contain three pieces of one-half-inch-diameter or larger steel reinforcing rod 40 inches long. The top of one or more of the reinforcing rods at each pier will have the shape of an anchor eyebolt and extend above the top of the pier. The mobile home shall be firmly attached at each pier to at least one of these reinforcing rods.
 - (9) Each mobile home site shall be properly and adequately graded, landscaped and finished.
- G. Certificate of occupancy. Before any mobile home for which a permit has been issued in accordance with Subsection B hereof shall be occupied, a certificate of occupancy shall be issued by the Enforcement Officer, certifying that the mobile home has been installed on the lot and provided with services as specified by this section. A temporary certificate may be issued by the Enforcement Officer to allow occupancy while improvements such as skirting or landscaping are being made. Such temporary certificate shall be valid for a maximum of six months, after which time any remaining noncompliance shall constitute a violation of this section.
- H. Interim dwelling. The Town Board may issue a temporary permit for a mobile home not located in a mobile home park and may waive such rules and regulations or portions of this section as the Town Board deems necessary when such mobile home is to be used as an interim dwelling in the event a permanent residence has been damaged or destroyed or in other similar hardship situations. In such cases, said mobile home shall be removed within 12 months from the date of issuance of the temporary permit. However, an extension may be granted by the Town Board in an appropriate situation and for good cause shown. **[Amended 7-8-1987 by L.L. No. 2-1987]**
- I. Existing mobile homes.
- (1) A mobile home which is lawfully in existence prior to the enactment of this amendment³⁰ may be continued to be used as living quarters by its occupants.

30. Editor's Note: The amendment was enacted August 4, 1982, as L.L. No. 1-1982.

- (2) Any mobile home which is not lawfully in existence at the time of the enactment of this section may be continued to be used as living quarters by its occupants, provided that within 30 days of the effective date of this section, each landowner and/or mobile home owner shall submit an application for a permit showing substantial compliance with this section.
- (3) If the owner of the land and/or the mobile home desires to substitute one mobile home for another in existence, such person shall file an application for a permit as provided for herein.

§ 89-9. Enforcement.

The Code Enforcement Officer of the Town of Schaghticoke shall enforce all of the provisions of this chapter. Such Town Code Enforcement Officer shall have the right at all times to enter and inspect any mobile home park, trailer camp and other premises used for the parking or placement of a mobile home.

§ 89-10. Revocation of license.

A. Revocation of mobile home park licenses.

- (1) If the Town Code Enforcement Officer finds and reports to the Town Board that a mobile home park for which a license has been issued is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this chapter, the Town Board may, by resolution, authorize the personal service upon the holder of the license of a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order.
- (2) If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within 10 days after the personal service of such order, the Town Board may, by resolution, revoke such license and the holder of the license shall thereupon terminate the operation of such mobile home park.
- (3) However, if the owner or operator of such mobile home park shall thereafter correct such condition and bring the mobile home park into compliance with this chapter, such owner may then apply for the issuance of a new license for such park, and if the application is approved and a license is granted, the applicant shall pay to the Town Clerk the fee required by this chapter without any credit for the fee paid for the license which was revoked.

B. Revocation of licenses for mobile homes outside mobile home parks.

- (1) If the Town Code Enforcement Officer finds and reports to the Town Board that any mobile home located outside a licensed mobile home park is not being maintained in accordance with the provisions of § 89-8F, the Town Board may serve a written order upon the holder of the license and/or the owner of the mobile home and/or the owner of the premises, directing that the condition or conditions therein specified be remedied within 20 days after the date of service of the order.
- (2) If such condition or conditions are not corrected within the 20 days, the Town Board may revoke such license. Upon revocation of the license, the water supply and sewage disposal system shall be disconnected and the mobile home shall be removed from the premises.

§ 89-11. Penalties for offenses.³¹

Any person committing an offense against the provisions of this chapter shall be guilty of a violation punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct offense hereunder.

§ 89-12. Exceptions.

None of the provisions of this chapter shall be applicable to the following:

- A. The business of mobile homes or travel trailer sales, except that where units are used as living quarters, they shall conform to the provisions of this chapter.
- B. The storage or garaging of mobile homes or travel trailers not being used for living or sleeping purposes within a building or structure, or the storage of one unoccupied mobile home or travel trailer on premises occupied as the principal residence by the owner of such mobile home or travel trailer; provided, however, that such unoccupied mobile home or travel trailer shall not be parked or located between the street line and the front building line of such premises.
- C. A mobile home or travel trailer located on the site of a construction project, survey project or other similar work project and which is used solely as a field office or work- or toolhouse in connection with such project, provided that such mobile home or travel trailer is removed from such site within 30 days after the completion of such project.
- D. A sectional house which is prefabricated in sections, transported to the building site, then fastened together and placed on a permanent and totally enclosed masonry foundation and which has a minimum width of 18 feet for its entire length and contains a minimum of 720 square feet of usable living space.

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

Chapter 94**NOTIFICATION OF DEFECTS**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 7-14-1975 by L.L. No. 1-1975. Section 94-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art I. Other amendments noted where applicable.]

§ 94-1. Notice of defects in highways required for liability.

No civil action shall be maintained against the Town of Schaghticoke (hereinafter referred to as "the town") or the Town Superintendent of Highways of the town or against any improvement district in the town for damages or injuries to persons or property (including those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town or any property owned, operated or maintained by any improvement district therein being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town or any property owned, operated or maintained by any improvement district was actually given to the Town Clerk of the town or the Town Superintendent of Highways of the town and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any bridge, highway, culvert or any other property owned by the town or any property owned by any improvement district in the town unless written notice thereof specifying the particular place was actually given to the Town Clerk of the town or the Town Superintendent of Highways of the town and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 94-2. Notice of defects in sidewalks required; snow or ice.

No civil action will be maintained against the town and/or the Town Superintendent of Highways of the town for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the town or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the town or the Superintendent of Highways of the town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof specifying the particular place was actually given to the Town Clerk of the town or to the Town Superintendent of Highways of the town and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 94-3. Transmittal of notices to Town Clerk; corrective action.

The Town Superintendent of Highways of the Town shall transmit, in writing, to the Town Clerk of the town, within five days after receipt thereof, all written notices received by him pursuant to this chapter and he shall take any and all corrective action with respect thereto as soon as practicable.

§ 94-4. Record of written notices.

The Town Clerk of the town shall keep an index record, in a separate book, of all written notices which the

Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any town highway, bridge, culvert or a sidewalk or any other property owned by the town or by any improvement district, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received. The record of such notice shall be preserved for a period of five years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Town Superintendent of Highways of the town of the receipt of such notice.

§ 94-5. Interpretation.³²

Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these causes of action, but, on the contrary, this chapter shall be held to impose additional requirements to the rights to maintain such action, nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the town, its officers and employees and/or any of its improvement districts any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel.

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

PROPERTY MAINTENANCE

Chapter 98

PROPERTY MAINTENANCE

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

GENERAL REFERENCES

Fire prevention and building code administration — See Ch. 66.

ARTICLE I

Unsafe Buildings, Brush, Grass, Rubbish and Weeds
[Adopted 11-14-2012 by L.L. No. 2-2012]**§ 98-1. Purpose.**

Unsafe buildings and collapsed structures, brush, grass, rubbish or weeds may pose a threat to life and property values and interfere with the reasonable use, enjoyment and value of nearby property in the Town. Premises with such conditions may be an attractive nuisance and danger to children, attract rodents and threaten public health, decrease values of nearby property, prevent the normal use and enjoyment of nearby property and diminish the aesthetic appearance of the neighborhood, attract vagrants and persons of unlawful inclination, and increase the risk from accidental and intentional fire. It is the purpose of this article to provide for the safety, health protection and general welfare of persons and property in the Town by providing for the correction of such conditions.

§ 98-2. Title; state regulations.

- A. This article shall be known as the "Unsafe Buildings, Brush, Grass, Rubbish and Weeds Law" of the Town.
- B. The provisions of this article shall be in addition to, and in furtherance of:
 - (1) The New York State Uniform Fire Prevention and Building Code, including, but not limited to, §§ 108 and 109 of the Property Maintenance Code of New York State; and
 - (2) Chapter 66 of the Code of the Town of Schaghticoke entitled "Fire Prevention and Building Code Administration."

§ 98-3. Definitions.

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

BUILDING — Any building, structure or portion thereof.

CODE ENFORCEMENT OFFICER — The Code Enforcement Officer or Building Inspector of the Town or such other person appointed by the Town Board to enforce the provisions of this chapter.

§ 98-4. Investigation and report.

When in the opinion of the Code Enforcement Officer or upon receipt of information by the Code Enforcement Officer that property: 1) is or may become dangerous or unsafe; 2) is open at the doorways and windows making it accessible to and an object of attraction to children or to vagrants and other trespassers; 3) is or may become a place of rodent infestation; 4) presents any other danger to the health, safety, morals and general welfare of the public; or 5) is unfit for the purposes for which it may lawfully be used, or in any other manner is in such condition as to be contrary to the purposes and considerations set forth in § 98-1; the Code Enforcement Officer shall cause or make an inspection thereof and report, in writing, to the Town Board findings and recommendations in regard to correction of the condition of such property.

§ 98-5. Town Board order.

The Town Board shall thereafter consider such report and, by resolution, determine, if in its opinion the

report so warrants, that such property condition is contrary to and in violation of this article and further order that a notice be served upon the persons and in the manner provided herein.

§ 98-6. Notice; contents.

The notice shall contain the following:

- A. A description of the premises;
- B. A statement of the particulars in which the property condition is contrary to and in violation of this article;
- C. An order stating briefly the corrective action to be taken;
- D. A statement that the correction of the condition of such property shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, or such shorter or longer time as the Town Board may determine, unless for good cause shown such time shall be extended;
- E. A date, time and place for a hearing before the Town Board in relation to such property condition, which hearing shall be scheduled not less than five business days from the date of service of the notice; and
- F. A statement that in the event of neglect or refusal to comply with the order, the Town Board is authorized to correct the condition up to and including demolition or removal, to assess all expenses thereof, including legal expenses and the reasonable charge for the use of Town employees and equipment, against the land on which it is located and to institute a special or in rem proceeding to collect the costs and expenses, including legal expenses.

§ 98-7. Service of notice.

The said notice shall be served:

- A. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of Taxes (or Tax Collector) or of the County Clerk; or, if no such person can be reasonably found, by mailing such owner, by registered mail, a copy of such notice directed to his last known address as shown by the above records; and
- B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and
- C. By securely affixing a copy of such notice upon any building or structure on the property, if any.

§ 98-8. Filing of notice.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Rensselaer.

§ 98-9. Refusal to comply.

In the event of the refusal or neglect of the person or persons so notified to comply with said order of the Town Board and after the hearing, the Town Board shall provide for the correction of said conditions either by Town employees or by contract. Except in emergency, as provided in § 98-11 hereof, any contract for

correction of said condition in excess of \$5,000 shall be awarded through competitive bidding.

§ 98-10. Assessment of expenses.

All expenses incurred by the Town, in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually demolishing or removing such building, and all reasonable and necessary legal expenses incidental thereto, shall, at the option of the Town Board, either:

- A. Be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy; or
- B. Be collected by commencement of a special proceeding against the owner of said unsafe or dangerous building or structure pursuant to General Municipal Law § 78-b.

§ 98-11. Emergency cases.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless an unsafe condition is immediately corrected, the Town Board may, by resolution, order the immediate correction of said condition by the property owner or person in possession or control of the property or by the persons responsible for causing or allowing such condition or by the Town officer or employees, or by contract or by authorizing the Code Enforcement Officer to arrange for such correction. The expenses of such emergency correction shall be charged against the land on which it is located and shall be assessed, levied, and collected as provided in § 98-10 hereof.

§ 98-12. Penalties for offenses.

In addition to assessment of costs provided for in § 98-10, any person, firm or corporation who shall violate any provision of this article shall, upon conviction, be subject to a maximum fine of \$250 or a maximum term of imprisonment of 15 days, or both, for each offense. Each day that a property is in violation shall be considered a separate offense.

Chapter 100**RECORDS, PUBLIC ACCESS TO**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 3-13-1978 by resolution. Sections 100-5D and 100-7F and G amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Notice of meetings — See Ch. 25.

Adoption of ordinances — See Ch. 33.

§ 100-1. Purpose and scope.

- A. The people's right to know the process of government decisionmaking and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. This chapter provides information concerning the procedures by which records may be obtained from the Town of Schaghticoke.
- C. Personnel of the Town of Schaghticoke shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

§ 100-2. Designation of records access officer; responsibilities.

- A. The Town of Schaghticoke hereby designates the Town Clerk of the Town of Schaghticoke as records access officer of the Town of Schaghticoke. This designation shall not be construed to prohibit officials or other persons in the Town of Schaghticoke who have in the past been authorized to make records or information available to the public from continuing to do so.
- B. The records access officer is responsible for assuring that town agencies, departments and/or personnel:
 - (1) Maintain an up-to-date subject matter list.
 - (2) Assist the requester in identifying requested records, if necessary.
 - (3) Upon locating the records, take one of the following actions.
 - (a) Make records available for inspection; or
 - (b) Deny access to the records in whole or in part and explain in writing the reasons therefor.
 - (4) Upon request for copies of records:
 - (a) Make a copy available upon payment of or offer to pay established fees, if any; or

- (b) Permit the requester to copy those records.
- (5) Upon request, certify that a record is a true copy.
- (6) Upon failure to locate records, certify that:
 - (a) The agency is not the custodian for such records; or
 - (b) The records of which the agency is a custodian cannot be found after diligent search.

§ 100-3. Location of records.

Records of the Town of Schaghticoke shall be available for inspection and copying at the office of the Town Clerk, Route 40, Speigletown, New York.

§ 100-4. Hours for inspection of records.

The Town of Schaghticoke shall accept requests for public access to records and produce records during regular business hours of the Town Clerk.

§ 100-5. Requests for access to records.

- A. Requests may be made in writing or orally.
- B. The town shall respond to any request reasonably describing the record or records sought within five business days of receipt of the request.
- C. A request shall reasonably describe the record or records sought. Whenever possible, a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- D. If the town does not provide or deny access to the record sought within five business days of receipt of a request, the town shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within 10 business days after the date of acknowledgment of receipt of a request, the failure to respond to the request may be construed as a denial of access that may be appealed.³³

§ 100-6. Subject matter lists.

- A. Each agency, department and/or personnel of the Town of Schaghticoke shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to Subdivision 2 of § 87 of the Public Officers Law.
- B. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- C. The subject matter list shall be updated not less than twice per year. The most recent update shall appear on the first page of the subject matter list.

§ 100-7. Denial of access to records; appeal.

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

- A. The Supervisor of the Town of Schaghticoke shall hear appeals or shall designate a person or body to hear appeals regarding denial of access to records under the Freedom of Information Law.
- B. Denial of access shall be in writing stating the reason therefor and advising the person denied access of his or her right to appeal to the person or body established to hear appeals, and that person or body shall be identified by name, title, business address and business telephone number.
- C. The failure of the Town of Schaghticoke to respond to a request within five business days of receipt thereof shall be deemed a denial of access by the town.
- D. Any person denied access to records may appeal within 30 days of a denial.
- E. The time for deciding an appeal by the Supervisor shall commence upon receipt of written appeal identifying:
 - (1) The date and location of a request for records;
 - (2) The records that were denied; and
 - (3) The name and return address of the appellant.
- F. ³⁴The town shall transmit to the Committee on Open Government copies of all appeals upon receipt of an appeal. Such copies shall be addressed to:

Committee on Open Government
Department of State
162 Washington Avenue
Albany, New York 12231

- G. The Supervisor shall inform the appellant and the Committee on Open Government of his determination in writing within seven business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in Subsection F of this section.³⁵
- H. A final denial of access to a requested record, as provided for in Subsection G of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

§ 100-8. Fees.

Except when a different fee is otherwise prescribed by law:

- A. There shall be no fee charged for the following:
 - (1) Inspection of records.
 - (2) Search for records.
 - (3) Any certification pursuant to this chapter.
- B. The town will charge a fee for copies of records as follows:

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

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

§ 100-8

RECORDS, PUBLIC ACCESS TO

- (1) The fee for copying records shall be the sum of \$0.25 per page for photocopies not exceeding nine inches by 14 inches.
- (2) In the event that it is impractical or impossible to photocopy requested records, the person making such request may request a transcription of such records. Such transcripts may either be typed or handwritten. In such cases, the person requesting records may be charged for the clerical time involved in making the transcript.
- (3) The fee for copies of records not covered by Subsection B(1) and (2) above shall not exceed the actual reproduction cost, which is the average unit cost for copying a record, excluding fixed costs of the agency such as operator salaries.

§ 100-9. Public notice regarding access to records.

The town shall publicize by posting in a conspicuous location and/or by publication in a local newspaper of general circulation:

- A. The location where records shall be made available for inspection and copying.
- B. The name, title, business address and business telephone number of the designated records access officer.
- C. The right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.

§ 100-10. Definitions.

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

AGENCY — Any department or subdivision of any kind or nature of the Town of Schaghticoke.

OFFICER — Any officer of the Town of Schaghticoke as defined in the Town Law.

PERSON — Any person, corporation, partner or other entity.

RECORDS ACCESS OFFICER — The Town Clerk of the Town of Schaghticoke or the Clerk's designee.

TOWN — The Town of Schaghticoke, Rensselaer County, New York.

SCHAGHTICOKE CODE

Chapter 105

SEWERS

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

GENERAL REFERENCES

Fire prevention and building code administration — See Ch. 66.

Mobile homes — See Ch. 89.

Landfills — See Ch. 82.

Stormwater management — See Ch. 107.

Part 1
Sanitary Regulations And Sewer Connections
[Adopted 7-11-1984 By L.L. No. 2-1984]

ARTICLE I
Legislative Intent

§ 105-1. Adoption of rules and specifications.

For the proper use and service for all sewer districts owned, operated and maintained by the Town of Schaghticoke, the following general rules and specifications are hereby adopted.

§ 105-1.1. Specific statement of purpose. [Added 8-13-2008 by L.L. No. 1-2008]

The purpose of these rules and regulations are specifically stated as follows:

- A. To prohibit excessive volume and/or inordinate rates of flow of wastewater into the, as applicable, Rensselaer County Sewer District or Saratoga County Sewer District system(s) and all sewers tributary thereto.
- B. To prohibit the contribution of wastewater, industrial wastes and other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for sewerage maintenance and operation personnel.
- C. To prohibit the contribution of wastewater, industrial wastes and other wastes which may impair the hydraulic capacity, operation of the intercepting sewers, force mains, pumping stations, sewage regulators and other structures and appurtenances of the, as applicable, Rensselaer County Sewer District or Saratoga County Sewer District system(s) and sewers tributary thereto.
- D. To prohibit the contribution of wastewater, industrial wastes or other wastes which may create operating difficulties at the water pollution control plant as it now exists or may be constructed, modified or improved in the future.
- E. To prohibit and/or regulate the contribution of wastewater, industrial wastes or other wastes which, for treatment at the plant, require greater expenditures than are required for equal volume of normal sewage.
- F. To require the pretreatment or flow control, before introduction into the county sewerage system or sewers tributary thereto, of such wastes as may impair the strength and/or durability of the structures appurtenant to the system or may interfere with the normal treatment processes or may impair the designated uses of the classified receiving waters.
- G. To provide cooperation with the Rensselaer County Department of Health and any other agencies which have requirements or jurisdiction for the protection of the physical, chemical or bacteriological quality of watercourses within or bounding the county.
- H. To protect the public health and to prevent nuisances.
- I. To provide for the safe, efficient and continued operation and administration of the sewer system.

ARTICLE II
Definitions

§ 105-2. Definitions and word usage.

- A. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Part 1 shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD) — 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.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal, also called the "house lateral" or "service lateral," and the portion in the public highway or easement also called the "town service lateral."

COMBINED SEWER — A sewer receiving and transporting both surface runoff and sewage.

CONTAMINATION — An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.³⁶

EASEMENT — An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL — Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE — The animal and vegetable wastes resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES — The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR NYSDEC — The New York State Department of Environmental Conservation or a duly authorized official of said Department.

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

pH — The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

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

PRETREATMENT — The reduction in the amount of pollution in wastewater to a less harmful

36. Editor's Note: The former definition of "county," which immediately followed this definition, was repealed 8-13-2008 by L.L. No. 1-2008.

state prior to or in lieu of discharging or otherwise introducing such pollution into a publicly owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6, General Pretreatment Regulations for Existing and New Sources of Pollution.³⁷

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a 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 (1.27 centimeters) in any dimension.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works as defined by Section 212 of the Act (33 U.S.C. § 1292), including any sewers that convey wastewater to the POTW, but not including pipes, sewers or other conveyances not connected to a facility providing treatment.

PUBLIC SEWER — A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground-, storm- and surface waters that are not admitted intentionally.

