

**VILLAGE OF CAYUGA HEIGHTS
ARTICLES**

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Updated: 9/30/2004

Village of Cayuga Heights

**ARTICLE I
FIREARMS AND OTHER DANGEROUS WEAPONS**

SECTION 1.

The words and phrases used in this ordinance shall, for the purpose of this ordinance have the meanings ascribed to them by Section 265.00 of the Penal Law of the State of New York.

SECTION 2.

The carrying of a firearm, shotgun, rifle, or air gun when loaded otherwise than in the discharge of official duty, within the Village of Cayuga Heights, is prohibited. The discharge of a firearm, shotgun, rifle, or air gun otherwise than in self-defense or in the discharge of official duty, within the Village of Cayuga Heights, is prohibited.

SECTION 3.

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith.

Amended: Local Law #2, 1999.

Village of Cayuga Heights

**ARTICLE II
FUMIGATION AND FIRES**

SECTION 1.

No person shall use any poisonous gas injurious to human life for fumigating purposes within the Village of Cayuga Heights except as such person shall have first obtained the written consent from the Chief of the Fire Department of the Village of Cayuga Heights, and shall have also notified all occupants of the building and shall have posted a sign of suitable size in a conspicuous place upon the building being fumigated, warning of the gas, and such person shall remain near the building so fumigated until the premises have been rendered safe for occupancy.

SECTION 2.

No garbage, rubbish, trash, leaves, construction material or brush shall be burned out of doors in the Village of Cayuga Heights unless a permit is obtained from the Chief of the Fire Department of the Village or any person designated by him. No permit shall be issued, however, for (a) on any Sunday or Legal Holiday, or (b) on any day between the hours of 1:00 p.m. and 8:00 a.m. No permit shall be needed for any fire for cooking purposes in a container.

SECTION 3.

Failure to comply with Section 1 and 2 of this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith.

SECTION 4. Adoption of Fire Prevention Control Code.

There is hereby adopted by the Village of Cayuga Heights for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended (by section 11 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Clerk of the Village of Cayuga Heights and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Village of Cayuga Heights.

SECTION 5. Enforcement.

The code hereby adopted shall be enforced by the Chief of the Fire Department.

SECTION 6. Definitions.

Wherever the word “Municipality” is used in the Fire Prevention Code, it shall be held to mean the Village of Cayuga Heights.

SECTION 7. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents, Storage of Flammable Liquids in Outside Aboveground Tanks, and Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in section 74a of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited, and the limits referred to in section 114 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: None allowed.

SECTION 8. Establishment of Motor Vehicle Routes for Vehicles Transporting Explosives and Blasting Agents.

The routes referred to in section 55i of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: Prohibited.

SECTION 9. Establishment of Motor Vehicle Routes for Vehicles Transporting Hazardous Chemicals or Other Dangerous Articles.

The routes referred to in section 109.1b of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: Prohibited.

SECTION 10. Establishment of Fire Lanes on Private Property, Devoted To Public Use.

The fire lanes referred to in section 169.2a of the Fire Prevention Code are hereby established as follows: None now specified.

SECTION 11. Amendments Made in the Fire Prevention Code.

The Fire Prevention Code is amended and changed in the following respects: Section 17 is amended as follows: Whenever any permit is required by this code there shall be paid to the Village Clerk of the Village a fee of \$10 to cover administration costs. Said fee shall be paid at the time of application and shall be non-refundable. Permit shall be issued for such permits as designated by the chief of the Village Fire Department.

SECTION 12. Modifications.

The Chief of the Fire Department shall have power to modify any of the provisions of the Fire Prevention code upon application in writing by the owner or leasee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 13. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Board of Trustees within 30 days from the date of the decision appealed.

SECTION 14. Penalties.

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall (1994 3b) build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Trustees or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a violation, punishable by a fine of not less than \$10 nor more than \$200 or by imprisonment. The imposition of one penalty for any offense shall not excuse the offense or permit it to continue; and all such persons shall be required to correct or remedy such offenses or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 15. Repeal of Conflicting Ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed except for Section 2 of this Ordinance which shall remain in full force and effect.

SECTION 16. Validity.

The Village of Cayuga Heights hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Village of Cayuga Heights that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION 17. Date of Effect.

This ordinance shall take effect and be in force from and after its approval as required by law. (8/31/73)

Village of Cayuga Heights

**ARTICLE III
MOWING AND CARE OF PROPERTY**

SECTION 1.