SEWAGE — Spent water of a community. The preferred term is "wastewater."

SEWER — A pipe or conduit that carries wastewater or drainage water.

SEWER DISTRICT — Any sewer district owned, maintained and operated by the Town of Schaghticoke, the County of Rensselaer or the County of Saratoga. **[Amended 8-13-2008 by L.L. No. 1-2008]**

SIGNIFICANT INDUSTRIAL USER — Any user who:

- (1) Has a discharge flow of 25,000 gallons or more per average workday; or
- (2) Has a flow greater than 5% of the flow in the municipality's wastewater system; or
- (3) Has in the wastes toxic pollutants as defined pursuant to Section 307 of the Act; or
- (4) Has been identified as one of the 21 industrial categories pursuant to Section 307 of the Act; or
- (5) Is found by the municipality to have a significant impact, either singly or in combination with other contributing industries, on the treatment or collection system.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SPDES — The state pollution discharge elimination system established by Article 17 of the Environmental Conservation Law of the State of New York for issuance of permits authorizing discharge to the waters of the state.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS — Total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids and that is removable by laboratory filtering as

37. Editor's Note: See 40 CFR 403.6, National pretreatment standards: Categorical standards.

prescribed in Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

TOWN SEWER INSPECTOR — The person or persons, whether an individual or individuals, partnerships, corporations or other entities, designated by the Schaghticoke Town Board to act as or in the capacity of Sewer Inspector of the Town of Schaghticoke, or the authorized deputy or representative thereof. If no person appointed, the Town Sewer Inspector shall be the Town Code Enforcement Officer and/or the Town Building Inspector. **[Amended 8-13-2008 by L.L. No. 1-2008]**

UNPOLLUTED WATER — Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS — An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. The term is sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant." In this instance, the term applies to the wastewater treatment plant of Rensselaer County Sewer District No. 1.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

- B. Word usage. "May" is permissive; "shall" is mandatory.

ARTICLE III
Use of Public Sewers Required

§ 105-3. Unlawful disposal of garbage or objectionable waste.

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

§ 105-4. Unlawful discharge of wastewater. [Amended 8-13-2008 by L.L. No. 1-2008]

It shall be unlawful to discharge to any natural outlet within the boundaries of the sewer district any wastewater or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter or state law.

§ 105-5. Use of septic tank and the like restricted.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, leach field or other facility intended or used for the disposal of wastewater.

§ 105-6. Connection to available public sewer required. [Amended 8-13-2008 by L.L. No. 1-2008]

The owner(s) of all houses, buildings, other structures and any properties used for human occupancy, employment, recreation or other purpose, situated within any sewer district and located within 250 feet of a public sanitary sewer of the sewer district, are hereby required, at the expense of the owner(s), to install suitable sanitary facilities therein and to connect such facilities directly with the public sewer within one year in accordance with the provisions of this chapter, unless a greater distance or an earlier date is mandated by the Rensselaer County Health Department or unless there are substantial physical obstructions, in which case the owner(s) may appeal to the Rensselaer County Health Department and the Schaghticoke Town Board, whose decision shall be final and binding:

Schedule for Hookup Compliance

Distance From Structure to Public Sewer	Time to Complete Connection Upon Official
250 feet	12 months

ARTICLE IV
Private Wastewater Disposal

§ 105-7. Authorized connection.

Where a public sanitary sewer is not available under the provisions of Article III, § 105-6, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and meeting the requirements of the Rensselaer County Health Department.

§ 105-8. Permit for construction.

Before beginning the construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Rensselaer County Health Department, Division of Environmental Health. The applicant shall conform to the regulations of the County Health Department and fill out the necessary forms therefor. He shall supplement the application by any plans, specifications and other information deemed necessary by the Health Department, as well as arrange to make percolation tests of the soil. These tests shall meet the approval of the Rensselaer County Health Department before the plans are completed. Construction of such a private system shall not be started until plans are approved and the installation is witnessed by a representative of the Rensselaer County Health Department.

§ 105-9. Inspection of work.

- A. Work on the private wastewater system shall not begin until the county permit is issued.
- B. The Town Sewer Inspector shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Sewer Inspector when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town Sewer Inspector.

§ 105-10. Compliance with requirements of County Health Department.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Rensselaer County Health Department. No permit shall be issued in connection with a new building for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool or leach field shall be permitted to discharge to any natural outlet or adjoining property.

§ 105-11. Use of public sewer when available.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 105-7, a direct connection shall be made to the public sewer as outlined in Article III, § 105-6, Schedule, in compliance with this Part 1, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable compacted material.

§ 105-12. Maintenance and operation of private system.

The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the sewer district.

§ 105-13. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

ARTICLE V
Building Sewers and Connections

§ 105-14. Permit required for connection.

No unauthorized person(s) 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 Town.

§ 105-15. Classes of permits. [Amended 11-12-2008 by L.L. No. 2-2008]

Two classes of building sewer permits will be issued. These will be for residential-commercial and industrial use (see Article VI for additional industrial requirements). The owner or his agent shall make application on a special form furnished by the sewer district. The permit shall be supplemented by any plans, specifications and other information considered pertinent in the judgment of the Sewer Inspector. A permit and inspection fee in an amount as is set from time to time by the Town Board for a residential-commercial use will be required. The cost of an industrial permit shall be negotiated with the Town of Schaghticoke at the time of application. This will depend on the volume of sewage, number and size of connections and the quality of discharge.

§ 105-16. Cost of installation and connection.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the sewer district and the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 105-17. Cost of lateral and tapping of main.

Where a new building is constructed and there is no Town service lateral from the main to the property line, the installation of this lateral and the tapping of the main will be done by the sewer district. The cost of this work, including excavation, pipework, backfill, replacement of pavement, etc., will be billed to the property owner. This billed amount will be determined by the sewer district and based on the cost of the work.

§ 105-18. Separate sewer for each building; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, easement, courtyard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from the use of any such single connection aforementioned.

§ 105-19. Materials and construction. [Amended 8-13-2008 by L.L. No. 1-2008]

The size, slope, alignment, materials and construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of this chapter, plus the latest revisions of the Building and Plumbing Code or other applicable rules and regulations, if any, of the Town of Schaghticoke.³⁸

38. Editor's Note: See Ch. 66, Fire Prevention and Building Code Administration.

§ 105-20. Elevation of building sewer.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 105-21. Disposal of surface runoff or groundwater.

No person(s) shall make connection of roof downspouts, foundation drains, sump pumps for foundation or subsurface water drainage, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town Sewer Inspector for purposes of disposal of polluted surface drainage.

§ 105-22. Standards for connections. [Amended 8-13-2008 by L.L. No. 1-2008]

The connection of the building sewer into the public sewer shall conform to the requirements of this chapter and the latest revisions of the Building and Plumbing Code or other applicable rules and regulations of the Town of Schaghticoke, if any,³⁹ the applicable requirements of Rensselaer County Sewer District No. 1 and the applicable requirements of Saratoga County Sewer District No. 1. Connections shall be made gastight and watertight and verified by proper testing at the expense of the owner(s).

§ 105-23. Inspection and connection of building sewer.

The applicant for the building sewer permit shall notify the Town Sewer Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Town Sewer Inspector or his representative.

§ 105-24. Guarding of excavations; restoration.

All excavations for building sewer installations 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 of Schaghticoke.

§ 105-25. Connection between service lateral and building.

The property owner's sewer connection between the Town service lateral at the property line and the building shall be a direct connection. A building sewer may pass through an existing septic tank. Sides of concrete tanks shall be cut out at least twice the diameter of pipe to be installed through the tank. The tank shall be filled with gravel or peastone and compacted. Metal tanks shall be collapsed and backfilled with compacted gravel or peastone. The building sewer shall bypass all leach pits, tile fields and other private disposal facilities.

§ 105-26. Backwater valves.

In sewer district areas where sanitary sewers drain to a wastewater pumping station, an approved backwater valve shall be installed in all buildings subject to flooding during a failure of the pumping facilities. The location of said backwater valve shall be as indicated on the drawing for a typical house connection or as

39. Editor's Note: See Ch. 66, Fire Prevention and Building Code Administration.

directed by the Town Sewer Inspector.

ARTICLE VI
Use of Public Sewers

§ 105-27. Discharge of unpolluted waters. [Amended 8-13-2008 by L.L. No. 1-2008]

No person(s) shall discharge or cause to be discharged any unpolluted water, such as stormwater, groundwater, roof runoff, foundation drainage, subsurface drainage or cooling water, to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times. This discharge shall only be allowed if approved, in writing, by the Town Sewer Inspector and, as applicable, Rensselaer County Sewer District No. 1 or Saratoga County Sewer District No. 1.

§ 105-28. Discharges to storm sewers or natural outlets.

Stormwater, other than that exempted under § 105-27, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated for stormwater or to a natural outlet approved by the Town Sewer Inspector and/or other regulatory agencies.

§ 105-29. Prohibited discharges to public sewers.

No person(s) shall discharge or cause to be discharged any of the following-described waters or wastewaters to any public sewers:

- A. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Town, the county, the state or Environmental Protection Agency has notified the user is a fire hazard or a hazard to the system.
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters or wastewater having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction in the flow of sewers or other interference with the proper operation of the wastewater facilities, such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 105-30. Regulated discharges.

The following-described substances, materials, waters or wastewater shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Town Sewer Inspector may

set more stringent limitations than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of waste, the Town Sewer Inspector will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewer, which shall not be violated without approval of the Sewer Inspector, are as follows:

- A. Wastewater having a temperature higher than 150° F. (65° C.) or in such quantities that the temperature at the treatment works influent exceeds 104° F. (40° C.).
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil or product or mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat or grease.
- D. Any garbage that has not been properly shredded (see the definition of "properly shredded garbage"). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. Garbage grinders shall not be used for disposal of plastics, paper products, inert materials or garden refuse.
- E. Any waters or wastewater containing chromium, copper, zinc and similar objectionable or toxic substances (See Table of Limits of Toxic Substances in Sewage following Subsection L.) to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by, as applicable, Rensselaer County Sewer District No. 1 or Saratoga County Sewer District No. 1 for such materials. **[Amended 8-13-2008 by L.L. No. 1-2008]**
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Town Sewer Inspector.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable local, state or federal regulations.
- H. Quantities of flow or concentrations, or both, which constitute a "slug" as defined in § 105-2A.
- I. Waters or wastewater containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- K. Any discoloration, such as but not limited to dyes, inks and vegetable tanning solution, or any other condition in the quality of treatment works effluent in such a manner that receiving quality requirements established by law cannot be met.
- L. No person shall discharge or cause to be discharged any waters or wastewater 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, as applicable, the Rensselaer County or Saratoga County wastewater treatment plant or to exceed the limitations set forth in the categorical pretreatment standard. Such toxic substances shall be limited to the average concentrations listed hereinafter in the wastewater, and include but are not limited to any pollutant identified pursuant to Section 307(a) of the Federal Clean Water Act, as revised, or in the regulations promulgated at 40 CFR 403 — 471, as amended from time to time. To the extent there is a difference between the values listed below and any other applicable value, the more stringent or restrictive value shall apply. If concentrations listed are exceeded, individual establishments will be subject to control in volume and concentration by, as applicable, the Director of Rensselaer County Sewer District No. 1 or the Director of the Saratoga County Sewer District No. 1. **[Amended 8-13-2008 by L.L. No. 1-2008]**

LIMITS OF TOXIC SUBSTANCES IN SEWAGE

Parameter	Effluent Concentration Limits (mg/l)	
	24-Hour Average	30-Day Average
Cadmium	0.8	0.4
Hexavalent chromium	0.4	0.2
Total chromium	8.0	4.0
Copper	1.6	0.8
Lead	0.4	0.2
Mercury	0.4	0.2
Nickel	8.0	4.0
Zinc	2.4	1.2
Arsenic	0.4	0.2
Available chlorine	50.0	50.0
Cyanide, free	0.8	0.4
Cyanide, complex	3.2	1.6
Selenium	0.4	0.2
Sulfide	12.0	6.0
Barium	8.0	4.0
Manganese	8.0	4.0
Gold	0.4	0.2
Silver	0.4	0.2
Fluorides (to fresh water)	8.0	4.0*
Phenol	8.0	4.0

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

§ 105-31. Alternative answers to certain wastewater problems.

- A. If any waters or wastewaters are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 105-30 or which, in the judgment of the Town Sewer Inspector, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Town Sewer Inspector shall contact, as applicable, the Director of Rensselaer County Sewer District No. 1 or the Director of Saratoga County Sewer District No. 1, each of which has promulgated rules and regulations governing the discharge of wastewaters into their respective sewerage systems and all sewer tributaries thereto. **[Amended 8-13-2008 by L.L. No. 1-2008]**
- B. Alternative solutions may include:
- (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
 - (3) Require control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

§ 105-32. Grease, oil and sand interceptors. [Amended 8-13-2008 by L.L. No. 1-2008]

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town Sewer Inspector, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts or any flammable wastes, sand or 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 Town Sewer Inspector and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Town Sewer Inspector. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

§ 105-33. Maintenance of pretreatment or flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 105-34. Furnishing of information. [Amended 8-13-2008 by L.L. No. 1-2008]

The Town Sewer Inspector may require a user of sewer service to provide information needed to determine compliance with this chapter.

§ 105-35. Plans for protection from accidental discharges. [Amended 8-13-2008 by L.L. No. 1-2008]

Detailed plans showing facilities and operating procedures to provide protection from accidental discharge of prohibited materials or other wastes from significant contributing industries shall be submitted to the Town and applicable county for review and shall be acceptable to the Town and applicable county before construction of the facilities.

§ 105-36. Notice of accidental discharge. [Amended 8-13-2008 by L.L. No. 1-2008]

An industrial user shall notify the Town and applicable county immediately upon accidentally discharging wastes in violation of this chapter. This notification shall be followed, within 15 days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant or treatment process or for any fines imposed on the Town and applicable county under applicable state and federal regulations.

§ 105-37. Industrial user's notice to employees. [Amended 8-13-2008 by L.L. No. 1-2008]

A notice shall be furnished and permanently posted on the industrial user's bulletin board advising employees whom to call in case of an accidental discharge in violation of this chapter. Also, copies of this chapter are to be made available to the user's employees.

§ 105-38. Action to guard against discharge of certain wastes. [Amended 8-13-2008 by L.L. No. 1-2008; 11-12-2008 by L.L. No. 2-2008]

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this chapter.

§ 105-39. Adherence to pretreatment requirements. [Amended 8-13-2008 by L.L. No. 1-2008]

When pretreatment regulations are adopted by USEPA or NYSDEC for any industry, then that industry must immediately conform to the USEPA or NYSDEC timetable for adherence to federal or state pretreatment requirements and any other applicable requirements promulgated by USEPA or NYSDEC in accordance with Section 307 of the Federal Clean Water Act. Additionally, such industries shall comply with any more stringent standards necessitated by local conditions as determined by the applicable county and Town.

§ 105-40. More stringent limitations authorized. [Amended 8-13-2008 by L.L. No. 1-2008]

The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in § 105-1.1 of this chapter.

§ 105-41. Excessive discharge.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or with any other pollutant-specific limitation developed by the county or Town or state unless authorized by state or federal regulations.

§ 105-42. Substances causing effluent to be unsuitable for reclamation. [Amended 11-9-1988 by L.L. No. 1-1988]

A user may not contribute to the POTW any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or

disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria, guidelines or regulations affecting sludge use or disposal development pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or state criteria applicable to the sludge management method being used.

§ 105-43. Sampling points for wastewater.

Each significant industrial user shall construct or otherwise have available a sampling point for sampling wastewater before it enters the Town sewer system. This sampling point shall be a suitable structure, together with such necessary meters and other appurtenances to the building sewer, to facilitate observation, sampling and measurement of the wastes. Such structure shall be accessibly and safety located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the applicant at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 105-44. Duration of permit for industrial discharge; renewal.

The permit for industrial discharge, upon approval by the Town of Schaghticoke Sewer District, shall be valid for a period of three years. This permit may be extended every three years by the Town of Schaghticoke Sewer District upon receiving application for continued discharge within 90 days of permit expiration.

§ 105-45. Modification of terms of permit.

The permit's terms and conditions may be subject to modification and change by the sewer district, The sewer district shall notify any owner(s) of such modification or change in permit requirements by certified letter, which shall also state the time limit for compliance. The compliance time shall be a reasonable time period set by the sewer district to comply with the change or modifications.

§ 105-46. Reassignment or transfer of permit.

A permit shall not be reassigned or transferred or sold to a new owner(s), new use, different premises or a new or changed operation except in a case where a residential or commercial establishment changes owner(s) and no change in discharge will occur.

§ 105-47. Application for permit modification by user.

An industrial user shall apply for a permit modification if production or process is changed so that the wastewater characteristics or flow is altered.

§ 105-48. Confidential information.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the sewer district as confidential shall not be transmitted to any governmental agency or to the general public by the sewer district until and unless prior and adequate notification is given to the user.

§ 105-49. Scope of information.

Information, in addition to the actual permit, shall include volume, constituents and characteristics of wastewater, flow rates, each product produced by type, amount and rate of production, and description of activities, facilities and plant processes on the premises, including all materials processed and types of materials which are or could be discharged. All information and data on a use obtained from reports, questionnaires and monitoring programs and from inspection shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Schaghticoke Sewer District that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

§ 105-50. Enforcement of conditions of permits. [Amended 8-13-2008 by L.L. No. 1-2008]

The conditions of wastewater discharge permits shall be uniformly enforced by the Town in accordance with this chapter and applicable county, state and federal regulations. The permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the Town and county and applicable state and federal regulations.

§ 105-51. Specifications for monitoring programs.

Permits shall contain specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, type and standards for tests and reporting schedule.

ARTICLE VII

Violations

[Amended 11-9-1988 by L.L. No. 1-1988; 8-13-2008 by L.L. No. 1-2008]

§ 105-52. Penalties for offenses. [Amended 11-12-2008 by L.L. No. 2-2008]

Any violation of this chapter shall be deemed an offense. Each and every day such offense shall be continued shall be deemed a separate and distinct violation of this chapter. Every conviction of a violation of any provision of this chapter shall be punished by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations.

§ 105-53. Civil penalty.

In addition, a penalty not exceeding \$500 may be assessed for each violation to be sued for and recovered in a civil action brought in the name and for the benefit of the Town of Schaghticoke, New York. This penalty is in addition to the liability of a violator for damage to equipment of the sewer district from the improper discharge under this chapter.

§ 105-54. Initiation of proceedings.

The Town Sewer Inspector and the Plumbing Inspector and such other Town officers as the Town Board shall direct are authorized to initiate whatever appropriate judicial proceedings are deemed necessary to prohibit violations of this chapter.

§ 105-55. False statements and other willful misconduct.

Any person who knowingly makes any false statements, representation, record, report, plan or other documentation filed with the municipality or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punishable in accordance with § 175.30 of the Penal Law.

§ 105-56. Orders to cease and desist.

The Town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this chapter or the wastewater discharge permit to:

- A. Comply forthwith; or
- B. Comply in accordance with a time schedule set forth by the Town and/or applicable county; or
- C. Take appropriate remedial or preventive action in the event of a threatened violation.

§ 105-57. Revocation of permit.

If the conditions of the permit or this chapter are not strictly adhered to, the permit shall be revoked.

ARTICLE VIII
Powers and Authority of Inspectors

§ 105-58. Right of entry; access to records. [Amended 8-13-2008 by L.L. No. 1-2008]

The Town Sewer Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter. The Town shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. The Town may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required by the Town's wastewater discharge ordinances and sample any effluent which the owner or operator of such source is required to sample. Where a user has security measures in force, the user shall make necessary arrangement with its security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter without delay.

§ 105-59. Observance of safety rules by Town employees.

While performing the necessary work on private properties referred to in § 105-58 above, the Town Sewer Inspector or duly authorized employees of the Town shall observe all safety rules and care applicable to the premises.

§ 105-60. Use of easement.

The Town Sewer Inspector and other duly authorized employees of the Town of Schaghticoke bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 105-61. Enforcement officials. [Amended 8-13-2008 by L.L. No. 1-2008]

This chapter shall be enforced by the Town Sewer Inspector or the Plumbing Inspector and such other Town officers as the Town Board shall direct and the Rensselaer County Department of Health, the Rensselaer County Sewer District No. 1 and Saratoga County Sewer District No. 1.

§ 105-62. Termination of service. [Amended 8-13-2008 by L.L. No. 1-2008]

The Town may terminate or cause to be terminated wastewater service to any premises if a violation of any provision of this chapter is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination or pollution as defined in this chapter.

ARTICLE IX
Installation Standards

§ 105-63. Notice to Sewer Inspector.

- A. Before connecting to an existing main or Town service lateral, the resident or owner shall contact the Town Sewer Inspector and notify him of the work to be done. He shall obtain a written permit as required.
- B. All building sewers shall be six inches in diameter and no connection shall be made to the public sewer system except in the presence of the Town Sewer Inspector.

§ 105-64. House traps. [Amended 11-12-2008 by L.L. No. 2-2008]

A house trap is required and must be provided inside structures at the point where the sewer leaves the building. This shall be a four-inch-minimum house trap, with two handhold cleanouts inside the house wall. These cleanouts shall be easily accessible. A three-inch or four-inch fresh-air vent shall be provided to the outside building wall. A cleanout pipe is recommended outside the building on the building drain with a 45° connection and brought up to a point about three inches above grade. This cleanout shall be about two feet from the outside face of the foundation wall. If an outside cleanout is not provided, an inside cleanout shall be provided. The cleanout or backwater valve, if required, and the sewer line to a point four feet outside the building wall shall be of approved material at least four inches in diameter.

§ 105-65. Sewer pipe.

- A. Sewer pipe to be connected between the building drain and the Town service lateral at the property or easement line shall be as follows: **[Amended 8-13-2008 by L.L. No. 1-2008; 11-12-2008 by L.L. No. 2-2008]**
 - (1) Ductile iron water pipe, Class 50, latest ANSI A21.51 push-on joints.
 - (2) PVC plastic pipe, latest ASTM 3034, rubber gasket joints, Class SDR 26.
- B. Appropriate and compatible fittings, connectors, joint lubricants and adhesives shall be used with all the above alternate materials. The Town Sewer Inspector shall require an air or water test on all building sewers of questionable air and water tightness.

§ 105-66. Sewer pipe trench. [Amended 11-12-2008 by L.L. No. 2-2008]

- A. The sewer pipe trench shall be excavated approximately one-inch deeper than the inside bottom of the pipe and the pipe shall be laid in a straight line on undisturbed soil. Where the trench is in rock, such trench shall be excavated six inches beneath the invert, and in this space a cushion of sand or peastone shall be laid to give full support to the pipe for its full length. Where there is an existing capped Town service lateral, this cap shall be sawed off very carefully at right angles to the pipe and a watertight and airtight connection shall be made with the necessary adapter or fitting.
- B. The building sewer pipe shall be tamped underneath to give it solid support for its full length. All pipe used shall be sound, free from cracks and defects. All joints shall be made airtight and watertight. The pipe shall be laid at a uniform pitch (at least 1/4 inch per foot, or a slope of 2%) to the building drain near the foundation, where an increaser or other necessary fitting work shall be installed to provide a leakproof connection. Special permission may be obtained from the sewer district to use a lesser grade, which in no case shall be less than 1/8 inch per foot (or a grade of about 1%). Backfilling

shall be done with fine selected material and thoroughly tamped so that there will be no future settlement. There shall be at least two feet of backfill cover over the top of the pipe adjacent to the house and in excess of this amount where the pipe runs under driveways, sidewalks, etc. Where any discontinued sewer lateral is discovered, this line shall be properly capped.

§ 105-67. Tapping sewer line in street.

Where it is necessary to tap the existing sanitary sewer in the street because no Town service lateral has been previously installed, it will be necessary to make these connections, excavations, backfillings, etc., in accordance with the Town Law or State or County Highway Department regulations, as jurisdiction may apply. Work done in streets and other public rights-of-way shall be done by the Town Sewer District or its official designee, including the installation of the service lateral to the property line. All of this work, including any permit fees or expenses, shall be paid for by the owner.

§ 105-68. Performance of work; inspection.

All work shall be done in accordance with these regulations. Notice must be given to the Town Sewer Inspector by the owner or his agent prior to the time the work is ready for inspection, and no part of the work shall be covered until it has been examined, tested and approved by the Town Sewer Inspector.

§ 105-69

SEWERS

§ 105-69

ARTICLE X
(Reserved)⁴⁰

§ 105-69. (Reserved)

40. Editor's Note: Former Article X, Liens for Sewer Rents, was repealed 8-13-2008 by L.L. No. 1-2008.

ARTICLE XI
(Reserved)⁴¹

§ 105-70. (Reserved)

41. Editor's Note: Former Article XI, Collection of Sewer Rents, was repealed 8-13-2008 by L.L. No. 1-2008.

ARTICLE XII
Sewer Maintenance Fund
[Amended 8-13-2008 by L.L. No. 1-2008]

§ 105-71. Establishment of fund; use.

All revenue derived from Town sewer maintenance levies, including penalties and interest, shall be credited to a special fund to be known as the "Schaghticoke Sewer District Maintenance Fund." Moneys in such fund shall be used to pay salaries, maintenance, improvements, alterations, department service, payment of indebtedness incurred from construction of the sewer system and the expansion of the facilities of said sewer District, in accordance with § 453 of the General Municipal Law. A separate fund shall be maintained for each sewer district in the Town.

ARTICLE XIII
Operation and Maintenance Charges

§ 105-72. Annual review of charges.

Operation and maintenance charges for the district shall be reviewed annually by the Town Board so that this fee can be changed, adjusted or modified as required. Any cost originating from extraneous flows and infiltration shall be paid for by the users.

ARTICLE XIV
(Reserved)⁴²

§ 105-73. (Reserved)

42. Editor's Note: Former Article XIV, Statement of Purpose, was repealed 8-13-2008 by L.L. No. 1-2008. See now § 105-1.1, Specific statement of purpose.

Part 2
Sewer Charges For Operation And Maintenance
[Adopted 7-11-1984 By L.L. No. 3-1984]

ARTICLE XV
Legislative Intent
[Amended 8-13-2008 by L.L. No. 1-2008]

§ 105-74. Statement of intent.

It is the intent of the Town Board:

- A. To establish an operation and maintenance charge to generate sufficient revenue to pay all costs for operation and maintenance of the Town's wastewater sewerage system serving the various sewer districts. The cost shall be distributed to all properties in each sewer district having access to an operating sanitary sewer line located within the distance described in Local Law No. 2 of 1984, pertaining to sanitary regulations and sewer connections.⁴³ Factors such as wastewater strength (BOD and SS), volume and delivery flow rate characteristics shall be considered and included in the basis for each user's contribution to ensure an equitable proportional distribution of operation and maintenance, including replacement, costs to each user.
- B. To establish a residential unit lateral sewer charge to generate sufficient revenue to pay all principal and interest costs incurred by each sewer district in connection with the construction of the lateral sewerage facilities.

43. Editor's Note: See Part 1 of this chapter.

ARTICLE XVI

Definitions

[Amended 8-13-2008 by L.L. No. 1-2008]

§ 105-75. Definitions and word usage.

The terms used in this Part 2 shall have the meanings indicated in § 105-2.

ARTICLE XVII

Determination and Payment of Costs and Charges**§ 105-76. Total cost of operation and maintenance. [Amended 8-13-2008 by L.L. No. 1-2008]**

For each sewer district, the Town Board or its designee shall determine the total annual costs for operation and maintenance of the Town sewerage facilities which are necessary to maintain the capacity and performance during the service life of these facilities. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, transportation, necessary modifications, power, sampling, administration, insurance, laboratory tests and a reasonable contingency fund.

§ 105-77. Determination of user's wastewater contribution. [Amended 8-13-2008 by L.L. No. 1-2008]

- A. The Town Board or its designee shall estimate each user's average daily volume of wastewater which has been discharged to the wastewater system. Since some users have private water sources which are not metered, the average daily volume of sewage from one residential unit is considered to be 300 gallons. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The charges for operation and maintenance attributable to extraneous flow (i.e., infiltration, inflow) shall be distributed among all users of the wastewater system based upon the flow volume of the users.
- B. Wastewater from a portion of the Town is discharged into sewers owned and operated by Rensselaer County Sewer District No. 1, which also owns and operates the wastewater treatment facility serving the Town sewerage facilities. For those portions of the Town so served, Rensselaer County Sewer District No. 1 bills each Town user for the use of its sewers and wastewater treatment facilities.
- C. In Sewer District No. 3 (Hemstreet Park), sewage treatment is provided by Saratoga County. Saratoga County directly bills the Town for this service on a per-unit basis. Each user will be charged by the Town as part of the sewer rent.

§ 105-78. Surcharge system for users with excess volume. [Amended 8-13-2008 by L.L. No. 1-2008]

In portions of the Town, wastewater treatment for the Town is provided by Rensselaer County Sewer District No. 1. This district bills all individual users in accordance with its established Rules and Regulations for Sewer Rent Charges. (For these and all other purposes, a "residential unit" is defined as a flow volume of up to 300 gallons per 24 hours.)

§ 105-79. Units of user charges assigned to each user within a class.

One or more units of use shall be assigned to each user as follows:

- A. Residential. A single-family dwelling constitutes a unit. Multiple-dwelling buildings shall be charged the unit charge multiplied by the number of family dwelling units contained in the building.
- B. Schools.
 - (1) Elementary schools. Thirty students and/or staff constitute a unit.
 - (2) Junior and senior high school. Twenty-five students and/or staff constitute a unit.
- C. Other than residential and school. Each toilet room constitutes a unit. Wastewater from wet

processing operations shall be charged at comparable whole rates.

§ 105-80. User's wastewater service charges.

- A. For the sewer districts other than Sewer District No. 3 (Hemstreet Park), wastewater treatment is provided and billed by Rensselaer County Sewer District No. 1 in accordance with its established charges. For Sewer District No. 3 (Hemstreet Park), sewage treatment is provided by Saratoga County. Saratoga County directly bills the Town for this service on a per-unit basis. Each user will be charged by the Town as part of the sewer rent. **[Amended 8-13-2008 by L.L. No. 1-2008]**
- B. Each nonresidential user's equivalent residence units as determined in §§ 105-77, 105-78 and 105-79 shall be added together to determine such user's annual charge. Residential users are considered to be one class of user and an equitable service charge will be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The Town Board may classify commercial and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume.

§ 105-81. Review of service charges; assessment and billing of capital costs. [Amended 8-13-2008 by L.L. No. 1-2008]

- A. The Town Board shall review the total annual cost of operation and maintenance, lateral sewer principal and interest payments, as well as each user's wastewater contribution percentage, not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate, maintain and finance the wastewater system. If it is determined that excess revenues have been collected from a class of users, the excess revenues from that class of users shall be applied to the costs of operation and maintenance attributable to that class for the next year, and the rate charged to such users shall be adjusted accordingly.
- B. For Sewer District No. 3, capital costs are assessed on a per-unit basis and will be billed as a separate line item on the Town tax bill.

§ 105-82. Payment of operation and maintenance charges and penalties. [Amended 8-13-2008 by L.L. No. 1-2008]

- A. The Town of Schaghticoke shall submit a semiannual statement to each user for the user's operation and maintenance charges during the subject period. A penalty of 10% will be charged for payments made 30 days or more after the date on which such charges are due and payable. All delinquent charges will be relieved with the real property taxes assessed and levied against the property served.
- B. Unpaid sewer rents and penalties shall constitute a lien upon the real property served by the sewer district and such part or parts thereof for which sewer rents are established or imposed and shall constitute a lien upon the real property against which they have been imposed. This lien shall be prior to and superior to every other lien or claim except the lien of an existing tax assessment or other lawful charge imposed by or for the state or any political subdivision or district thereof.
- C. The Town Clerk or his/her designee shall compute each year the amount of all unpaid sewer rents, including penalties, and a list of the same shall be presented by him/her to the Town Board. The Town Board shall levy such amounts against the real property liable therefor as part of the annual tax levy, setting forth such amounts in separate columns in the annual tax roll.

- D. Sewer rents provided pursuant hereto are charges in addition to any sewer assessments that may be levied from time to time against real property in any sewer district.

§ 105-83. Semiannual billing.

Each user will be billed semiannually for the operation and maintenance charge and the lateral sewer charge. A single statement separately stating such charges shall be issued approximately every six months and shall prorate such charges on the basis of the number of full calendar months the user was connected to the system during such six-month period.

ARTICLE XVIII
Prohibited Wastes; Toxic Pollutants

§ 105-84. Certain discharges prohibited; additional requirements.

- A. The discharge of any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems or to injure or interfere with any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.
- B. Article VI of the Town of Schaghticoke Local Law No. 2 of 1984, Regulation of Sewer Use Ordinance,⁴⁴ the rules and regulations for sewer use of Rensselaer County Sewer District No. 1 and the rules and regulations for Saratoga County Sewer District No. 1 contain additional requirements covering the use of the wastewater facilities and sewer connections for all sewer districts operative in the Town of Schaghticoke. **[Amended 8-13-2008 by L.L. No. 1-2008]**

§ 105-85. Increased costs regarding toxic pollutants.

Each user which discharges any toxic pollutant which causes an increase in the cost of managing the effluent or the sludge of Rensselaer County Sewer District No. 1 wastewater treatment works shall pay for such increased costs as levied by the County Sewer District.

44. Editor's Note: See Art. VI of this chapter.

ARTICLE XIX
Inconsistent Agreements

§ 105-86. Precedence of system of service charges.

The system of service charges established by this Part 2 shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities or state and federal agencies or installations) which are inconsistent with Section 204(b)(1)(A) of the Clean Water Act (33 U.S.C. § 1251 et seq., as amended) or 40 CFR 35 rules and regulations.

ARTICLE XX

Grinder Pumps**[Added 1-14-2009 by L.L. No. 1-2009]****§ 105-87. Power source.**

Each grinder pump or similar installation requiring a power source and utilized to serve a building, structure, residence or the like shall be provided a power source from within the building, structure, residence or the like for the operation of the grinder pump or similar installation at no charge to the Town or sewer district for the use or hookup to the power source. The grinder pump or like equipment shall be installed on the property of the building, structure, residence or the like and not within the public right-of-way.

§ 105-88. Installation and electricity costs.

For new districts as part of the initial installation of infrastructure, the district may bear the cost of the installation of the grinder pump and power hookup to the power source at the building, etc., but shall not be responsible for the ongoing power/electricity costs.

Chapter 106**SOLID WASTE MANAGEMENT**

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 8-11-1999 by L.L. No. 1-1999.⁴⁵ Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Advisory Council — See Ch. 7.

Landfills — See Ch. 82.

Junkyards — See Ch. 78.

§ 106-1. Findings; title; purpose.

- A. It is hereby determined that the public order, safety, health and welfare of the Town of Schaghticoke requires the reasonable regulation of the manner in which solid waste is managed and disposed of within the Town of Schaghticoke. This chapter shall be known as the "Solid Waste Management Local Law."
- B. It shall be the purpose of the Town of Schaghticoke Solid Waste Management Law to encourage and facilitate the maximum reduction, reuse and recycling practicable on the part of each and every household, business and institution within the Town of Schaghticoke. It shall further be the purpose of the Town of Schaghticoke Solid Waste Management Law to establish, implement and enforce minimum recycling-related practices and procedures to be applicable to all waste generators within the town.

§ 106-2. Definitions.

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

BOXBOARD — The light brown or gray packaging material used for dry goods (cereals, pasta, tissues) or white packaging used for health and beauty aids/medicines; excluding packaging used for items stored in refrigerators or freezers.

BULK ITEM — An item of solid waste larger than two feet by two feet by four feet and/or having a weight in excess of 50 pounds.

CONSTRUCTION AND DEMOLITION DEBRIS — Solid waste delivered to the town transfer station in aggregate weight in excess of 100 pounds and/or volume in excess of one cubic yard, whichever shall be less, consisting of any combination of wood, lathe, plaster, concrete, cement, bricks, mortar, roofing materials and/or other debris removed in the construction, reconstruction, remodeling, alteration, destruction, razing and/or removal of any residential (or ancillary thereto), agricultural, commercial and/or industrial building.

CORRUGATED CARDBOARD — Cardboard containers, boxes and packaging which are cleared of contamination by food waste, metals or plastics and which have been flattened for collection.

DESIGNATED DISPOSAL FACILITY — The facility designated by the town to receive all MSW

45. Editor's Note: This local law also repealed former Ch. 106, Solid Waste Management, adopted 6-28-1990 by L.L. No. 4-1990.

collected by a designated hauler within the town, as well as C&D materials collected at the town's transfer station during special collection days so designated by the town.

DESIGNATED HAULER — The entity designated by the town to provide curbside collection of solid waste and recyclables from residences within the town.

DESIGNATED RECYCLING FACILITY — A facility permitted under applicable federal, state and/or local laws that collects, stores and/or processes recyclables for end uses other than waste disposal.

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

ERCSWMA — The Eastern Rensselaer County Solid Waste Management Authority, a public benefit corporation created by an act of the New York State Legislature in 1989 to manage solid waste and recycling activities for its member municipalities.

GLASS — Empty, washed, glass jars, bottles and containers of clear, green and amber (brown), with caps removed. This term excludes ceramic, window glass, auto glass, mirror glass and kitchenware.

HAZARDOUS WASTE — A waste or combination of wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment.

JUNK MAIL — Brochures, newsletters and other advertising promotions made from bond, newspaper or magazine stock, including envelopes, but excluding all nonpaper coverings, packaging or samples; often delivered through the postal service to residents and businesses.

MAGAZINES — Common machine finished, glossy paper made chiefly from wood pulp and clay fillers/additives.

METAL CONTAINERS — All ferrous and nonferrous containers, including steel, aluminum and composite cans and containers; foil and foil tins cleaned of food waste.

NEWSPAPER — Common machine-finished paper made chiefly from wood pulp used for printing newspapers, including glossy inserts.

OTHER PAPER — Bond paper, including computer print-out, photo copy and ledger; envelopes; brown kraft or other paper bags, and gift wrap (free of foils, ribbon or plastic coatings/decorations).

PLASTIC — High-Density polyethylene (HDPE), polyethylene terephthalate (PET) and polypropylene (PP) bottles, including empty, washed food, beverage, detergent, bleach and hair-care bottles with lids removed; excludes bottles containing motor oil as well as all tubs, film, vinyl, rigid and foam polystyrene or other plastic materials.

RECYCLABLES — Discarded materials, including but not limited to newspaper, magazines, telephone books, cardboard, glass, plastic and/or metal containers, scrap metals or other items, for which economic markets exist, as determined by the ERCSWMA and the town and published in a list on file with the Town Clerk.

SCRAP METAL — Ferrous and nonferrous metals, including appliances, wire, pipes, tubing, motors, sheet metal and other items made from said materials.

SOLID WASTE — Materials or substances discharged or rejected as being spent, useless, worthless or in excess to the owner at the time of such discard or rejection, except sewage and other highly diluted water-carried materials or substances and those in gaseous form. Such waste shall include but are not limited

to garbage, rubbish, ashes (excluding incinerator residue), street cleanings, industrial waste, commercial waste, construction debris and demolition debris.

SOURCE-SEPARATED — When recyclables are separated from other components of the solid waste stream by the waste generator according to procedures determined by the ERCSWMA and the town, and published in a document titled "Source Separation Procedures" on file with the Town Clerk.

THE TOWN — The Town of Schaghticoke, inclusive of the Village of Schaghticoke and that portion of the Village of Valley Falls situated on the north side of the Hoosic River.

TOWN TRANSFER STATION — The town's facility on New York State Route 67 used to store recyclables collected by the designated hauler and/or brought to the facility during special collection days.

WASTE GENERATOR — Any individual, public or private business, institution, industry or organization that generates solid waste within the town.

§ 106-3. General provisions.

- A. The Town Board, from time to time, shall by resolution establish the hours of operation of the town transfer station and may, from time to time, by resolution designate special collection days for the collection and disposal of specific items of solid waste.
- B. The Town Board, considering the public order, health, safety and welfare of the town, may, from time to time, prohibit the collection and disposal of specific items of solid waste at the town transfer station.
- C. The Town Board, from time to time, shall by resolution establish a schedule of fees for collection and disposal of specific items of solid waste, including bulk items and for construction and demolition debris and other specific items of solid waste so designated by the Town Board.
- D. The Town Clerk of the Town of Schaghticoke is designated as the agent for the collection of fees under this chapter.
- E. The town transfer station shall be used exclusively for recyclables originating and collected within the Town of Schaghticoke or within a municipality that has been granted use of the transfer station by the town; or for solid waste originating in the town and accepted at the transfer station as part of a special collection day. No person shall collect and dispose of solid waste or recyclables at the transfer station originating, collected, accumulated, received, processed or otherwise acquired outside of the Town of Schaghticoke except with the express prior written permission of the Town Board.
- F. The town transfer station shall not be used for the collection or disposal of any hazardous waste unless the Town Board has, by resolution, agreed to host an ERCSWMA Household Hazardous Waste Collection Day at the transfer station, in which case eligible hazardous waste may be collected at the transfer station for proper off-site disposal by a contractor so designated by the ERCSWMA.
- G. No person shall collect and/or dispose of solid waste, recyclables or hazardous waste at the town transfer station without the permission of the Town Board or it is duly authorized agent or employee.
- H. All solid waste and recyclables collected at the town transfer station shall be disposed of in the manner and at the location to be determined by the Town Board and the ERCSWMA or by their duly authorized agent or employee.
- I. No person shall collect and/or dispose of solid waste, recyclables or hazardous waste at the town transfer station unless in accordance with this chapter.