The owner of any real estate in the Village of Cayuga Heights shall keep his property in a sanitary and sightly condition, free from ash heaps, garbage, and other rubbish, and mow all grass and weeds thereon at least once between June 1st and June 15th and at least once between July 15th and August 15th of each year. The above requirements shall also apply to that portion of any abutting street or road lying between the property line and the traveled roadway. Ashes, garbage, and rubbish properly placed at the street front for collection by Village forces shall not constitute a violation of this ordinance. The size of containers, and conditions in which garbage, ashes, and rubbish are presented for collection by Village forces, shall conform to rules and regulations as adopted by the Village Board of Trustees.

SECTION 2.

If the owner of such real estate shall fail to comply with the requirements above specified, the Village Board of Trustees shall cause the work to be done and assess the expense, including time of supervising officials, against the property.

SECTION 3.

The Village Board of Trustees, on behalf of the Village of Cayuga Heights, hereby elects to exercise and enjoy through its appropriate officers and employees, the powers and immunities prescribed and granted in Sections 164, 165, and 167 of Article 14 of the Agricultural and Markets Law with respect and in regard to the Dutch Elm Disease within the limits of said Village.

Village of Cayuga Heights

**ARTICLE IV
TRAFFIC CONTROL**

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights, County of Tompkins, State of New York as follows:

SECTION 1. Words and Phrases Defined

Definition of words and phrases. The words and phrases used in this local law shall, for the purpose of this local law have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.

SECTION 2. Traffic Control Devices

Authority to install traffic control devices. The Police Department shall install and maintain traffic control devices when and as required under the provisions of this local law to make effective the provisions of said local law and may install and maintain additional traffic control devices as it may deem necessary to regulate, warn, or guide traffic under the Vehicle and Traffic Law of the State of New York subject to the provisions of Sections 1682, 1683, and 1684 of that law.

SECTION 3. Delegation of Powers

- a. Authority of Police Department to regulate traffic. Pursuant to the provisions of subsection (a) of Section 1603 of the Vehicle and Traffic Law, power is hereby delegated to the Police Department to exercise, by official order, rule, or regulation the following powers granted to the legislative body of this Village in Article 39 of the Vehicle and Traffic Law:
 - (1) Regulate the parking or the standing of vehicles on highways or streets as follows:
 - (a) Both sides of streets on which the roadway is less than twenty feet wide.
 - (b) One side of streets on which the roadway is from twenty feet to thirty feet wide.
 - (c) Adjacent to school property.
- b. Emergency and experimental regulations.
 - (1) Authority, limitation. The Chief of Police is hereby empowered to make and enforce temporary or experimental traffic regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than one hundred twenty (120) days, without formal action by the Village Board of Trustees.
 - (2) Tests. The Police Chief or the Village Engineer may test traffic control devices under actual conditions of traffic.

SECTION 4. Turning Movements

Prohibition of U Turns. The turning of vehicles so as to proceed in the opposite direction or U-turns are prohibited on all streets and at all intersections.

SECTION 5. Stop and Yield Intersections

- a. Through Highway Signs Required. Whenever any local law of the Village designates and describes a through highway it shall be the duty of the Police Department to place and maintain a stop sign on all intersecting highways.
- b. Hazardous Intersections, Signs Required. Whenever any local law of the Village designates intersections where a particular hazard exists upon other than through highways, it shall be the duty of the Police Department to place and maintain stop or yield signs as required by such local law.
- c. Through Highways Designated. Those highways and parts of highways described in the following subsections are hereby declared to be through highways for the purpose of this section:
 - (1) Cayuga Heights Road.
 - (2) Hanshaw Road from its intersection with Cayuga Heights Road to its intersection with North Triphammer Road.
 - (3) Hanshaw Road from and including its intersection with North Triphammer Road to the East Village Line.
 - (4) Highgate Road from its intersection with The Parkway to and including its intersection with Berkshire Road.
 - (5) Highland Road from its intersection with Hanshaw Road to the South Village Line.
 - (6) Highland Road from its intersection with Hanshaw Road to its intersection with Highgate Road.
 - (7) Klinewoods Road from its intersection with Triphammer Road to and including its intersection with The Parkway.
 - (8) Klinewoods Road from its intersection with Hanshaw Road to its intersection with The Parkway.
 - (9) The Parkway from its intersection with Highland Road to and including its intersection with East Upland Road.
 - (10) The Parkway from its intersection with East Upland Road to and including its intersection with Klinewoods Road.
 - (11) North Sunset Drive from its intersection with Cayuga Heights Road to the South Village Line.
 - (12) Triphammer Road from its intersection with Hanshaw Road to the South Village Line.
 - (13) North Triphammer Road from its intersection with Hanshaw Road to the North Village Line.
 - (14) Winthrop Drive from its intersection with North Triphammer Road to and including its intersection with Simsbury Drive.
 - (15) Wyckoff Road from its intersection with Kline Road to the South Village Line.
 - (16) Forest Drive from its intersection with The Parkway to its intersection with Hanshaw Road.