- J. The Town Board, or its duly authorized agent or employee, upon a determination that any person is violating any provision of this chapter, in addition to any other remedy or penalty under this chapter, shall be authorized to direct such person violating any provision of this chapter to immediately cease and desist in the use of the transfer station and to leave the site.
- K. Ownership of the solid waste collected and disposed of at the town transfer station as required by the provisions of this chapter shall be vested in the town.
- L. The town transfer station shall be operated in a manner consistent with and encouraging the appropriate recycling of solid waste. The Town Board, from time to time, may by resolution establish procedures for collection, sorting, storage and disposal of recyclables at the transfer station and may further enter into such agreements and contracts as it deems appropriate to provide for the collection, sorting, storage and disposal of recyclables.

§ 106-4. Recycling.

- A. All solid waste generated in the town shall be source-separated for collection by the town's designated waste hauler or by a solid waste hauler contracted by the waste generator. The designated waste hauler shall deliver all source-separated recyclables to the town transfer station and deposit said materials in the appropriate roll-off containers for eventual transport to a recycling facility designated by the town, the ERCSWMA or its agent. Solid waste haulers contracted by waste generators within the town shall assure that source-separated recyclables are transported and delivered to a designated recycling facility.
- B. A list of recyclables that are eligible and required to be source-separated, as determined by the ERCSWMA and the town shall be maintained on file at the Town Clerk's office in a document titled "Designated Recyclables." Designated recyclables shall, until modified, include newspaper, magazines, junk mail, boxboard, plastic, glass and metal containers. The Town Board, from time to time and at least annually, shall update the Designated Recyclables and Source Separation Procedures documents to reflect changes in recycling markets and the recycling program.
- C. No person shall collect and dispose of eligible and required recyclables as waste or combine recyclables with other components of solid waste.
- D. No person shall collect, remove or take recyclables collected and disposed of at the town transfer station, unless specifically granted such permission by the Town Board, ERCSWMA or their authorized agent or employee.

§ 106-5. Penalties for offenses.

- A. Any person convicted of violating any of the provisions of § 106-3 of this chapter, except § 106-3G, shall be guilty of a violation and be punished by a fine of not less than \$25 nor more than \$250. Upon any second or subsequent conviction, the court shall impose a fine of not less than \$100 nor more than \$250.
- B. Any person convicted of violating § 106-3G of this chapter shall be guilty of a violation and be punished by a fine of not less than \$250 nor more than \$500. Each article, item and/or container of hazardous waste collected and/or disposed of shall constitute a separate offense under this chapter.
- C. Any person convicted of violating any of the provisions of § 106-4 of this chapter shall be guilty of a violation and be punished by a fine of \$10 for the first offense; upon a second conviction the court shall impose a fine of \$25; upon a third or subsequent conviction the court shall impose a fine of not

less than \$50 nor more than \$250.

STORMWATER MANAGEMENT

Chapter 107

STORMWATER MANAGEMENT

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

GENERAL REFERENCES

Building code administration — See Ch. 66.

Sewers — See Ch. 105.

Flood damage prevention — See Ch. 69.

Subdivision of land — See Ch. 108.

Freshwater wetlands — See Ch. 72.

ARTICLE I

Illicit Discharges, Activities and Connections to Separate Storm Sewer System**[Adopted 2-14-2007 by L.L. No. 1-2007]****§ 107-1. Purpose/intent.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Schaghticoke through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES general permit for municipal separate storm sewer systems. The objectives of this article are:

- A. To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 107-2. Definitions.

Whenever used in this article, unless a different meaning is stated in a definition applicable to only a portion of this article, the following terms will have meanings set forth below:

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities requiring authorization under the SPDES permit for stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT — The New York State Department of Environmental Conservation.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE — Any direct or indirect nonstormwater discharge to the MS4, except as exempted in § 107-6 of this article.

INDUSTRIAL ACTIVITY — Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03,⁴⁶ as amended or revised.

MS4 — Municipal separate storm sewer system.

MUNICIPALITY — The Town of Schaghticoke.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- A. Owned or operated by the Town of Schaghticoke;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NONSTORMWATER DISCHARGE — Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS —

- A. Discharge compliance with water quality standards: The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure

46. Editor's Note: The revised GP-98-03 has been renumbered as GP-06-01.

future discharges do not cause or contribute to a violation of water quality standards.

- B. 303(d)-listed waters: The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d)-listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d)-listed water.
- C. Total maximum daily load (TMDL) strategy: The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
- D. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by the EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER — Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) — The Building Inspector/Code Enforcement Officer or any other employee, municipal engineer or other public official(s) designated by the Town of Schaghticoke to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(d)-LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. The 303(d)-listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

TMDL — Total maximum daily load.

TOTAL MAXIMUM DAILY LOAD — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

§ 107-3. Applicability.

This article shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 107-4. Responsibility for administration.

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this article. Such powers granted or duties imposed upon the authorized enforcement official may be

delegated in writing by the SMO as may be authorized by the municipality.

§ 107-5. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 107-6. Discharge prohibitions.

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in Subsection A(1). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this article, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.
- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
- (3) Dye testing in compliance with applicable state and local laws is an allowable discharge but requires a verbal notification to the SMO prior to the time of the test.
- (4) The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the municipality's MS4 or allows such a connection to continue.

§ 107-7. Activities that contaminate stormwater prohibited.

- A. Activities that are subject to the requirements of this section are those types of activities that:
- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
 - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 107-2, Definitions, of this article.
- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 107-8. Prevention, control, and reduction of stormwater pollutants by use of best management practices.

Where the SMO has identified illicit discharges as defined in § 107-2 or activities contaminating stormwater as defined in § 107-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- A. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
- B. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 107-2 or an activity contaminating stormwater as defined in § 107-7 may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- C. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

§ 107-9. Suspension of access to MS4; illicit discharges in emergency situations.

- A. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter, in writing, of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this article may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without

the prior approval of the SMO.

§ 107-10. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 107-11. Access to facilities; monitoring of discharges.

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this article or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
 - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this article.
 - (3) The municipality shall have the right to set up on any facility subject to this article such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The municipality has the right to require the facilities subject to this article to install monitoring equipment as is reasonably necessary to determine compliance with this article. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Unreasonable delays in allowing the municipality access to a facility subject to this article are a violation of this article. A person who is the operator of a facility subject to this article commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this article.
 - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged and he or she is able to demonstrate probable cause to believe that there may be a violation of this article or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 107-12. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected

release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 107-13. Enforcement; penalties for offenses.

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this article, he or she may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;
 - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (4) The performance of monitoring, analyses, and reporting;
 - (5) Payment of a fine; and
 - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 107-14. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the SMO to the Town of Schaghticoke within 15 days of its issuance, which Town shall hear the appeal within 30 days after the

filing of the appeal and, within five days of making its decision, file its decision in the office of the Municipal Clerk and mail a copy of its decision by certified mail to the discharger.

§ 107-15. Corrective measures after appeal.

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

§ 107-16. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

§ 107-17. Alternative remedies.

- A. Where a person has violated a provision of this article, he or she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
 - (1) The violation was unintentional.
 - (2) The violator has no history of previous violations of this article.
 - (3) Environmental damage was minimal.
 - (4) The violator acted quickly to remedy the violation.
 - (5) The violator cooperated in investigation and resolution.
- B. Alternative remedies may consist of one or more of the following:
 - (1) Attendance at compliance workshops.
 - (2) Storm drain stenciling or storm drain marking.
 - (3) River, stream or creek cleanup activities.

§ 107-18. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or

a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 107-19. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ARTICLE II
Stormwater Management and Erosion and Sediment Control
[Adopted 2-14-2007 by L.L. No. 2-2007⁴⁷]

§ 107-20. Findings of fact.

It is hereby determined that:

- A. Uncontrolled drainage and runoff associated with land development has a significant impact upon the health, safety and welfare of the community.
- B. Eroded soil endangers water resources by reducing water quality and causing the silting of streams, lakes and other water bodies, adversely affecting aquatic life.
- C. Stormwater runoff and sediment transports pollutants such as heavy metals, hydrocarbons, nutrients and bacteria to water resources, degrading water quality.
- D. Eroded soil necessitates repair and accelerates the maintenance needs of stormwater management facilities.
- E. Clearing, grading and altering natural topography during construction tends to increase erosion.
- F. Improper design and construction of drainage facilities can increase the velocity of runoff, thereby increasing streambank erosion and sedimentation.
- G. Impervious surfaces increase the volume and rate of stormwater runoff and allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow.
- H. Improperly managed stormwater runoff can increase the incidence of flooding and the severity of floods that occur, endangering property and human life.
- I. Substantial economic losses can result from these adverse impacts.
- J. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of land development activities.

§ 107-21. Purpose; objectives.

The purpose of this article is to safeguard persons, protect property, and prevent damage to the environment in the Town of Schaghticoke, New York. This article will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any land development activity as it relates to erosion and sedimentation control and stormwater management. This article seeks to meet these purposes by achieving the following objectives:

- A. Meet the requirements of minimum control measures 4 (construction site stormwater runoff control) and 5 (postconstruction stormwater management) of the State Pollution Discharge Elimination System (SPDES) general permit for stormwater discharges from municipal separate stormwater sewer systems (MS4s), Permit GP-02-02, or as amended or revised.
- B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation (SPDES) general permit of construction activities

47. Editor's Note: This local law was originally adopted as Ch. 14 but was renumbered to maintain the organizational structure of the Code.

GP-02-01, or as amended or revised.

- C. Minimize soil erosion and sedimentation impacts on streams, water bodies, and neighboring properties.
- D. Avoid excessive and/or unnecessary tree and vegetation removal.
- E. Minimize windblown soil associated with properties being cleared and graded for development.
- F. Maintain the integrity of watercourses and sustain their hydrologic functions.
- G. Minimize increases in the magnitude and frequency of stormwater runoff to prevent an increase in flood flows and the hazards and costs associated with flooding.
- H. Minimize decreases in groundwater recharge and stream base flow to maintain aquatic life, assimilative capacity, and water supplies.
- I. Facilitate the removal of pollutants in stormwater runoff to perpetuate the natural biological function of water bodies.

§ 107-22. Statutory authority.

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

§ 107-23. Applicability; SWPPP required; redevelopment projects; exemptions.

- A. Except as otherwise provided herein, no person shall commence or perform any land development activity, as defined herein, without the approval of a stormwater pollution prevention plan (SWPPP).
- B. Applicants shall also obtain all other permits required by state, federal, and local laws. Whenever the particular circumstances of proposed land development activity require compliance with special use, site plan, or subdivision procedures of the Town of Schaghticoke, the responsible board shall integrate the requirements prescribed herein as appropriate and determine the adequacy of the SWPPP.
- C. Redevelopment projects. Redevelopment projects, as defined herein, provide an opportunity to reduce pollutant discharges and the rate, the amount and quality of stormwater runoff leaving the redevelopment site. However, the nature of the site, particularly in an urban location, may impose constraints that prevent implementation of full postconstruction compliance. Chapter 9 of the New York State Stormwater Management Design Manual sets forth the standards for compliance with water quality and quality standards and specifications. Consideration shall be given to using alternative stormwater management practices such as rain gardens, pervious pavers, green roofs and other low-impact development techniques to reduce stormwater impacts.
- D. No SWPPP is required for the following exempt activities:
 - (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

- (2) Agricultural operations conducted as a permitted principal or accessory use, including the construction of structures where the land disturbance is less than one acre.
- (3) 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 stormwater management facility.
- (4) Mining, as defined herein.
- (5) The renovation/replacement of a septic system serving an existing dwelling or structure.
- (6) Normal lawn and landscaping activities/maintenance.
- (7) Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- (8) Selective cutting of trees, as defined herein, except log haul roads and landing areas are subject to this article. ("Landing areas" are cleared areas to which trees are hauled for their storage before being transferred off site.)
- (9) Repairs and maintenance of any stormwater management practice or facility.

§ 107-24. Definitions.

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

AGRICULTURE — The use of land for sound agricultural purposes, including farming, dairy, horse boarding, pasturing, grazing, horticulture, floriculture, viticulture, timber harvesting, animal and poultry husbandry, and those practices necessary for the on-farm production, preparation, and marketing of agricultural commodities. "Agriculture" does not include dude ranches or similar operations.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) — A person who has received training and is certified by CPESC, Inc. to review, inspect and/or maintain erosion and sediment control practices.

CLEARING — Any activity that removes the vegetative surface cover.

COMMENCEMENT OF CONSTRUCTION — The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

DESIGN MANUAL — The New York State Stormwater Management Design Manual, most recent version, including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

EROSION — The wearing away of the land surface by action of wind, water, gravity, or other natural forces.

EROSION AND SEDIMENT CONTROL PLAN — A set of plans prepared by or under the direction of a licensed/certified professional indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

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."

FINAL STABILIZATION — Means that all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches, or geotextile mats) have been employed on all unpaved areas and

areas not covered by permanent structures.

GRADING — Excavation of fill, rock, gravel, sand, soil or other natural material, including the resulting conditions therefrom.

LAND DEVELOPMENT ACTIVITY — Construction activity, including clearing, grading, excavating, soil disturbance, or placement of fill, resulting in land disturbance of equal to or greater than one acre. Also includes activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LICENSED/CERTIFIED PROFESSIONAL — A person currently licensed to practice engineering or landscape architecture in New York State or is a certified professional in erosion and sediment control (CPESC).

MINING — Any excavation subject to permitting requirements of the State Department of Environmental Conservation under the Mined Land Reclamation Law (Environmental Conservation Law, Article 23, Title 27).

NOTICE OF INTENT (NOI) — A permit application prepared and filed by an owner or operator with the Department of Environmental Conservation as an affirmation that a stormwater pollution prevention plan (SWPPP) has been prepared and will be implemented in compliance with the State Pollution Discharge Elimination System general permit for stormwater runoff for construction activity (GP-02-01).

OPERATOR — The person, persons, or legal entity which owns or leases the property on which the construction activity is occurring.

PERIMETER CONTROL — A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

PHASING — Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

PROJECT, MAJOR — Any land development activity that disturbs one acre or more, including all commercial, industrial, or mixed-use development, as well as any residential development consisting of buildings that contain two or more dwelling units, or any land development activity not classified as a minor project. (The operator of a major project must submit an SWPPP that addresses water quality and quantity controls in addition to erosion and sedimentation controls.)

PROJECT, MINOR — Any land development activity associated with a permitted agricultural use or singlefamily residential construction/subdivision that disturbs between one and five acres and is not discharging stormwater directly to a water body listed on New York State 2002 Section 303(d) list of impaired water bodies. (At present in Rensselaer County, Snyders Lake is the only water body on the list, due to phosphorous levels associated with urban runoff.) The operator of a minor project must submit an SWPPP that addresses erosion and sedimentation controls.)

REDEVELOPMENT — Refers to the reconstruction or modification to any existing, previously developed land such as residential, commercial, industrial, institutional, or road or highway which involves soil disturbance.

SEDIMENT — Solid material, both mineral and organic, which is in suspension, is being transported, has been deposited, or has been removed from its site of origin.

SELECTIVE CUTTING — The cutting of more than 1/2 of the existing living trees measuring six inches in diameter at breast height (DBH) in an area of one acre or more, over a period of two consecutive years.

SITE — A parcel of land, or a contiguous combination thereof, where grading work is performed as a

single, unified operation.

SITE DEVELOPMENT PERMIT — A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SLOPES, SEVERE — Ground areas with a slope greater than 25% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

SLOPES, STEEP — Ground areas with a slope greater than 15% covering a minimum horizontal area of 1/4 acre or 10,890 square feet and a minimum horizontal dimension of 10 feet.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY, GP-02-01 — 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-02-02 — 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 — Covering or maintaining an existing cover or soil. Cover can be vegetative (e.g., grass, trees, seed and mulch, shrubs, or turf) or nonvegetative (e.g., geotextiles, riprap, or gabions).

STABILIZATION, FINAL — Means that all soil-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 80% has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

START OF CONSTRUCTION — The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling.

STORMWATER POLLUTION PREVENTION PLAN — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

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 — Any body of water, including but not limited to lakes, ponds, rivers, streams, and intermittent streams.

WATERCOURSE BUFFER — A horizontal distance 50 feet away from and parallel to the high-water level of a watercourse.

WETLANDS — Those areas that are inundated or saturated by surface water or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include those areas determined to be wetlands by the U.S. Army Corps of Engineers and the New York State Department of

Environmental Conservation.

ZONING ENFORCEMENT OFFICER — The Code Enforcement Officer or the Building Inspector.

§ 107-25. Stormwater pollution prevention plan required; review and approval of SWPPP.

- A. No application for a land development activity shall be approved until the responsible board and/or department has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications contained herein.
- B. Time limits for review.
 - (1) For land development activity not subject to special permit, site plan, or subdivision requirements, the Town Engineer, or designated agent, shall review the SWPPP to determine its completeness and conformance with the provisions herein. Within 30 days of receipt of an SWPPP, or 60 business days if the SWPP identifies practices or designs that deviate from the prescribed standards established by § 107-30, the Town Engineer, or designated agent, shall make a determination as to whether it is complete. If it is deemed incomplete, the applicant shall be notified in writing as to the deficiencies in the plan and the requirements for completeness. Within 30 days after receiving a complete plan, the Town Engineer, or designated agent, shall, in writing:
 - (a) Approve the permit application;
 - (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - (c) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
 - (2) Failure of the Town Engineer, or designated agent, to act on a complete original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed, unless such time is extended by agreement between the applicant and the Town. Pending preparation and approval of a revised plan, land development activities shall not be allowed to proceed. Nothing herein shall relieve an applicant's need to obtain a building permit as required by Town Code or file an NOI with the NYS Department of Environmental Conservation.
- C. For land development activity subject to special permit, site plan, or subdivision requirements, the responsible board shall incorporate the required SWPPP into the review process, allowing for public review and comment on the SWPPP. The responsible board, in consultation with the Town Engineer, or designated agent, shall determine the adequacy of the SWPPP. For projects subject to subdivision requirements, preliminary plat approval shall not be granted until the Planning Board has received an SWPPP prepared in accordance with the specifications contained herein.
- D. In its review of the plan, the responsible board or municipal official may consult with the Town Engineer, the Rensselaer County Soil and Water Conservation District or the New York State Department of Environmental Conservation or retain any other licensed/certified professionals qualified in the review and/or design of stormwater management and erosion control plans as are determined to be necessary to carry out the review of an SWPPP. Payment for the services of such professionals shall comply with § 107-37 herein.

§ 107-26. Stormwater pollution prevention plan contents.

- A. All designs and procedures to prevent stormwater pollution as set forth within the SWPPP shall be designed in compliance with the New York Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual, as stipulated in § 107-30.
- B. The SWPPP shall include the following:
- (1) A written narrative identifying the project's scope, including the location, type, and size of the project.
 - (2) A 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; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of stormwater discharge(s). The specific location(s), size(s), and length(s) of each erosion and sediment control practice shall also be shown. Site maps/construction drawings shall be at a scale no smaller than one inch equals 100 feet.
 - (3) A natural resources map identifying existing vegetation; on-site and adjacent off-site surface water(s), wetlands, and drainage patterns that could be affected by the construction activity; and existing and final slopes.
 - (4) A description of soil(s) present at the site, along with any existing data that describes the stormwater runoff characteristics at the site.
 - (5) A 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. Phasing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Consistent with the New York Standards and Specifications for Erosion and Sediment Control, there shall not be more than five acres of disturbed soil at any one time without prior written approval from the Department of Environmental Conservation.
 - (6) A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges and runoff.
 - (7) A 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.
 - (8) A description of the 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 closeout. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (9) The dimensions, material specifications (e.g., seeding mixtures and rates, types of sod, kind and quantity of mulching) and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins. Temporary practices that will be converted to permanent control measures shall be shown.

- (10) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
- (11) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practices, including estimates of the cost of maintenance.
- (12) Name(s) of the receiving water(s) and any existing data that describes the stormwater runoff at the site.
- (13) Identification of the person or entities responsible for implementation of the SWPPP for each part of the site.
- (14) A description of structural practices 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.
- (15) A site map/construction drawing(s) of each postconstruction stormwater practice, including a description of each postconstruction stormwater control practice,, including specific location(s) and size(s), dimensions, material specifications and installation details. The New York State Stormwater Management Design Manual shall serve as the technical design standard. Deviations from this design manual are permitted subject to review and approval by the New York State Department of Environmental Conservation within 60 business days of receipt of a completed notice of intent (NOI).