- (17) Wyckoff Road as a through street from its intersection with Cayuga Heights Road West to the Village line.
- d. Hazardous Intersection Designated. Those intersections described in the following subsections are hereby designated as hazardous intersections for the purpose of this section:
- (1) A stop sign is required at the following intersections:
 - (a) Hanshaw Road from the West at its intersection with North Triphammer Road.
 - (b) Lenox Road from the North at its intersection with Hampton Road.
 - (c) Comstock Road from the West at its intersection with The Parkway.
 - (d) Comstock Road from the East at its intersection with The Parkway.
 - (e) Winthrop Drive from the East at its intersection with Simsbury Drive.
 - (f) Oak Hill Place from the South at its intersection with Oak Hill Road.
 - (g) Wyckoff Road from the West at its intersection with Kline Road.
 - (h) Wyckoff Road from the East at its intersection with Kline Rd.
 - (i) Cambridge Place from the North at its intersection with Burleigh Drive.
 - (j) Cayuga Park Road from the North at its intersection with Cayuga Park Circle.
 - (k) Cayuga Park Road from the Northwest at its intersection with West Upland Road.
 - (l) Sunset Park at its intersection with Wyckoff Road.
 - (2) A Yield sign is required at the following intersections:
 - (a) Overlook Road from the South at its intersection with Kline Road.
 - (b) Overlook Road from the North at its intersection with Kline Road.
 - (c) Forest Drive from the East at its intersection with The Parkway.
 - (d) The Parkway from the South at its intersection with Highgate Road.
 - (e) Texas Lane Cul-De-Sac from the Southeast at its intersection with Texas Lane.

SECTION 6. Speed Regulations

Maximum speed limits. Thirty (30) miles per hour is hereby established as the maximum speed limit at which vehicles may proceed on highways within the corporate limits of this Village, except:

- (1) NYS Route 13;
- (2) as provided in this section whenever maximum school speed limits have been established on a highway adjacent to a school, no person shall drive in excess of such maximum school speed limits during school days between the hours of seven o'clock A.M. and six o'clock P.M.

SECTION 7. Parking, Standing and Stopping

- a. Application of Section. The provisions of this Section shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- b. Parking, Standing, or Stopping in Designated Locations.

- (1) The parking, standing, or stopping of vehicles is hereby prohibited in any of the following locations:
 - (a) Between sidewalk and curb.
- (2) The parking of vehicles is hereby prohibited in any of the following locations:
 - (a) On the east side of Highland Road within the right of way line from The Parkway North to Hanshaw Road.
 - (b) On both sides of Wyckoff Road within the right of way lines from Cayuga Heights Road South to the South Village Line.
 - (c) On both sides of Kelvin Place within the right of way line from the South Village Line North to Brook Lane.
 - (d) On both sides of Brook Lane within the right of way line from Kelvin Place to the South Village Line.
 - (e) On the North side of East Upland Road within the right of way line from the intersection of Hanshaw Road and Highland Road East to The Parkway.
 - (f) On both sides of Highland Road within the right of way lines from The Parkway and Kline Road South to the South Village Line.
 - (g) On the West side of Cayuga Heights Road within the right of way line from the Southwest corner of Kline Road South to the South Village Line.
 - (h) On both sides of Ridgewood Road within the right of way line from the southeast corner of Wyckoff Road south to the south line of the Village.
 - (i) On the East side of Cayuga Heights Road within the right of way line from the South Village Line North for 160 feet.
 - (j) On both sides of Kline Road within the right of way lines from Cayuga Heights Road East to the intersection of Wyckoff Road.
 - (k) On both sides of Wyckoff Road within the right of way lines from Cayuga Heights Road East to the intersection of Kline Road.
 - (l) On both sides of Triphammer Road within the right of way lines from the South Village Lane North to the intersection of Oak Hill Road.
 - (m) On the West side of Pleasant Grove Road within the right of way line from the East Village Line, at the point where it intersects the West side of Pleasant Grove Road, North for 240 feet.
 - (n) On the Northeast side of Hanshaw Road within the right of way line from the East Village line Northwest to the intersection of North Triphammer Road.
 - (o) On the Southwest side of Hanshaw Road within the right of way line from the East Village Line Northwest to the intersection of Triphammer Road.
 - (p) On the Southwest side of Hanshaw Road within the right of way line from the intersection of Triphammer Road Northwest for 100 feet.
 - (q) On the West side of Pleasant Grove Road within the right of way line from the intersection of Hanshaw Road South for 921 feet.
 - (r) On the East side of Pleasant Grove Road within the right of way line from the intersection of Hanshaw Road South for 876 feet.
 - (s) On the West side of Triphammer Road within the right of way line from the intersection of East Upland Road South for 100 feet.
 - (t) On the West side of Triphammer Road within the right of way line from the intersection of East Upland Road North for 100 feet.