C. For major projects, the following shall also be provided:

- (1) A hydrologic and hydraulic analysis for all structural components of the stormwater control system for the applicable design storms.
- (2) A comparison of postdevelopment stormwater runoff conditions with predevelopment conditions.
- (3) A maintenance schedule to ensure continuous and effective operation of each postconstruction stormwater control practice.
- (4) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
- (5) An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with §§ 107-30B and C, 107-32 and 107-35A of this article.

§ 107-27. Plan certification.

The SWPPP shall be prepared by a licensed/certified professional. The SWPPP must be signed by the professional preparing the plan and shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a Class A misdemeanor pursuant to § 210.45 of the Penal Law."

§ 107-28. Contractor certification.

- A. The SWPPP must clearly identify each contractor(s) and subcontractor(s) involved in soil disturbance that will implement each stormwater and erosion control measure. Each contractor and subcontractor identified in the SWPPP shall sign 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 (SWPPP) as a condition of authorization to discharge stormwater. I also understand that the operator must comply with the terms and conditions of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activities and that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- B. The certification must include the name and title of the person providing the signature; the address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 107-29. SWPPP review and amendment.

- A. The permittee shall amend the SWPPP whenever:
- (1) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
 - (2) The SWPPP proves to be ineffective in:
 - (a) Eliminating or significantly minimizing pollutants from sources identified in the SWPPP; or
 - (b) Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity.
- B. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP.
- C. Significant amendments or changes to the SWPPP as outlined above in Subsection A may be subject to review and approval in the same manner as § 107-25 herein.

§ 107-30. Design and performance standards; maintenance easements; maintenance agreements.

- A. Technical standards.

- (1) Grading, erosion, and sediment control practices and waterway crossings shall meet the design criteria set forth in the most recent version of the New York Standards and Specifications for Erosion and Sediment Control published by the Empire State Chapter of the Soil and Water Conservation Society. For the design of postconstruction structures, the technical standards are currently detailed in the publication New York State Stormwater Management Design Manual, published by the Department of Environmental Conservation. Where stormwater management practices are not in accordance with above design and technical standards, the applicant or developer must demonstrate equivalence to the design and technical standards set forth in this section, and the equivalence shall be documented and certified by a licensed/certified professional as part of the SWPPP.
- (2) Cut and fill slopes shall be no greater than 2:1, except where retaining walls, structural stabilization or other methods acceptable to the Town-designated licensed certified professional are used. Disturbed areas shall be restored as natural-appearing landforms and shall blend in with the terrain of adjacent undisturbed land. Abrupt, angular transitions shall be avoided.
- (3) Clearing and grading shall be substantially confined to designated building envelopes, utility easements, driveways, and parking footprints. Clearing and grading techniques that retain natural vegetation and drainage patterns, as described in the most recent version of Standards and Specifications for Erosion and Sediment Control referenced above, shall be used to the satisfaction of the responsible board. No clearing or grading shall take place within the established fifty-foot watercourse buffer area except to provide road crossings where permitted.
- (4) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- (5) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the responsible board. There shall not be more than five acres of disturbed soil at any one time without prior written approval from the NYS Department of Environmental Conservation.
- (6) The permittee shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. This requirement does not apply in the following instances:
 - (a) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.
 - (b) Where construction activity on a portion of the site is temporarily ceased and earth-disturbing activities will be resumed within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
- (7) The mere parking and moving of construction vehicles around the site does not constitute construction or earth-disturbing activity. If the permittee is not diligently pursuing the project toward completion as determined by the Town Zoning Enforcement Officer or designated agent, he/she may issue a notice of violation (See § 107-38A) and stipulate that the stabilization measures as outlined above shall be undertaken to prevent site erosion.
- (8) If seeding or another vegetative erosion control method is used, it shall become established within 14 days, or the applicant may be required to reseed the site or use a nonvegetative option.

- (9) Special techniques that meet the design criteria outlined in the most recent version of Standards and Specifications for Erosion and Sediment Control shall be used to ensure stabilization on steep slopes or in drainageways.
 - (10) Soil stockpiles must be stabilized or covered at the end of each workday.
 - (11) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - (12) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - (13) Techniques that divert upland runoff past disturbed slopes shall be employed.
 - (14) Adjacent properties shall be protected by the use of a vegetated buffer strip in combination with perimeter controls.
 - (15) In general, wetlands and watercourses should not be filled, graded or altered. The crossing of watercourses should be avoided to the maximum extent practicable. When protection of wetlands, watercourses, trees, steep slopes or other environmentally sensitive areas is required, the location shall be shown on the erosion control plan and the method of protection during construction identified (e.g., silt fence, construction fence, stakes, etc.). A vegetative buffer (25 feet minimum) shall be maintained between disturbed areas and protected federal wetlands that are not proposed to be filled as part of an Army Corps of Engineers wetlands permit. In the case of state-designated wetlands, the one-hundred-foot adjacent area shall not be disturbed without a NYS Department of Environmental Conservation permit.
 - (16) Stabilization shall be adequate to prevent erosion located at the outlets of all pipes and paved/riprap channels.
 - (17) Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
 - (18) Development should relate to site conditions and disturbance of steep slopes avoided. Grading should be minimized by utilizing existing topography whenever possible. Roads and driveways shall follow the natural topography to the greatest extent possible.
 - (19) In areas of severe slopes (exceed 25%) land-disturbing activities are not permitted. A twenty-five-foot buffer must be maintained between any disturbed area and the top of slopes 25% and greater.
- B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Schaghticoke to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Town of Schaghticoke.
- C. Maintenance agreements. The Town of Schaghticoke 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 article entitled

"Sample Stormwater Control Facility Maintenance Agreement."⁴⁸ The Town of Schaghticoke, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided that such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

§ 107-31. Water quality standards.

Any land development activity shall not result in:

- A. An increase in turbidity that will cause a substantial visible contrast to natural conditions in surface waters of New York State;
- B. An increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best uses; or
- C. Residue from oil and floating substances, nor visible oil film or globules of grease.

§ 107-32. Maintenance during construction.

The applicant or developer of the land development activity or his or her 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 article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.

§ 107-33. Erosion and sediment control inspections; reports; site logbook.

- A. When inspections are to occur; violations.
 - (1) The Town Zoning Enforcement Officer or designated agent may require such inspections as necessary to determine compliance with this article 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 article and the SWPPP as approved. To obtain inspections, the applicant shall notify the Zoning Enforcement Officer or designated agent at least 48 hours before the following, as required by the SWPPP:
 - (a) Start of construction and initial installation of sediment and erosion controls.
 - (b) Installation of sediment and erosion measures as site clearing and grading progresses.
 - (c) Completion of site clearing.
 - (d) Completion of rough grading.
 - (e) Completion of final grading.
 - (f) Close of the seasonal land development activity.
 - (g) Completion of final landscaping.
 - (h) Successful establishment of landscaping in public areas.

48. Editor's Note: Schedule B is on file in the Town offices.

- (2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. Corrective actions may include the repair/restoration of off-site impacts. 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 Town Zoning Enforcement Officer or designated agent.
- B. For land development activities, the applicant shall have a qualified professional conduct an assessment of the site prior to the commencement of construction and certify in an inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site. Following the commencement of construction, site inspections shall be conducted by a qualified professional at least every seven calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The purpose of such inspections will be to determine the overall effectiveness of the plan and the need for additional control measures. During each inspection, the licensed/certified professional shall record the following information:
- (1) On a site map, indicate the extent of all disturbed site areas and drainage pathways; indicate site areas that are expected to undergo initial disturbance or significant site work within the next fourteen-day period;
 - (2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
 - (3) Indicate all disturbed site areas that have not undergone active site work during the previous fourteen-day period;
 - (4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of the sediment storage volume;
 - (5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems and containment systems; identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching; document any excessive deposition of sediment or ponding water along barrier or diversion systems; record the depth of sediment within containment structures and any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water; and
 - (6) All deficiencies that are identified with the implementation of the SWPPP.
- C. A copy of the NOI and a brief description of the project shall be posted at the construction site in a prominent place for public viewing. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the beginning of construction activities to the date of final stabilization. The SWPPP and inspection reports are public documents that the operator must make available for inspection, review and copying by any person within five business days of the operator receiving a written request by such person to review the SWPPP and/or the inspection reports. The copying of documents will be done at the requester's expense.
- D. The operator shall maintain a record of all inspection reports in a site logbook. The site logbook shall be maintained on site and be made available to the Town upon request. The operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis.
- E. The applicant or developer or his or her 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.

- F. The Zoning Enforcement Officer, or designated agent, shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Subsection C above.

§ 107-34. Project completion.

- A. Inspections of stormwater management practices (SMPs). The Town Zoning Enforcement Officer, or designated agent, is responsible for conducting inspections of stormwater management practices (permanent water quantity/quality improvement structures). All operators are required to submit as-built plans certified by a professional engineer for any permanent stormwater management practices located on site after final stabilization. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. Operators shall also provide the owner(s) of such structure(s) with a manual describing the operation and maintenance practices that will be necessary in order for the structure to function as designed. The operator must also certify that the permanent structure(s) have been constructed as described in the SWPPP. This certification can be accomplished by providing to the Town a copy of the notice of termination (NOT) filed with the NYS Department of Environmental Conservation.
- B. All certified as-built plans, lands, structures, and/or appurtenances to be dedicated to the Town shall be reviewed, inspected and approved by the Town Engineer or designated agent prior to Town acceptance.
- C. Notice of termination (NOT). Upon certification by the operator's licensed/certified professional that a final site inspection has been conducted and that final stabilization has been accomplished and all stormwater management practices have been constructed as described in the SWPPP, the operator shall complete and file an NOT as prescribed by the NYSDEC and file a copy with the Town to notify it that he or she has complied with Subsection A and that the project is complete.

§ 107-35. Postconstruction activities.

- A. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, at a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this article.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 107-31.
- B. 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 facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

- C. Submission of reports. The Town of Schaghticoke Stormwater Management Officer may require monitoring and reporting from entities subject to this article as are necessary to determine compliance with this article.
- D. Right of Entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Town of Schaghticoke the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in § 107-35B.

§ 107-36. Performance guarantee; recordkeeping.

- A. Construction completion guarantee. The applicant or developer may be required 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 Schaghticoke as the beneficiary. The security shall be in an amount determined by the Town of Schaghticoke 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 Schaghticoke, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Town of Schaghticoke 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 control facilities, the Town may, upon notification, draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
- C. Recordkeeping. The Town of Schaghticoke may require entities subject to this article to maintain records demonstrating compliance with this article.

§ 107-37. Retention of licensed certified professional; payment.

- A. The responsible board or municipal official is hereby authorized to retain licensed/certified professionals as are determined to be necessary to carry out the review of an SWPPP or to make regular or final inspections of all control measures, lands, structures, and/or appurtenances to be dedicated to the Town in accordance with the approved plan.

- B. Payment for the services of such professionals is to be made from funds deposited by the applicant with the Town in escrow accounts for such purposes.
- C. It shall be the responsibility of the applicant to submit to the Town certified check(s) in amounts equal to the estimate of the licensed/certified professional for the cost of services to be rendered. Estimates shall reflect reasonable costs at prevailing rates. The Town shall make payments to said professional for services rendered to it upon acceptance by the Town of said service.

§ 107-38. Enforcement; penalties for offenses.

- A. Notice of violation.
 - (1) The operator and all contractors and subcontractors must comply with all conditions of an SWPPP submitted pursuant to this article. In the event that the Town determines that a land development activity is not being carried out in accordance with the requirements of this article, the Zoning Officer may issue a written notice of violation to the operator/landowner, applicant and all contractors/subcontractors subject to the provisions of this article. The notice of violation shall contain:
 - (a) The name and address of the operator/landowner, developer, or applicant;
 - (b) The address of the site or a description of the building, structure or land upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;
 - (d) A description of the remedial measures necessary to bring the land development activity into compliance with this article, and a time schedule for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that can be assessed against the person to whom the notice of violation is directed.
 - (2) Within 15 days of notification of violation (or as otherwise provided by the Town), the violator shall take the remedial measures necessary to bring the land development activity into compliance with this article.
- B. Stop-work order. The Town Zoning Enforcement Officer may issue a stop-work order for violation of this article. Persons receiving a stop-work order shall be required to halt all land development activities, except those activities that address the violation(s) identified in the stop-work order. The stop-work order shall be in effect until the Town 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, and/or monetary penalties in accordance with this article.
- C. Violations. The Town of Schaghticoke may require entities subject to this article to maintain records demonstrating compliance with this article.
- D. Penalties. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this article is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$250 for each offense. In addition to any other penalty authorized by this section, any person, partnership,

or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration. To the extent that the noncompliance with this article constitutes a violation of the Clean Water Act and the Environmental Conservation Law, there may be substantial criminal, civil, and administrative penalties, depending upon the nature and degree of the offense.

- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this article, the Town Zoning Enforcement Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Town of Schaghticoke may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

SUBDIVISION OF LAND

Chapter 108

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Schaghticoke 8-18-1975; amended in its entirety 4-8-2009 by L.L. No. 2-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Environmental quality review — See Ch. 61.

Mobile homes — See Ch. 89.

Flood damage prevention — See Ch. 69.

Stormwater management — See Ch. 107.

Freshwater wetlands — See Ch. 72.

ARTICLE I
Declaration of Policy

§ 108-1. Authority and policy of Planning Board.

- A. By authority of the resolution adopted by the Town Board pursuant to the provisions of Article 16 of the Town Law, the Planning Board has the power and authority to approve plats for subdivisions within the unincorporated area of the Town.
- B. It is declared to be the policy of the Town to consider land subdivision as part of a plan for the orderly, efficient and economical development of the Town. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other menace and shall be subdivided in a manner which maintains the rural and small Town character of Schaghticoke. Further purposes are to ensure that agricultural lands are protected and public water supplies are protected. Proper provision shall be made for drainage, water, sewerage and other needed improvements. The proposed streets shall compose a convenient system conforming to the Official Map, as it may be adopted, and shall be consistent with the Town of Schaghticoke Comprehensive Plan, as it is adopted by the Town Board. Streets shall be of such width, grade and location as to accommodate the prospective vehicular and pedestrian traffic, to afford adequate light and air and to facilitate fire protection. Streets shall also be consistent with the residential and rural nature of the Town.
- C. Should any of these regulations conflict or be inconsistent with any provision of the Town Law, such provision of the Town Law shall apply.

ARTICLE II
Procedure for Filing Subdivision Applications

§ 108-2. Basic steps.

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure approval of such proposed subdivision in accordance with the following procedures, which include, basically, three steps:

- A. Prefiling conference.
- B. Preliminary plat.
- C. Subdivision plat.

§ 108-3. Prefiling conference sketch plan; application for waiver; lot line adjustment.

- A. Discussion of requirements. Before preparing the preliminary plat, the applicant shall discuss with the Planning Board, in general terms, his plans for the proposed subdivision, as well as the requirements for reservations of land, street improvements, drainage, sewerage, water, fire protection and similar aspects, as well as the availability of existing services. A request for such a prefiling conference shall be made to the Chairman of the Planning Board, who shall fix the date thereof. This conference shall be informal in nature and may be held at a regular or special meeting of the Planning Board. The applicant may also discuss the sketch layout with the Rensselaer County Health Department, whose approval is required by these regulations and which must eventually approve any subdivision plat coming within its jurisdiction.
- B. Sketch layout requirements. The sketch plan shall consist of a drawing (based on Tax Map information or some other similarly accurate base map) and should show:
 - (1) The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records;
 - (2) The Tax Map sheet, block, and lot numbers, scale, North arrow, and total acreage involved;
 - (3) The location and boundaries of the proposed subdivision in relation to municipal boundaries, if any, within 500 feet of the property;
 - (4) A general illustration of the proposed layout of lots and streets;
 - (5) Location, in general, of existing streets and significant natural features;
 - (6) Existing permanent buildings, structures, and utilities, if any;
 - (7) Designation of zoning districts and any overlay districts that pertain to the parcel; and
 - (8) Such other features as the applicant may deem pertinent.
- C. Study of sketch plan and classification. At the time of the preapplication conference, the Planning Board shall review the proposed subdivision, as outlined on the submitted sketch plan and shall:
 - (1) Determine whether the proposed subdivision of land will be classified as a minor or major subdivision, or lot line adjustment as defined in these regulations;

- (2) Determine whether the proposed subdivision may involve a federal agency or one or more other agencies as defined under SEQRA;
 - (3) Make a preliminary classification of the proposed subdivision as a Type I, Type II, or unlisted action, as such terms are defined under SEQRA;
 - (4) Determine whether a full or short environmental assessment form ("EAF") will be required;
 - (5) Discuss with the applicant whether a site visit is to be performed by members of the Planning Board, its consultants and/or designated representatives;
 - (6) Discuss whether the sketch plan meets the purposes of these regulations and any recommendations that the Planning Board may specify for incorporation, by the applicant in the next submission, subject to any changes based upon the site visit and consultants reports, if any; and
- D. Within 45 days of the date of the preapplication conference, the Planning Board shall determine if the sketch plan meets the purposes of these regulations, any specific recommendations that are to be incorporated by the applicant in the next submission to the Planning Board, and any requirements that the Planning Board deems appropriate to be waived with respect to the next subdivision review stage.
- E. In the event that the applicant desires the Planning Board to consider a request to waive the requirements of this chapter upon the grounds of special circumstances and that no public benefit would result from the Planning Board's taking further action, the applicant may file with the Planning Board an application for waiver of requirements of the subdivision regulations.⁴⁹ The application shall be on a form prescribed by the Town and which shall be made available by the Clerk of the Planning Board. The application shall be accompanied by a fee set by the Town Board.
- F. Lot-line adjustment. A lot-line adjustment between adjacent property owners shall not be considered a subdivision, and shall be exempt from the requirements of these regulations provided such division of land does not create a new lot or reduce the size of any existing lot area, dimensions or building setbacks below the minimum requirements for the zoning district in which such land is located, as provided by the Zoning Law.⁵⁰
- (1) Procedure. The adjacent property owners shall submit a stamped sketch plan of the proposed division and transfer of land to the Planning Board prepared by a licensed professional. Further, they shall schedule and attend a preapplication conference prior to effectuating such property transfer. The Planning Board at the preapplication conference will study the sketch plan and issue a determination as to whether such exemption applies to the land in question.
 - (2) Submission of deed. If the Planning Board determines that the exemption applies, the property owners in question must submit to the Planning Board a copy of the executed deed which evidences such transfer's compliance with the sketch plan relied upon by the Planning Board in making its determination.

§ 108-4. Preliminary plat.

- A. Application procedure. Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of a preliminary plat. The application shall be based

49. Editor's Note: See Art. VI, Waivers, §§ 108-24 and 108-25.

50. Editor's Note: The Zoning Law is on file in the Town offices.

on Planning Board input from the preapplication meeting and shall:

- (1) Be made on forms available at the office of the Town Clerk.
 - (2) Include all land which the applicant proposes to subdivide.
 - (3) Be accompanied by nine copies of the preliminary plat, as described in § 108-16 hereof.
 - (4) Comply in all respects with Article III of this chapter, except where a modification may be specifically authorized by the Planning Board.
 - (5) Comply with the requirements set forth in §§ 276 and 277 of the Town Law.
 - (6) Be accompanied by a fee as set from time to time by the Town Board.
 - (7) If the subdivision proposes new streets having frontage on, access to or otherwise directly related to any state highway or county road, the application shall be accompanied by letters from the New York State Department of Transportation or the Rensselaer County Engineer, respectively, stating the conditions for such frontage or access.
 - (8) Stormwater pollution prevention plan. A stormwater pollution prevention plan (SWPPP) consistent with the requirements set forth in the Code of the Town of Schaghticoke Chapter 107, Article II, shall be required for preliminary plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in the Code of the Town of Schaghticoke Chapter 107, Article II. The approved preliminary subdivision plat shall be consistent with the provisions of the Code of the Town of Schaghticoke Chapter 107, Article II.
- B. Subdivider to attend Planning Board meeting. The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.
- C. Study of preliminary plat.
- (1) The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community, the Comprehensive Plan, and the best use of the land being subdivided.
 - (2) Particular attention shall be given to the arrangement and location of lots in relation to rural character, agricultural fields, open space, and environmental features, and the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Town Comprehensive Plan, the Official Map, Zoning Law, and Land Use Code, if such exists.
- D. Coordination with SEQRA. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- E. When officially submitted. The time of submission of the preliminary plat shall be considered to be the date on which the application for approval of the preliminary plat, complete and accompanied by the required fee and all data required by § 108-16, has been filed with the Clerk of the Planning Board. A complete application shall be when all application materials and fees have been submitted and either a negative declaration or a notice of completion of a draft environmental impact statement has been filed. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

- F. Escrow and consulting services. Where the Planning Board deems services such as engineering, architectural, planning, or other professional services are advisable to assist in the examination of the proposed subdivision, the applicant shall be required to pay the cost of all such services. The Town Board shall establish an escrow account for this purpose.
- G. Referral to neighboring municipalities. Pursuant to General Municipal Law § 239-nn, for a subdivision review under this section involving property located within 500 feet of an adjacent municipality, notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than 10 days prior to the date of said hearing.
- H. Approval of the preliminary plat.
 - (1) Within 62 days after the receipt of such preliminary plat by the Clerk of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the Planning Board may schedule pursuant to SEQRA as per Town Law § 276, Subdivision 5. Within 62 days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat. The basis of a modification, if any, or the basis for disapproval shall be stated upon the record of the Planning Board. The time in which the Planning Board must take action on such plat may be extended by mutual consent of the subdivider and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing such modifications, if any, as it deems necessary for submission of the plat in final form. Within five days of the approval of such preliminary plat, it shall be certified by the Clerk of the Planning Board as granted preliminary approval and a copy filed in his office, a certified copy mailed to the owner and a copy forwarded to the Town Clerk. Failure of the Planning Board to act within such sixty-two-day period shall constitute approval of the preliminary plat.
 - (2) When granting approval to a preliminary plat, the Planning Board shall state the terms of such approval, if any, with respect to the modifications to the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds therefor which it will require as a prerequisite to the approval of the subdivision plat. Approval of the preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat, which will be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations. Prior to approval of the subdivision plat, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

§ 108-5. Subdivision plat.

- A. Application procedure. The subdivider shall, within six months after the approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision plat in final form, using the approved application form available from the Clerk of the Planning Board. The application shall be accompanied by a minimum of nine copies of the subdivision plat and the construction detail sheets, as described in § 108-17. If the final plat is not submitted within six months after the approval

of the preliminary plat, the Planning Board may refuse to approve the final plat and require a resubmission of the preliminary plat.

- B. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date on which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by § 108-17, has been filed with the Clerk of the Planning Board.
- C. Endorsement of state and county agencies. Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the Rensselaer County Department of Health. Applications for approval of plans for sewer or water facilities will be filed by the subdivider with all necessary Town, county and state agencies. Subdivisions creating four or more lots, or those less than five acres in size, shall require Rensselaer County Department of health septic system approval for all lots prior to final plat approval. For all other subdivisions, the Planning Board may require such prior approval.
- D. Public hearing. Within 62 days of the submission of a plat in final form for approval, a hearing shall be held by the Planning Board. This hearing shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing; provided, however, that when the Planning Board deems the final plat to be in substantial agreement with a preliminary plat approved under § 108-4 of this article and modified in accordance with requirements of such approval if such preliminary plat has been approved with modification, the Planning Board may waive the requirement for such public hearing.
- E. Action on proposed subdivision plat.
 - (1) The Planning Board shall by resolution conditionally approve, conditionally approve with or without modification, disapprove or grant final approval and authorize the signing of such plat within 62 days of its receipt by the Clerk of the Planning Board if no hearing is held, or in the event a hearing is held, within 62 days after the date of such hearing. This time may be extended by mutual consent of the subdivider and the Planning Board. Failure to take action on a final plat within the time prescribed therefor shall be deemed approval of the plat.
 - (2) Upon resolution of 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 days of such resolution, the plat shall be certified by the Clerk of the Planning Board as conditionally approved and a copy filed in his office and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements as, when completed, will authorize the signing of the conditionally approved final plat.
 - (3) Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Board may, however, extend the time within which a conditionally approved plat may be submitted for signature, if in its opinion such extension is warranted, for two additional periods not to exceed 90 days each.
 - (4) The Planning Board is authorized to grant final plat approval at the same time as preliminary plat approval for minor subdivisions.
- F. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed, in writing,

on the plat. In the event that any subdivision plat, when recorded, contains any such changes, the plat shall be considered null and void and the Planning Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

G. Signing of the plat.

- (1) Every subdivision plat submitted to the Planning Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Town of Schaghticoke, New York, on the ____ day of ____ 20 __, subject to all requirements and conditions of said resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this ____ day of ____ 20 __ by

Chairman

- (2) In the absence of the Chairman or Clerk of the Planning Board, the Acting Chairman or Acting Clerk, respectively, may sign in his place.

§ 108-6. Filing of approved subdivision plat.

Upon completion of the requirements in §§ 108-5 and 108-12 and notation to that effect upon the subdivision plat, it shall be deemed to have final approval and shall be properly signed by the duly designated officer of the Planning Board and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within 62 days of the date upon which such plat is approved or considered approved by reason of the failure of the Planning Board to act shall become null and void.

§ 108-7. Resubdivision.

For a resubdivision, the same procedure, rules and regulations apply as for a subdivision. When a resubdivision occurs so that four or more lots have been created from the original parcel, that subdivision shall be deemed a major subdivision.

§ 108-8. Streets and park areas.

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Town of any street, park or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect.

ARTICLE III

General Requirements for Subdivision of Land**§ 108-9. Guiding considerations.**

The Planning Board, in considering an application for the subdivision of land, shall be guided by the following considerations and standards.

§ 108-10. General statement.

- A. Character of land. Land to be subdivided shall be of such character that in the opinion of the Planning Board it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the resulting subdivision shall be carefully designed to preserve the rural character, open space, environmental features, and farmlands of the Town. The optimal use and conservation of natural and physical resources shall be the guide for determining the inherent constraints and potentials for development on the proposed site.
- B. Conformity to Official Map and Town Comprehensive Plan. Subdivisions shall conform to the streets and parks shown on the Official Map of the Town, as and when adopted, and shall be properly related to the Town Plan as adopted by the Town Board.

§ 108-11. Streets.

- A. Location, width and improvement of streets. Streets shall be suitably located, of sufficient width and adequately improved to accommodate the prospective traffic and to afford satisfactory access to police, fire-fighting, snow removal or other road maintenance equipment and shall be coordinated so as to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties. Further, all new residential streets shall be consistent with the rural character and traffic patterns of rural and low-volume roads.
- B. Widths of right-of-way and street grades. The right-of-way of streets shall have a width of at least 50 feet. A greater width, not exceeding 70 feet, may be required by the Town Planning Board. The grade of any street shall not exceed 10% nor be less than 0.6%. The pavement width shall not exceed 18 feet for low-volume roads less than 50 to 100 cars per day. For roads having a higher volume, pavement widths shall be 20 feet.
- C. Relation to topography. Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.
- D. Intersections. Cross (four-cornered) street intersections shall be avoided insofar as possible, except at important traffic intersections. A distance of at least 150 feet shall be maintained between the center lines of offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles and grades shall be limited to 3%. No access shall be constructed within 10 feet of a neighboring property unless the driveway will act as a shared access.
- E. Continuation of streets into adjacent property. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly where such continuation is in accordance with the Town Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements

shall be extended to the property line. A temporary circular turnaround of a minimum of 50 feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutters whenever the street is continued. The Planning Board may limit temporary dead-end streets to a length of not more than double the permitted length of permanent dead-end streets.

- F. Permanent dead-end streets. Dead-end highways are discouraged. "Ts" or "hammerheads" are required at the terminus of all dead ends. Cul-de-sac designs are discouraged but may be permitted provided the cul-de-sac has a minimum turn-around radius of 45 feet. Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be separated from such boundary by a distance of not less than 100 feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property. However, the Planning Board may require the reservation of a twenty-foot-wide easement to accommodate pedestrian traffic or utilities. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to 600 feet.
- G. Street names. All streets shall be named, and such names shall be subject to the approval of the Planning Board and County 911 Coordinator. Names shall be sufficiently different in sound and in spelling from other street names in the Town and vicinity so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

§ 108-12. Improvements.

- A. Street improvements; standards for street design. Streets and street improvements shall conform to all Town ordinances and specifications and will be subject to the inspection and approval of the Town Superintendent of Highways before consideration for acceptance by the Town Board.
- B. Monuments. Permanent concrete posts with monuments shall be set at block corners and at intervals of approximately 500 feet or such other distance as the Planning Board may determine appropriate, and their location shall be shown on the subdivision plat. Iron pipes shall not be considered permanent monuments for the purposes of this chapter.
- C. Improvements and performance bond.
 - (1) Before the Planning Board grants final approval of the subdivision plat, the subdivider shall follow the procedure set forth in either Subsection C(1)(a) or (b) below:
 - (a) In an amount set by the Planning Board, the subdivider shall file with the Planning Board either a certified check to cover the full cost of the required improvements or a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 277 of the Town Law and shall be satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
 - (b) The subdivider shall complete all required improvements to the satisfaction of the Town Highway Superintendent, who shall file with the Planning Board a letter signifying the satisfactory completion of all improvements required by the Board. For any required improvements not so completed, the subdivider shall file with the Planning Board a bond or certified check covering the costs of such improvements and the cost of satisfactorily installing any improvement not approved by the Town Engineer. Any such bond shall be

satisfactory to the Town Engineer and Town Attorney as to form sufficiency, manner of execution and surety.

- (2) The required improvements shall not be considered to be completed until the installation of the improvements has been approved by the Town Highway Superintendent and a map satisfactory to the Planning Board has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection C(1)(b), then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection C(1)(a), such bond shall not be released until such a map is submitted.
- D. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Planning Board that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Planning Board may authorize modifications, provided that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Planning Board shall issue any authorization under this subsection in writing.
- E. Inspection of improvements. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Town Clerk the inspection fee required by the Town Board and shall notify the Town Board in writing of the time when he proposes to commence construction of such improvements so that the Town Board may cause inspection to be made to assure that all Town specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
- F. Proper installation of improvements. If the Town Highway Superintendent shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Town Board, Building Inspector and Planning Board. The Town Board then shall notify the subdivider and, if necessary, the bonding company and take all necessary steps to preserve the Town's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

§ 108-13. Lots.

Lots shown on any approved preliminary or final plat shall comply with the zoning regulations of the Town of Schaghticoke.

- A. Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in building on all lots and in providing access to buildings on such lots from an approved street. Lots may be required to meet the criteria of Article V (Conservation Subdivisions).
- B. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for installation of a culvert or other structure, of a design approved by the Town Planning Board.
- C. Side lot lines. Side lot lines shall be at right angles to street lines unless a variation from this rule will give a better street or lot plan.

- D. Access from major streets. Lots shall not, in general, derive access exclusively from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.
- E. The Planning Board shall ensure that each lot created in a minor subdivision can support water and waste treatment, and may require an on-site waste treatment system (septic) permit from the Rensselaer County Department of Health prior to final plat approval. Subdivisions creating four or more lots, or those less than five acres in size, shall require Rensselaer County Department of health septic system approval for all lots prior to final plat approval. For all other subdivisions, the Planning Board may require such prior approval.
- F. In making a determination regarding streets, highways, parks, and other required improvements, the Planning Board shall take into consideration the prospective character of the development.

§ 108-14. Reservations; easements; downstream drainage.

- A. Parks and recreational areas. The Planning Board may require adequate, convenient and suitable areas for parks or other recreational purposes to be reserved on the plat, but in no case more than 10% of the gross area of any subdivision. The area shall be shown and marked on the plat as "Reserved for Park Purposes." Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the proposed subdivision will contribute. In the event the Planning Board determines that the proposed subdivision presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board pursuant to Town Law § 277, Subdivision 4(c).
- B. Widening or realignment of existing streets. Where the subdivision borders an existing street and the Official Map or Town Plan (as these may be adopted) indicates plans for realignment or widening of the street that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat as "Reserved for Street Realignment (or Widening) Purposes."
- C. Utilities and drainage easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 30 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be indicated on the plat.
- D. Easements for pedestrian access. The Planning Board, where it deems it necessary, may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least 20 feet in width. Such easements shall be indicated on the plat.
- E. Responsibility for ownership of reservations. Ownership shall be clearly indicated on all reservations for parks.
- F. Responsibility resulting from drainage downstream. The subdivider shall also study and report on the

effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; and this report shall be reviewed by the Planning Board. When it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility during a twenty-five-year storm, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the plat until provision has been made for the improvement of said condition.

§ 108-15. Existing features; floodplains; other natural features.

- A. Preservation of existing features. Existing features which would add value to residential development, such as the view, large trees, watercourses and waterfalls, beaches, historic spots and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision.
- B. Floodplains.
 - (1) Mapping. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard by stormwater, this portion shall be clearly indicated on any submissions required by this chapter. In cases of doubt, the Planning Board may require the submission of a flood hazard study delineating the limits of the one-hundred-year floodplain, such study to be conducted by a licensed professional engineer.
 - (2) Conditions for approval. Any subdivision, including all proposed improvements and construction, must comply with all provisions of the National Flood Insurance Act of 1968 and subsequent amendments.
- C. Preservation of existing natural features and cover.
 - (1) Land to be subdivided and/or developed shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading, cut, and fill, and to retain, to the maximum extent practicable, the natural contours and features of or on the subject land, limit stormwater runoff, and conserve the natural cover and soil. Existing natural features that enhance the attractiveness of the site, and that add value to residential or other development, or to the Town as a whole, such as trees, vegetation, stone walls, hedgerows, watercourses, ponds and similar resources, shall be preserved insofar as possible by design of the subdivision and building areas. The Planning Board may make reasonable modifications in standards for the layout and construction of streets to accomplish the preservation of existing natural features and land cover. Where practicable, the Planning Board may request that natural boundaries, i.e., watercourses, stone walls, forested edges, hedgerows, etc., be incorporated into the boundary configuration of new lots.
 - (2) All minor and major subdivisions shall meet the following standards to minimize adverse impacts on natural features.
 - (a) The proposed subdivision shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities.
 - (b) Disturbance to streams, drainage swales, wetlands, and areas with seasonally high water tables shall be minimized.
 - (c) Because of their resource values, all woodlands on any parcel proposed for subdivision

shall be evaluated by the applicant to determine the extent to which such woodlands should be conserved or developed. Evaluation criteria for this shall include size, present conditions, site potential, ecological functions, and relationship of woodlands on adjoining properties. Woodlands along roadways, property lines, streams, and hedgerows, shall be preserved. Lot layout should preserve the largest, unfragmented expanse of woodlands possible.

- (d) Preferred locations for development include the nonprime agricultural soils and in a manner which permits access to active agricultural land. Prime farmland soils and soils of statewide importance shall be avoided. Where a parcel contains both open fields and woodlands, preferred locations for development are along the far edges of open fields adjacent to any woodland, so as to reduce impact on agricultural operations and enable new construction to be visually absorbed by natural landscape features.
 - (e) Preferred locations include lower topographic settings where development will be visually less intrusive. Building envelopes and structures may be placed below ridgelines so that the roof of the structure is not higher than the highest peak of the ridgeline.
 - (f) Areas of steep slope shall be preserved in accordance with the Schaghticoke Zoning Law.
 - (g) Use existing vegetation and topography to buffer and screen new buildings if possible. Group buildings in clusters or tuck them behind tree lines or knolls rather than spreading them out across the landscape in a "sprawl" pattern.
 - (h) Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
 - (i) Minimize creation of new curb cuts to the maximum extent practical.
 - (j) Minimize crossing of steep slopes with roads and driveways.
 - (k) Where possible, place utility lines and driveways on less productive land and site driveways on the edge of farm fields, rather than through the middle.
- (3) Variation of lot width and area. The Planning Board may require lot areas and lot widths to vary in order to eliminate the appearance of a standard subdivision. To the extent possible, no more than two lots in a row shall have the same width. Lots shall vary by a minimum of five-foot increments;
- (4) To avoid monotony and similarity in major subdivisions, the Planning Board may require use of changes in facade planes, use of porches, changes in location of entryways, varying the width of the units, and varying roof orientation, roof styles, and building orientation.

ARTICLE IV
Specifications for Plats

§ 108-16. Preliminary plat.

Preliminary plats submitted to the Planning Board shall be drawn to a convenient scale, not less than one inch equals 100 feet, and shall show the following information:

- A. The location of the property with respect to surrounding property and streets. There shall also be included an area map at a scale of one inch equals 660 feet showing all streets and property within 1,000 feet of the applicant's property. All property held by the applicant in the area shall be identified.
- B. The location and approximate dimensions of all existing property lines (include entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner).
- C. All pertinent features, such as existing structures, streets, railroads, water bodies, streams, swamps, flood plain boundaries, large trees, other important land features and habitats that may influence the design of the subdivision, and topography at a contour interval of not more than five feet, unless waived by the Planning Board. All elevations shall be referred to United States Geological Survey bench mark.
- D. The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
- E. The approximate location and dimensions of all proposed or adjacent existing lots.
- F. The approximate location and dimensions of all property proposed to be set aside for playground or park use.
- G. The names of all adjoining property owners of record or the names of adjoining developments.
- H. The name and address of the owner or owners of the land to be subdivided; the name and address of the subdivider, if other than the owner; and the name of the qualified professional engineer or land surveyor.
- I. The date, true North point and scale.
- J. Proposed provision of water supply, fire protection, sewage disposal, stormwater drainage, street trees, street lighting, sidewalks (if required) and all other pertinent data which must be available for consideration at this stage.
- K. A stormwater pollution prevention plan (SWPPP) consistent with the requirements set forth in the Code of the Town of Schaghticoke Chapter 107, Article II, shall be required for subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in the Code of the Town of Schaghticoke Chapter 107, Article II.
- L. Location of any actively farmed field, farm access road, and boundary of New York State-certified agricultural district within 500 feet of the parcel.
- M. Agricultural data statement. If any portion of the project is located on property within a certified New York State agricultural district containing a farm operation, or on property with boundaries within 500 feet of a farm operation located in an agricultural district, the application must include an agricultural data statement containing the name and address of the applicant, a description of the

proposed project and its location, the name and address of any owner of land within the agricultural district, the land of which contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed, and a Tax Map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure, as per New York State Agriculture and Markets Article 25-AA, to potential purchasers of lots or dwelling units as follows: "This property adjoins land used for agricultural purposes. Farmers have the right to apply approved chemical and organic fertilizers, pesticides, and herbicides, and to engage in farm practices which may generate dust, odor, smoke, noise and vibration." This disclosure shall be required as a note on a subdivision plat.

- N. A note, prominently placed, on the plat indicating the number of total lots eligible to be created from the parent parcel as per the Zoning Law.
- O. Any other information required by the Planning Board as determined at the preapplication conference. The Planning Board reserves the right to waive any of the above-mentioned requirements where appropriate;
- P. A property owner submitting a subdivision plan shall be required to specify on his plan, and on any approved minor subdivision plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units to which the tract may be entitled.

§ 108-17. Subdivision plat.

Subdivision plats shall be accompanied by separate construction detail sheets and both shall be submitted to the Planning Board for approval as follows:

- A. Drawing, scale and size of plat and construction detail sheets. The subdivision plat and construction detail sheets shall be clearly and legibly drawn and shall consist of prints on cloth. Maps and profiles shall be at a scale of one inch equals 50 or 100 feet. Profiles shall have the same horizontal scale as maps and shall have a vertical scale of one inch equals five feet or 10 feet respectively. Maps shall be on uniform-size sheets, either 20 inches by 20 inches or 20 inches by 40 inches, suitable to be filed in the Rensselaer County Clerk's office.
- B. Information to be shown on plat. Plats shall show the following information:
 - (1) Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the Town.
 - (2) Date, true North point and scale.
 - (3) Name, address and signature of owner, subdivider and qualified professional engineer or land surveyor.
 - (4) Names of owners of record of abutting properties or developments.
 - (5) Locations, names and widths of existing streets, highways and easements, building lines, parks and other public properties.
 - (6) Locations and widths of all streets and sidewalks (if required), together with names of streets, and locations, dimensions and status of all easements proposed by the subdivider.

- (7) Lot areas in square feet.
 - (8) Lot lines with accurate dimensions and bearings.
 - (9) Sufficient data to determine readily the location, bearing and length of all lines and to reproduce such lines upon the ground.
 - (10) Radii of all curves and length or arcs.
 - (11) Location and detailed description of all monuments and bench marks. All elevations shall be based on United States Geological Survey bench marks.
 - (12) The accurate outline of all property which is offered or to be offered for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision. Town lines shall be shown where pertinent.
- C. Construction detail sheets. Construction detail sheets show the following information, except that where requirements have been waived, applicable specifications may be omitted:
- (1) Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection, shall be shown. All elevations must be referred to established United States Geological Survey bench marks.
 - (2) Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, sidewalks, manholes and catch basins; the locations of street trees, street lighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; and the exact location and size of all water, gas or other underground utilities and structures. All plans shall conform to the Town road specifications⁵¹ and shall be subject to the approval of the Town Superintendent of Highways.
- D. A stormwater pollution prevention plan (SWPPP) consistent with the requirements set forth in the Code of the Town of Schaghticoke Chapter 107, Article II, shall be required for subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in the Code of the Town of Schaghticoke Chapter 107, Article II.

51. Editor's Note: Regulations for the acceptance of streets and highways by the Town of Schaghticoke are on file in the office of the Town Clerk.