- (u) On the East side of Triphammer Road within the right of way line from the intersection of East Upland Road South for 100 feet.
- (v) On the East side of Triphammer Road within the right of way line from the intersection of East Upland Road North for 100 feet.
- (w) On the East side of North Triphammer Road within the right of way lines from the intersection of Hanshaw Road North for 150 feet.
- (x) On the South side of Country Club Road within the right of way line from the intersection of Triphammer Road West for 225 feet.
- (xa) On the North side of Country Club Road within the right of way line from the intersection of Triphammer Road West for 225 feet.
- (y) On the South side of Oak Hill Road within the right of way from the intersection of Triphammer Road West to the intersection of The Parkway.
- (z) On the North Side of Oak Hill Road within the right of way line from the intersection of Triphammer Road West for 103 feet.
- (aa) On the South side of White Park Road within the right of way line from the intersection of Triphammer Road West to the intersection of The Parkway.
- (bb) On the North side of White Park Road within the right of way line from the intersection of Triphammer Road West for 105 feet.
- (cc) On the South and East side of Devon Road within the right of way line from the intersection of Hanshaw Road for 423 feet.
- (dd) On the North and West sides of Devon Road within the right of way line from the intersection of Hanshaw Road West and South for 482 feet.
- (ee) On the North side of Oak Hill Road within the right of way line from 103 feet West of Triphammer Road to the intersection of The Parkway for the period of 7AM to 11AM Monday through Friday.
- (ff) On the West side of Oak Hill Place within the right of way line South to the dead end for the period of 7AM to 11AM Monday through Friday.
- (gg) On the North side of White Park Road within the right of way line from 105 feet West of Triphammer Road to the intersection of The Parkway for the period of 7AM to 11AM Monday through Friday.
- (hh) On the West side of White Park Place South to the intersection of White Park Road and North to the intersection of Iroquois Road.
- (ii) On the East side of White Park Place South to the intersection of White Park Road and North to the intersection of Iroquois Road for the period of 7AM to 11AM Monday through Friday.
- (jj) On the South side of Iroquois Road within the right of way from its intersection of Triphammer Road West to the intersection of The Parkway.
- (kk) On the North side of Iroquois Road within the right of way line from Triphammer Road for 78 feet.
- (ll) On the North side of Iroquois Road within the right of way line from 78 feet West of Triphammer Road to the intersection of The Parkway for the period of 7AM to 11AM Monday through Friday.
- (mm) On the West side of Highland Road within the right of way lines from Kline Road north for 300 feet.

- (nn) On the west side of Highland Road within the right of way line from 300 feet north of Kline Road for a distance of 220 feet for the period of 7am to 11 am Monday through Friday.
 - (oo) On the west side of The Parkway within the right of way line from the intersection of Highland Road north for 450 feet.
 - (pp) On the east side of The Parkway within the right of way line from the intersection of White Park Road north for 250 feet.
 - (qq) On the north side of Northway Road within the right of way line from the intersection of The Parkway east for 90 feet.
 - (rr) On the south side of Northway Road within the right of way line from the intersection of The Parkway east for 90 feet.
- c. Parallel Parking. Except where angle parking is authorized, every vehicle stopped, standing, or parked upon a highway where there are no adjacent curbs shall be stopped, standing, or parked parallel with the edge of the roadway headed in the direction of lawful traffic.
- d. All-night Parking. The parking of a vehicle is hereby prohibited on all highways within this Village between 2:00 a.m. and 6:00 a.m. A vehicle will be deemed to be in violation when any tire of a vehicle is on any roadway or within four feet of the edge of any roadway.