ARTICLE V
Cluster or Conservation Subdivisions

§ 108-18. Purposes.

In conformance with the Town's Comprehensive Plan, the purposes of cluster or conservation subdivisions are as follows:

- A. To conserve open land, including house areas containing unique and sensitive natural features such as steep slopes, streams, floodplains, and wetlands, by setting them aside from development.
- B. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required.
- C. To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
- D. To conserve a variety of resources and lands as established in the Town of Schaghticoke Comprehensive Plan.
- E. To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.
- F. To create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity that is consistent with the rural character of Schaghticoke.
- G. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.
- H. To conserve elements of the Town's rural character, and to minimize views of new development from existing roads.

§ 108-19. Applicability; uses; density.

- A. Applicability.
 - (1) The Planning Board shall require application of a clustering or conservation subdivision design on all contiguous parcels of land that are 20 acres in size or larger and three or more parcels are proposed to be subdivided, either now or in the future. When two or more parcels are combined, a flexible subdivision shall occur if their combined area is 20 acres or more.
 - (2) When an applicant includes only a portion of the landowner's entire tract, a sketch plan according to this article shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan at this stage shall not constitute approval of the future subdivision shown thereon.
- B. Permitted, accessory and special permit uses. Permitted, accessory and special permit uses within a cluster or conservation subdivision shall be the same as those otherwise allowed in the zoning district in which the development is located.
- C. Density. The permitted number of dwelling units shall not exceed the number of units that would be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of the Town of Schaghticoke Zoning Law applicable to the district or districts in which

such land is situated and conforming to all other requirements of the Town of Schaghticoke Zoning.

§ 108-20. Design process.

- A. Once the maximum permissible number of lots in a cluster or conservation subdivision has been established, the next step is to create a design layout. This layout shall include an identification of primary and secondary conservation lands within a parcel(s), which includes those elements most highly valued by the community.
- B. Sketch plan. A sketch plan shall be submitted by the applicant as a diagrammatic basis for informal discussions with the Planning Board regarding the design of a proposed subdivision or land development. The purpose of a sketch plan is to facilitate an expedient review of proposed new subdivisions in conformance with the Town Zoning Law and Comprehensive Plan. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, the sketch plan shall include an Existing Resources Map and Site Analysis Plan including the information listed below.
 - (1) Slopes: slopes of 15% or greater.
 - (2) Water resources: wetlands, aquifer and aquifer recharge areas, if known, municipal water supply areas, flood-prone areas as shown on Federal Emergency Management Agency maps, streams.
 - (3) Agricultural lands: active farmland within a New York State-certified agricultural district, or lands within 500 feet of a New York State-certified agricultural district, or soils classified in Groups 1 to 4 of the New York State Soil Classification System.
 - (4) Community water and/or sewer: sites where community sewer, community water, or community water and sewer are available or planned.
 - (5) Critical environmental areas: lands within or contiguous to a critical environmental area designated pursuant to Article 8 of the Environmental Conservation Law, if any.
 - (6) Designated open space areas: lands contiguous to publicly owned or designated open space areas, or privately owned designated natural areas.
 - (7) Historic structures and sites: historic structures or areas of national, state or local importance, if any.
 - (8) Scenic viewsheds and special features: sites bordering or in known scenic locations identified in the Town's Comprehensive Plan.
 - (9) Significant natural areas and features: areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special-concern species as determined by the New York Department of Environmental Conservation (Natural Heritage Program): mature forests over 100 years old; locally important vegetation (such as trees over 24 inches in diameter at breast height); or unique natural or geological formations.
 - (10) Trails: existing and potential trails, bikeways, and pedestrian routes of Town, state or county significance.
 - (11) Recreation: lakes, ponds or other significant recreational areas, or opportunities or sites designated in the Town's Comprehensive Plan.
 - (12) An Existing Resources and Site Analysis Plan shall be prepared to provide the developer and

the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs.

- (13) Topography, the contour lines of which shall be at two-foot intervals.
 - (14) General locations of vegetative cover conditions on the property according to general cover type, including cultivated land, grassland, old field, hedgerow, woodland and wetland, isolated trees with a caliper in excess of 12 inches, the actual canopy line of existing trees and woodlands.
 - (15) Any ridge lines on the property shall be identified.
 - (16) The location and dimensions of all existing streets, roads, buildings, utilities and other man-made improvements.
 - (17) Locations of all historically significant sites or structures on the tract and on any abutting tract.
 - (18) All easements and other encumbrances of property which are or have been filed of record with the Rensselaer County Clerk's office shall be shown on the plan.
- C. Preliminary plan documents. A preliminary cluster or conservation subdivision plan shall consist of and be prepared in accordance with the following requirements, which are designed to supplement and, where appropriate, replace the requirements of Chapter 108, Articles III and IV, of the Schaghticoke Subdivision Law:
- (1) Preliminary plan. The submission requirements for a preliminary plan include the requirements for sketch plans listed in § 108-20, above and the submission requirements of Chapter 108, Articles II and IV, and the Existing Resources and Site Analysis Plan. The Planning Board shall review the plan to assess its accuracy and thoroughness. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard-size sheet (24 inches by 36 inches).
- D. Four-step design process for cluster subdivisions. All sketch plans shall include Step 1 of the four-step design process. All preliminary plans shall include documentation of the four-step design process in determining the layout of proposed open space lands, house sites, streets and lot lines, as described below.
- (1) Step 1: Delineation of open space lands. Proposed open space lands shall be designated using the Existing Resources and Site Analysis Plan as a base map. Primary conservation areas shall be delineated comprising streams, floodplains, wetlands and slopes over 15%. In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Board to create a prioritized list of resources to be conserved. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space

areas on the tract. The result is potential development areas.

- (2) Step 2: Location of house sites. Potential house sites shall be tentatively located, using the proposed open space lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan. House sites should generally be located not closer than 100 feet to primary conservation areas and 50 feet to secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the positive benefits of such locations to provide attractive views and visual settings for residences.
 - (3) Step 3: Alignment of streets and trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be maintained by the Town and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate when they support greater open space conservation or provide extensive pedestrian linkages.
 - (4) Step 4: Drawing in the lot lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.
 - (5) Note on the four-step site design process for hamlets and adjoining villages. The design process for developing cluster subdivisions in or adjacent to hamlets and villages shall be a variation on the four-step process for conservation subdivisions, as described herein. In hamlets and near villages, where traditional streetscapes and terminal vistas are of greater importance, Steps 2 and 3 may be reversed, so that streets and squares are located during the second step, and house sites are located immediately thereafter. The first step is to identify open space lands, including both primary and secondary conservation areas.
- E. Dimensional standards. Within the framework of limitations set forth in this section of this article, the Planning Board shall establish, on a case-by case basis, the appropriate modifications of lot, bulk and other requirements which it has determined are necessary or appropriate to properly accomplish the purposes of this article. Lots shall be arranged in a way that preserves open space as conservation areas, as described in this section and §§ 108-21 through 108-23.
- (1) Minimum required open space. In all zoning districts, a cluster or conservation subdivision must preserve at least 50% of the tract's developed acreage as open space land. Parking areas and roads shall not be included in the calculation of the minimum required open space.
 - (2) Minimum street frontage: 20 feet.
 - (3) Yard regulations. The builder or developer is urged to consider variations in the principal building position and orientation but shall observe, as practical, the following minimum standards:
 - (a) Front yard: 20 feet.
 - (b) Rear yard: 40 feet.
 - (c) Side yard: thirty-feet separation for principal buildings, with no side yard less than 10 feet.

- (4) Maximum impervious coverage. No more than 35% of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.
- (5) Minimum lot size. The minimum lot size for developments in fee simple ownership shall be equal to that required by the Rensselaer County Department of Health to meet standards for water and septic system approvals.

F. Open space standards.

- (1) The required open space land consists of a combination of primary conservation areas and secondary conservation areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. Primary conservation areas shall be included in the required open space area to the greatest extent practical. The applicant shall also demonstrate that such features will be protected by the proposed subdivision plan. Secondary conservation areas include special features of the property that would ordinarily be overlooked or ignored during the design process, such as agricultural lands, woodlands, significant natural areas and features, stone walls, hedgerows, meadows, historic structures and sites, historic rural corridors, scenic viewsheds, and trails. Secondary conservation areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.
- (2) Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space.
- (3) Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback at least 200 feet deep, if practical. No clearing of trees or understory growth shall be permitted in this setback (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Planning Board may require that vegetative screening be planted or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.
- (4) Open space land should generally remain undivided. No individual parcel of common open space shall be less than one acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection.
- (5) No portion of any house lot may be used for meeting the minimum required open space land unless encumbered with a restriction.
- (6) The required open space may be used, without restriction, for underground drainage fields or for individual or community septic systems.
- (7) Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities. However, land within the rights-of-way of high-tension power lines shall not be included as comprising part of the minimum required open space.

G. Evaluation criteria.

- (1) House lots shall not encroach upon primary conservation areas, and their layout shall respect

secondary conservation areas.

- (2) Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Zoning Law and Subdivision Regulations.
- (3) House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two accessways into and out of subdivisions containing 20 or more dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.
- (4) At least 3/4 of the lots shall directly abut or face conserved open space, if importance, if practical.
- (5) The Planning Board shall evaluate proposals to determine whether the proposed layout:
 - (a) Protects all floodplains wetlands, and steep slopes from clearing, grading, filling or construction.
 - (b) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
 - (c) Sites dwellings on the least prime agricultural soils, or in locations at the edge of a field, as seen from existing roads if development is on open fields.
 - (d) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant.
 - (e) Maintains or creates a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs and ponds.
 - (f) Designs around existing hedgerows and tree lines between fields or meadows and minimizes impacts on large woodlands greater than five acres.
 - (g) Designs around and preserves sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.
 - (h) Provides open space that is reasonably contiguous.
 - (i) Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the New York State Department of Environmental Conservation.

H. Streets and driveways.

- (1) Common driveway access may be provided. A pedestrian circulation and/or trail system may be designated and installed sufficient for the needs of residents, as deemed practical by the Planning Board.
- (2) Cluster/conservation subdivision streets shall meet the Town street specifications. Where appropriate, the Planning Board shall work with the Commissioner of Public Works to ensure

that the Town of Schaghticoke street specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a cluster or conservation subdivision.

- (3) From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by bends of 90° and 135° are preferred in a more formal or traditional arrangement.
- (4) Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
- (5) The use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 miles per hour.
- (6) Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.
- (7) Landscape common areas and both sides of new streets with native species of shade trees.

§ 108-21. Open space protection; maintenance standards.

A. Permanent protection of open space.

- (1) All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through one of the following:
 - (a) A conservation easement in a form acceptable to the Town and recorded at the County Clerk's office.
 - (b) A declaration of covenants or deed restriction, in a form acceptable to the Town and recorded in the County Clerk's office, where a conservation easement has been shown not to be practicable.
- (2) The conservation easement, declaration of covenants or deed restriction shall restrict development of the open space and allow the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board, with the advice of the Town Attorney, shall approve the form and content of any easement, declaration, or restriction. The restriction shall be made a condition of the final plat approval. A conservation easement will be acceptable if:
 - (a) The conservation organization is acceptable to the Town and is a bona fide conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
 - (b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the conservation organization or the Town of Schaghticoke becomes unwilling or unable to continue carrying out its functions.
 - (c) A maintenance agreement acceptable to the Town is established between the owner and the conservation organization or the Town of Schaghticoke to insure perpetual maintenance of the open space.
 - (d) The conservation easement or other legally binding instrument shall permanently restrict

the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

- (3) Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowners' association (HOA). Open space may also be dedicated to the Town, county or state governments, transferred to a nonprofit organization, or held in private ownership. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
 - (a) If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - (b) The open space restrictions must be in perpetuity.
 - (c) If land is held in common ownership by a homeowners' association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs.
 - (d) The Planning Board shall find that the HOA documents satisfy the conditions stated above.
 - (e) Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title, with voting of one vote per lot or unit, and the subdivider's control, therefore, passing to the individual lot/unit owners on the sale of the majority of the lots or units.
 - (f) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development.
 - (g) The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
 - (h) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Town no less than 30 days prior to such event.
 - (i) The association shall have adequate resources to administer, maintain, and operate such common facilities.

B. Maintenance standards.

- (1) The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues or special assessments.
- (2) Failure to adequately maintain the undivided open space in reasonable condition is a violation

of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development and shall, if unpaid, become a tax lien on such property.

§ 108-22. Future subdivisions.

The Town of Schaghticoke has determined that piecemeal subdivision of large properties where a small number of individual lots are subdivided off to circumvent major subdivision regulations will have a detrimental impact on neighborhood character, preservation of open space and agricultural lands, and the ability to provide traditional streetscapes and/or pedestrian networks. Therefore, where four or more lots are subdivided from any parcel within a two-year period, the fourth lot shall be deemed a major subdivision.

§ 108-23. Sewage treatment systems.

Sanitary sewage disposal systems of either an individual or community nature may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and I2-A of New York State Town Law.

ARTICLE VI

Waivers**§ 108-24. Grounds for waiver of requirements.**

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Official Map, the Town Plan or the Zoning Ordinance, if such exists.

§ 108-25. Imposition of conditions.

In granting waivers, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived.

ARTICLE VII

Definitions**§ 108-26. Definitions.**

For the purpose of this chapter, certain words and terms used herein are defined as follows:

AGRICULTURAL DATA STATEMENT — A written statement required when certain land use determinations within 500 feet of a farm operation located in an agricultural district take place. The statement must include information about the proposed project and is to be included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations.

AGRICULTURAL DISTRICT — An area of land designated by the Rensselaer County Legislature according to Article 25-AA (Agricultural Districts) of the New York State Agriculture and Markets Law to protect and promote agricultural activities.

CLERK OF THE PLANNING BOARD — That person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of this chapter.

COMPREHENSIVE PLAN — A comprehensive plan for development of the Town, prepared pursuant to § 272-a of the Town Law, which indicates the general locations recommended for various public works and reservations and the general physical development of the Town, and includes any part of such plan separately adopted or any amendment to such plan or parts thereof.

CONDITIONAL APPROVAL — Approval by the Planning Board of a preliminary or a final plat subject to such conditions as may be set forth by the Planning Board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor does it authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the Planning Board and recording it in the office of the County Clerk or Registrar as herein provided.

CONSERVATION SUBDIVISION — A development pattern in which the structures are placed on a lot in a manner which protects critical environmental and cultural features that may be present and where 50% of the parcel is permanently preserved as open space.

DEAD-END STREET — A street or a portion of a street with only one vehicular outlet.

DRIVEWAY — A private access route directly serving a parking area; or serving parking spaces not directly serving more than two dwelling units, and not providing a route for through traffic.

EASEMENT — Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

FARM — The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial enterprise, including a commercial horse boarding operation as defined in this chapter. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

FINAL PLAT — See "subdivision plat."

FLAG LOT — A building lot not meeting the required road frontage and characterized by a narrow strip of property by which access is gained.

HOMEOWNERS' ASSOCIATION — An organization of homeowners residing within a particular development whose major purpose is to preserve, maintain, and provide community areas, facilities and

services for the common enjoyment of the residents.

LOT — A parcel of land having defined boundaries.

LOT AREA — The total horizontal area included within lot lines.

LOT, COVERAGE — That percentage of the lot covered by the footprint of the principal and accessory building area.

LOT DEPTH — The horizontal distance from the street line of a lot to the rear lot line of such lot, measured in the general direction of the side lot lines.

LOT FRONTAGE — That portion of a lot which directly abuts the right-of-way line of a dedicated Town, county or New York State Highway.

LOT LINE ADJUSTMENT — An adjustment or relocation of a property line between two existing adjacent parcels that does not result in the creation of additional parcels. The Town will review the proposed lot line adjustment to ensure that Town standards for such items as minimum lot size, setbacks and access are maintained.

LOT WIDTH — The distance between side lot lines at the required minimum front yard depth measured:

- A. Along a line parallel to the line connecting the end points of the front lot line; or
- B. In the case of a cul-de-sac, along a line parallel to the arc connecting the end points of the front lot line.

MAJOR SUBDIVISION — A classification applied to any proposed subdivision in which land is to be divided into four or more lots within a period of five years from the date of approval of the first subdivision and that is not classified as a minor subdivision.

MINOR SUBDIVISION — The division of a parcel of land into no more than three lots, both of which front an existing street, which does not involve a new proposed street or extension of municipal facilities, which has not been previously subdivided for a period of five years and is in conformance with the Comprehensive Plan, the requirements of the Zoning Law, and the purposes of these regulations.

OFFICIAL MAP — The map established by the Town Board under § 270 of the Town Law showing the streets, highways and parks heretofore laid out, adopted and established by law, and any amendments thereto adopted by the Town Board or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

OPEN SPACE — Land left in a natural state for conservation, agricultural, scenic purposes, devoted to active or passive recreation, or devoted to the preservation of distinctive architectural, historic, geologic or botanic sites. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, or occupied by any structure or improvement, except for agricultural uses. Open space may be included as a portion of one or more large lots, or may be contained in a separate open space lot, but shall not include private yards on lots less than five acres in size.

PLANNING BOARD — The Town of Schaghticoke Planning Board.

PLAT — A drawing(s) or map(s) setting forth a proposed layout of lots and proposed streets, if any, and such other information as is required under these regulations.

PREAPPLICATION CONFERENCE — The meeting of the Planning Board at which the applicant presents a sketch plan of a proposed subdivision for purposes of discussing the requirements of these regulations as applied to the proposed subdivision, and the feasibility of such project.

PRELIMINARY PLAT — A drawing or drawings clearly marked "preliminary plat" showing the layout

of a proposed subdivision, as specified in Article IV, § 108-16, of this chapter, 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.

PRIMARY CONSERVATION AREA — The area delineated in a conservation subdivision to have priority resource areas to be conserved, including, but not limited to, streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, and groundwater recharge areas.

RESUBDIVISION — The further division of lots within a subdivision previously approved and recorded according to law.

SECONDARY CONSERVATION AREA — The area delineated in a conservation subdivision to have secondary resource areas to be conserved, including, but not limited to, healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetational features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops.

SEQRA — The State Environmental Quality Review Act as codified in Article 8 of the Environmental Conservation Law (ECL) and the implementing regulations codified in Title 6 of the New York Code of Rules and Regulations Part 617.

SLOPE — Land with a topographic gradient, usually expressed as percent slope, the percent being calculated by measuring vertical elevation relative to horizontal distance. A slope of 25% means a twenty-five-foot rise in elevation from one point to another along a one-hundred-foot horizontal plane (calculated as: twenty-five-foot rise/one-hundred-foot horizontal distance = twenty-five-percent slope).

STREET — Includes streets, roads, avenues, lanes or other trafficways, between right-of-way lines.

STREET PAVEMENT — The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH — The distance between property lines, measured at right angles to the center line of the street.

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION — The division of any parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development and shall include resubdivision.

SUBDIVISION PLAT or FINAL PLAT — A drawing in final form showing a proposed subdivision, containing all information required to be shown on a preliminary plat and the modifications, if any, required by the Planning Board at the time of approval of the preliminary plat if such preliminary plat has been so approved or detail required by law and by this chapter, to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the Clerk of the County of Rensselaer.

WATER BODY — Any natural or artificial pond, lake, reservoir or other area containing a surface area of over 1,000 square feet and which usually or intermittently contains water and has a discernible shoreline.

WATERCOURSE — Any natural or artificial, permanent or intermittent, public or private water body or water segment, such as ponds, lakes, reservoirs, rivers, streams, brooks, waterways or natural drainage swales, that is contained within, flows through or borders on the Town of Schaghticoke, except those which are regulated by the NYSDEC.

SCHAGHTICOKE CODE

Chapter 112

TAXATION

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

ARTICLE I
Senior Citizens Tax Exemption
[Adopted 11-10-1982⁵²]

§ 112-1. Statement of exemption. [Amended 1-11-1984; 1-2-1991; 1-30-1992; 1-13-1993]

- A. Real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife or ex-husband or ex-wife, one of whom is 65 years of age or over, shall be exempt from taxation by the Town of Schaghticoke to the extent of a maximum of 50% of assessed valuation, the amount of said exemption to be determined as set forth below.
- B. Conditions for exemption.
- (1) No exemption shall be granted unless an annual application is made therefor.
 - (2) No exemption shall be granted unless all requirements and provisions set forth in § 467 of the Real Property Tax Law are complied with.
 - (3) Annual Income and Percentage of Assessed Valuation Exempt from Taxation: **[Amended 2-10-1999; 11-20-2000; 5-12-2004 by L.L. No. 1-2004; 4-11-2007 by L.L. No. 4-2007; 2-14-2024 by L.L. No. 1-2024; 12-10-2025 by L.L. No. 2-2025]**

Annual Income and Percentage of Assessed Valuation Exempt from Taxation			
Exempt %	Minimum	Maximum	Exempt %
50	\$0.00	\$40,000.00	50
45	\$40,000.01	\$40,999.99	45
40	\$41,000.00	\$41,999.99	40
35	\$42,000.00	\$42,999.99	35
30	\$43,000.00	\$43,899.99	30
25	\$43,900.00	\$44,799.99	25
20	\$44,800.00	\$45,699.99	20
15	\$45,700.00	\$46,599.99	15
10	\$46,600.00	\$47,499.99	10
5	\$47,500.00	\$48,399.99	5
0	\$48,400.00 and up		0

- (4) Annual Income and Percentage of Assessed Valuation Exempt from Taxation: **[Amended 12-14-1994; 11-12-1997; 1-14-1998; 2-10-1999; 11-20-2000; 4-9-2003 by L.L. No. 1-2003; 5-12-2004 by L.L. No. 1-2004; 12-13-2006 by L.L. No. 4-2006; 2-14-2024 by L.L. No. 1-2024; 12-10-2025 by L.L. No. 2-2025]**

52. Editor's Note: This resolution amended and replaced a resolution adopted 10-13-1980 which, in turn, amended and replaced an earlier resolution.

Annual Income and Percentage of Assessed Valuation Exempt from Taxation			
Exempt %	Minimum	Maximum	Exempt %
50	\$0.00	\$40,000.00	50
45	\$40,000.01	\$40,999.99	45
40	\$41,000.00	\$41,999.99	40
35	\$42,000.00	\$42,999.99	35
30	\$43,000.00	\$43,899.99	30
25	\$43,900.00	\$44,799.99	25
20	\$44,800.00	\$45,699.99	20
15	\$45,700.00	\$46,599.99	15
10	\$46,600.00	\$47,499.99	10
5	\$47,500.00	\$48,399.99	5
0	\$48,400.00 and up		0

- (5) "Income tax year" shall mean the twelve-month period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed the aforementioned sums, except where the husband or wife, or ex-husband or ex-wife, is absent from the property as provided in § 467 of the Real Property Tax Law, then only the income of the spouse or ex-spouse residing on the property shall be considered and may not exceed the aforementioned sums. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings, and net income from self-employment, but shall not include a return of capital, gifts, inheritances or moneys earned through employment in the Federal Foster Grandparent Program and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income. **[Amended 4-9-1997]**

ARTICLE II

**Third Party Designations for Receipt of Tax Bills
[Adopted 12-10-1986]**

§ 112-2. Applications for designation of third party.

All applications for the designation of an adult third party to receive duplicate copies of tax bills and notices of unpaid taxes must be filed with the Town Tax Collector no later than November 1 of each year.

ARTICLE III
Alternative Veterans Exemption
[Adopted 5-14-1997 by L.L. No. 3-1997⁵³]

§ 112-3. Purpose.

- A. The purpose of this article is to adopt the maximum tax exemption for alternative veterans as authorized by Chapter 477 of the Laws of New York for 1996.
- B. Chapter 477 of the Laws of New York for 1996 amended Subparagraph (ii) of Paragraph (d) of Subdivision 2 of § 458-a of the New York State Real Property Tax Law allowing the Town of Schaghticoke to adopt a local law to increase the maximum exemption allowed under this section.

§ 112-4. Exemption granted. [Amended 4-11-2001 by L.L. No. 1-2001; 4-11-2007 by L.L. No. 3-2007]

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$27,000 or the product of \$27,000 multiplied by the last state equalization rate for the Town or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided in Subsection A of this section, where the veteran served in combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$18,000 or the product of \$18,000 multiplied by the latest state equalization rate for the Town or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided, however, that such exemption shall not exceed \$90,000 or the product of \$90,000 multiplied by the latest state equalization rate for the Town or, in the case of a special assessing unit, the latest class ratio, whichever is less. For the purpose of this section, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.
- D. Upon receipt of a proper application and any required supporting materials, the exemption from taxation provided in Subsections A and B of this section shall be applied to the primary residence of a Gold Star Parent. As required by state law, the additional exemption provided for in Subsection C of this section shall not apply to real property owned by a Gold Star Parent. **[Added 1-8-2014 by L.L. No. 1-2014]**
- E. For purposes of this section, a "Gold Star Parent" shall mean the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war. **[Added 1-8-2014 by L.L. No. 1-2014]**

53. Editor's Note: This local law also provided that it shall be applied to assessment rolls finalized in 1997.

ARTICLE IV

Veterans Exemption**[Adopted 12-10-1997 by L.L. No. 1-1998]****§ 112-5. Amount of exemption.**

Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or 2 of § 458 of the Real Property Tax Law, if the total assessed value of the real property for which such exemption has been granted pursuant to said subdivisions increases or decreases as a result of a revaluation or update of assessments, and if a material change in level of assessment is certified for the assessment roll, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by the change in level of assessment factor. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this section to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll.

§ 112-6. Alternate exemption.

Those persons otherwise entitled to receive an exemption pursuant to § 458 of the Real Property Tax Law, but who opted instead to receive an exemption pursuant to § 458a, may again receive an exemption pursuant to § 458 upon application by the owner within one year of the adoption of this article.

ARTICLE V

Real Property Tax Exemption
[Adopted 4-11-2007 by L.L. No. 5-2007]

§ 112-7. Exemption granted; conditions.

- A. Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, or real property owned by one or more persons, some of whom qualify under this section and § 112-1 of the Town Code, and whose income is limited by reason of such disability, shall be exempt from taxation by the Town of Schaghticoke to the extent of a maximum of 50% of assessed valuation, the amount of said exemption to be determined as set forth below.
- B. Conditions for exemption.
- (1) No exemption shall be granted unless an annual application is made therefor.
 - (2) No exemption shall be granted unless all requirements and provisions set forth on 459-c of the Real Property Tax Law are complied with.
 - (3) Annual Income and Percentage of Assessed Valuation Exempt from Taxation. **[Amended 2-14-2024 by L.L. No. 2-2024; 12-10-2025 by L.L. No. 3-2025]**

Annual Income and Percentage of Assessed Valuation Exempt from Taxation			
Exempt %	Minimum	Maximum	Exempt %
50	\$0.00	\$40,000.00	50
45	\$40,000.01	\$40,999.99	45
40	\$41,000.00	\$41,999.99	40
35	\$42,000.00	\$42,999.99	35
30	\$43,000.00	\$43,899.99	30
25	\$43,900.00	\$44,799.99	25
20	\$44,800.00	\$45,699.99	20
15	\$45,700.00	\$46,599.99	15
10	\$46,600.00	\$47,499.99	10
5	\$47,500.00	\$48,399.99	5
0	\$48,400.00 and up		0

- (4) Annual Income and Percentage of Assessed Valuation Exempt from Taxation. **[Amended 2-14-2024 by L.L. No. 2-2024; 12-10-2025 by L.L. No. 3-2025]**

Annual Income and Percentage of Assessed Valuation Exempt from Taxation			
Exempt %	Minimum	Maximum	Exempt %
50	\$0.00	\$40,000.00	50
45	\$40,000.01	\$40,999.99	45
40	\$41,000.00	\$41,999.99	40
35	\$42,000.00	\$42,999.99	35
30	\$43,000.00	\$43,899.99	30
25	\$43,900.00	\$44,799.99	25
20	\$44,800.00	\$45,699.99	20
15	\$45,700.00	\$46,599.99	15
10	\$46,600.00	\$47,499.99	10
5	\$47,500.00	\$48,399.99	5
0	\$48,400.00 and up		0

- (5) The term "income tax year" and other terms used in this section shall be assigned and given the definitions provided in Real Property Tax Law § 459-C.

ARTICLE VI
Cold War Veterans Exemption
[Adopted 11-12-2008 by L.L. No. 3-2008]

§ 112-8. Purpose.

It is the intent of this article to:

- A. Authorize a limited exemption from real property taxes for residential real property owned by veterans and who rendered military service to the United States during the Cold War and their surviving spouses pursuant to § 458-b of the Real Property Tax Law; and
- B. Establish maximum exemption amounts thereunder.

§ 112-9. Definitions.

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

ACTIVE DUTY — Full-time duty in the United States Armed Forces, other than active duty for training.

ARMED FORCES — The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

COLD WAR VETERAN — A person, male or female, who served on active duty in the United States Armed Forces, during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions.

LATEST CLASS RATIO — The latest final class ratio established by the state board.

LATEST STATE EQUALIZATION RATE — The latest final equalization rate established by the state board.

QUALIFIED OWNER — A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

QUALIFIED RESIDENTIAL REAL PROPERTY — Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation, and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization.

SERVICE CONNECTED — With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air service.

§ 112-10. Exemption amount; compensation rating; limitations.

- A. A qualifying residential real property shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$8,000 or the product of \$8,000 multiplied by the latest state equalization rate of the assessing unit.

- B. In addition to the exemption provided by Subsection A of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the assessing unit.
- C. Limitations.
- (1) The exemption from taxation provided by this section shall be applicable to Town taxation only and shall not be applicable to taxes levied for school purposes.
 - (2) If a Cold War veteran receives the exemption under § 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this section.
 - (3) The exemption authorized shall apply to qualifying owners of qualifying real property in the Town of Schaghticoke for as long as they remain qualifying owners, without regard to any ten-year limitation. **[Amended 2-27-2018 by L.L. No. 1-2018]**

§ 112-11. Application process.

Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the state board. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the Penal Law.

§ 112-12. Effective date.

This article shall take effect on March 1, 2009 for the 2010 tax rolls.

ARTICLE VII

Opt-Out of Exemption for Solar or Wind Energy Systems

[Adopted 3-24-2016 by L.L. No. 1-2016]

§ 112-13. Title.

This article shall be referred to as a "Local Law Opting Out of the Exemptions Provided by Real Property Tax Law § 487."

§ 112-14. Purpose and intent.

It is the intent of this article to provide no exemption from taxation as authorized in Real Property Tax Law § 487. Real Property Tax Law § 487, Subdivision 8, allows a municipality to opt out of the exemption from taxation.

§ 112-15. No exemption from taxation.

Pursuant to Real Property Tax Law § 487, Subdivision 8, no exemption from taxation shall be applicable with respect to any solar or wind energy system or farm waste energy system.

SCHAGHTICOKE CODE

Chapter 116

VEHICLES AND TRAFFIC

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

ARTICLE I
Winter Parking Restrictions
[Adopted 4-9-2003 by L.L. No. 2-2003]

§ 116-1. Establishment and implementation.

Emergency parking regulations shall be declared and implemented by the Town Supervisor.

§ 116-2. Winter parking restrictions.

Parking shall be restricted on Town and county highways from November 1 to April 1 of the calendar year on an odd/even side of the street basis as follows:

- A. Beginning at 7:00 a.m. on odd calendar days, parking shall be allowed only on the side of the street with oddnumbered houses to 7:00 a.m. on the following day, such that on even calendar days, parking shall be allowed only on the side of the street with even-numbered houses from 7:00 a.m. on even calendar days to 7:00 a.m. the following day.

§ 116-3. Determination of odd/even sides of streets.

- A. The west side of streets running north to south and the south side of streets running east to west are hereby designated the odd side of those streets.
- B. The east side of streets running north to south and the north side of streets running east to west are hereby designated the even side of those streets.

§ 116-4. Penalties for offenses.

When any vehicle is parked on any road in violation of § 116-2 of this article, said vehicle is subject to removal by towing. All towing and storage fees and expenses shall be the responsibility of the owner of the towed vehicle.

§ 116-5. Enforcement.

The Highway Superintendent and the Code Enforcement Officer and their designees are hereby authorized to identify vehicles in violation of this article and to engage the services of the reputable towing agency for towing and storage of said vehicles.

§ 116-6. Definitions.

The words and phrases used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

ARTICLE II
Handicap Parking Spaces on Town Roads
[Adopted 3-11-2020 by L.L. No. 2-2020]

§ 116-7. Authority to install handicap parking signage.

The Town Board hereby authorizes a permitting system to grant property owners with frontage on Town roads permission to establish designated handicap parking spaces in the vicinity of their property. This authority is subject to the provisions of the NYS Vehicle and Traffic Law §§ 1603, 1660(a)18, 1682 and 1683(a)8.

§ 116-8. Requirements to obtain designated handicap parking on a Town road.

The Town Board, in consultation with the Highway Superintendent, adopts the following requirements by which a property owner may apply for and obtain authorization to establish a handicap parking space in the vicinity of their property:

- A. A property owner shall make a request in writing to the Town Board for establishment of a handicap parking space.
- B. The written application shall contain, at a minimum, the following materials:
 - (1) Proof of ownership or a lease interest in the property;
 - (2) Proof that a person residing at the property has a permit issued under § 1203-a of the Vehicle and Traffic Law or a registration issued under § 404-a of the Vehicle and Traffic Law.
 - (3) A map or sketch identifying the proposed location of the handicap parking space.
 - (4) An application fee, if such fee is established in the fee schedule adopted by the Town Board.
- C. Upon receipt of an application, the Town Board shall refer a copy of the application to the Highway Superintendent for an opinion.
- D. The Town Board shall grant the application so long as it finds that:
 - (1) Proof of ownership or lease for the property has been supplied;
 - (2) The applicant demonstrates that a person residing at the property has a permit issued under § 1203-a of the Vehicle and Traffic Law or a registration issued under § 404-a of the Vehicle and Traffic Law.
 - (3) The Highway Superintendent is of the opinion that the establishment of a handicap parking space will not impair or impact the functionality and utilization of the Town road.
- E. The authorization shall be valid for a period of two years. Thereafter, the applicant shall request a renewal of the authorization, which shall include current documentation that a person residing at the property has a permit issued under § 1203-a of the Vehicle and Traffic Law or a registration issued under § 404-a of the Vehicle and Traffic Law.
- F. The cost of the required signage and its installation shall be a charge against the Town Highway budget.

§ 116-9. Registry of authorized handicap parking spaces.

The Town Clerk shall maintain a registry of the properties and specific locations authorized to establish handicap parking spaces.

§ 116-10. Use of handicap parking spaces on Town roads.

It shall be a violation for any person to stop, stand or park a vehicle in any designated handicapped parking space on a Town road unless:

- A. The vehicle bears either a permit issued under § 1203-a of the Vehicle and Traffic Law, as amended or changed, or a registration issued under § 404-a of the Vehicle and Traffic Law, as amended or changed; and
- B. In addition to the above, such vehicle is being used for the transportation of a severely disabled or handicapped person.

§ 116-11. Fines.

Any person who parks in spaces on a Town road marked for use by the handicapped in accordance with this section without a permit issued under § 1203-a of the Vehicle and Traffic Law or whose motor vehicle is not registered in accordance with § 404-a of the Vehicle and Traffic Law, as amended or changed, or not being used for transportation of a handicapped person or severely disabled person, shall be subject to a fine of \$100 for the first offense, which shall increase to \$150 if not paid within 30 days from the date a summons is issued; and a fine of \$200 for the second offense occurring within a period of two years within the Town of Schaghticoke, which shall increase to \$250 if not paid within 30 days from the date a summons is issued.

§ 116-12. Other handicap parking spaces in Town.

Nothing in this article shall effect or regulate handicap parking spaces: 1) established pursuant to the authority granted under § 1602, § 1603 or § 1660-a of the Vehicle and Traffic Law, as amended or changed; or 2) established pursuant to § 1203-c of the Vehicle and Traffic Law, as amended or changed.

ZONING

Chapter 125

ZONING

[The Zoning Law and any related amendments are not included in the Code; copies are on file in the Town offices.]

Disposition List

Chapter DL**DISPOSITION LIST**

The following is a chronological listing of legislation of the Town of Schaghticoke adopted since January 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

§ DL-1. Disposition of legislation.

Local Law No.	Adoption Date	Subject	Disposition
1-2005	3-9-2005	Code of Ethics amendment	Ch. 17
1-2006	5-10-2006	Subdivision of land amendment	Ch. 108
2-2006	8-2-2006	Zoning amendment	See Ch. 125
3-2006	11-8-2006	Fire prevention and building code administration	Ch. 66
4-2006	12-13-2006	Senior citizens tax exemption	Ch. 112, Art. I
1-2007	2-14-2007	Stormwater management: illicit discharges, activities and connections to separate storm sewer system	Ch. 107, Art. I
2-2007	2-14-2007	Stormwater management and erosion and sediment control; subdivision of land amendment	Ch. 107, Art. II; Ch. 108
3-2007	4-11-2007	Alternative veterans exemption amendment	Ch. 112, Art. III
4-2007	4-11-2007	Senior citizens tax exemption amendment	Ch. 112, Art. I
5-2007	4-11-2007	Real property tax exemption	Ch. 112, Art. V
6-2007	5-9-2007	Building permit fees	Ch. 65, Art. I
1-2008	8-13-2008	Sanitary regulations and sewer connections amendment; sewer charges for operation and maintenance amendment.	Ch. 105, Parts 1 and 2
2-2008	11-12-2008	Sanitary regulations and sewer connections amendment	Ch. 105, Part 1
3-2008	11-12-2008	Taxation: Cold War veterans exemption	Ch. 112, Art. VI
1-2009	1-14-2009	Sewer charges for operation and maintenance amendment	Ch. 105, Part 2
2-2009	4-8-2009	Subdivision of land amendment	Ch. 108
3-2009	6-10-2009	Zoning Map amendment	NCM

Local Law No.	Adoption Date	Subject	Disposition
1-2010	1-13-2010	Dog control amendment	Ch. 57, Art. I
2-2010	1-13-2010	Adoption of local laws and ordinances amendment	Ch. 33
3-2010	2-10-2010	Zoning Map amendment	NCM
4-2010	3-10-2010	Officers and employees: Town Attorney amendment	Ch. 30, Art. VI
5-2010	8-11-2010	Freshwater wetlands repealer	Ch. 72, repealer only
6-2010	8-11-2010	Notice of meetings amendment	Ch. 25
7-2010	8-11-2010	Fire prevention and building code administration amendment	Ch. 66
8-2010	8-11-2010	Building permit fees amendment	Ch. 65, Art. I
9-2010	12-8-2010	Dog control amendment; licensing of dogs	Ch. 57, Arts. I and II
1-2012	4-11-2012	Zoning amendment	See Ch. 125
2-2012	11-14-2012	Property maintenance: unsafe buildings, brush, grass, rubbish and weeds	Ch. 98, Art. I
3-2012	11-14-2012	Dogs: fees, fines and charges	Ch. 57, Art. III
4-2012	12-12-2012	Dogs: fees, fines and charges	Ch. 57, Art. III
1-2014	1-8-2014	Alternative veterans tax exemption amendment	Ch. 112, Art. III
2-2014	1-8-2014	Zoning amendment	See Ch. 125
1-2015	11-4-2015	Tax levy limit override	NCM
2-2015	12-9-2015	Flood damage prevention	Ch. 69
1-2016	3-24-2016	Taxation: opt-out of exemption for solar or wind energy systems	Ch. 112, Art. VII
2-2016	3-24-2016	Moratorium on approvals or permits for solar farms and solar power plants	NCM
3-2016	9-14-2016	Zoning Map amendment	NCM
1-2017	1-11-2017	Zoning amendment	See Ch. 125

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
2-2017	6-14-2017	Zoning Map Amendment	NCM	32
3-2017	9-13-2017	Zoning Map Amendment	NCM	32
4-2017	12-13-2017	Zoning Amendment	See Ch. 125	32

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
1-2018	2-27-2018	Taxation: Cold War Veterans Exemption Amendment	Ch. 112, Art. VI	32
1-2019	11-13-2019	Tax Levy Limit Override	NCM	32
1-2020	2-12-2020	Zoning Map Amendment	NCM	32
2-2020	3-11-2020	Vehicles and Traffic: Handicap Parking Spaces on Town Roads	Ch. 116, Art. II	32
3-2020	7-8-2020	Zoning Map Amendment	NCM	32
1-2021	5-12-2021	Zoning Map Amendment	NCM	33
1-2022	9-14-2022	Zoning Amendment	See Ch. 125	33
2-2022	10-27-2022	Tax Levy Limit Override	NCM	33
1-2023	3-8-2023	Zoning Map Amendment	NCM	33
2-2023	5-10-2023	Zoning Map Amendment	NCM	33
3-2023	5-10-2023	Zoning Amendment	See Ch. 125	33
1-2024	2-14-2024	Taxation: Senior Citizens Tax Exemption Amendment	Ch. 112, Art. I	33
2-2024	2-14-2024	Taxation: Real Property Tax Exemption Amendment	Ch. 112, Art. V	33
1-2025	8-14-2024	Zoning Amendment	See Ch. 125	33
2-2025	12-10-2025	Taxation: Senior Citizens Tax Exemption Amendment	Ch. 112, Art. I	33

Local Law No.	Adoption Date	Subject	Disposition	Supp. No.
3-2025	12-10-2025	Taxation: Real Property Tax Exemption Amendment	Ch. 112, Art. V	33