SECTION 8. Removal and Storage of Vehicles

- a. Authority to Impound Vehicles
- (1) When any vehicle is parked or abandoned on or within the right of way lines of any highway within this village during a snowstorm, flood, fire, or public emergency which affects that portion of the public highway upon which vehicle is parked or abandoned, said vehicle may be removed by the Police Department.
 - (2) When any vehicle is found unattended within the right of way lines of any highway within this Village where such vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Police Department.
 - (3) When any vehicle is parked or abandoned on or within the right of way lines of any highway within this Village where stopping or parking is prohibited, the Police Department is hereby authorized to cause such vehicle to be removed under its own power, or by towing, to a local garage or service station.
- b. Storage and Charges. After removal of any vehicle as provided in this local law, the Police Department may store or have such vehicle stored in a suitable place at the expense of the owner. Such owner or person in charge of the vehicle, may redeem the same upon payment of the amount of all expenses actually and necessarily incurred in effecting such removal.
- c. Notice of Removal. The Police Department shall, without delay, ascertain to the extent possible the owner of the vehicle removed, or person having same in charge, and notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

SECTION 9. Truck Exclusions

- a. All trucks, tractors, and tractor-trailer combinations having a total gross weight in excess of four (4) tons are hereby excluded from the following highways within this Village.
 - (1) Triphammer Road
- b. This exclusion shall not be construed to prevent the delivery or pick-up of merchandise or other property along the highway from which such vehicles and combinations are excluded.

SECTION 10. Penalties

Penalties for violation of this local law. Every person convicted of a violation of any provision of this local law, which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York, shall be guilty of a violation as defined in the Penal Law of the State of New York and shall be punished in accordance therewith.

SECTION 11. Repeal of Prior Ordinances or Local Laws

Ordinances or local laws repealed. All prior ordinances or local laws or parts of ordinances or local laws of this Village regulating traffic are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or local law hereby repealed prior to the taking effect of this local law.

SECTION 12. Effect of Local Law

- a. Constitutionality. If any part or parts of this local law are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this law.
- b. Time to take effect. This local law shall take effect from and after the 22nd day of December 1991.

Enacted February 14, 1972. Amended : 4/1/73; 9/5/78; 10/15/79; Local Law #1, 12/1/81; Local Law #2, 12/1/82; Local Law #2, 9/20/83; Local Law #2, 12/22/86; Local Law #1, 1990; Local Laws #1, 2 and 3, 1991; Local Law #3, 1993; Local Law #1, 1996; Local Law #1, 2002.

Village of Cayuga Heights

**ARTICLE V
PROTECTION OF PARKS AND STREET PLANTING**

SECTION 1.

No person, other than Cayuga Heights Village employees engaged in the care of Village parks and streets, shall drive any vehicle or ride a horse upon any of the walks or lawns of any Village park; deposit any refuse or litter in any such Park; ride a horse in the Village, other than on the traveled portion of streets or on private property by permission of the owner thereof; or cut, trim, or injure any tree or shrub in any Village park or within the limits of any Village street except by permit granted by Village Board of Trustees or the official representative of such Board.

SECTION 2.

Sunset Park shall be closed to the public from 10:00 p.m. to 6:00 a.m. daily.

SECTION 3.

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York and any offender shall be punished in accordance therewith.

Effective: 4/20/63

Village of Cayuga Heights

**ARTICLE VI
PUBLIC UTILITY POLES AND CONDUITS**

No person, firm, or corporation shall erect or change any telephone, electric, or other pole, or lay any underground pipes or conduits within the limits of any public street or park in the Village of Cayuga Heights except by permit granted by the Village Board of Trustees or the official representative of such Board.

The location, type and method of construction shall, in each case, be as specified by the Board or its official representative. Every such pole authorized to be erected shall be placed with the understanding that it is subject to transfer to another location or removal if, in the judgment of the Board or its official representative, a better location becomes available or its use can be dispensed with or future improvements require a change.

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith.

Village of Cayuga Heights

**ARTICLE VII
STREET EXCAVATION**

No person, firm, or corporation shall make any excavation within the limits of any street or other public place, or under any sidewalk within the Village of Cayuga Heights without first obtaining a written permit from the Village Board of Trustees or the official representative of said Board, and furnishing satisfactory evidence of adequate insurance protecting the Village of Cayuga Heights from all claims and damages that may result by reason of such excavation.

The excavation shall be done and the work completed with all possible dispatch and in such a manner and within such time as may be required by the Board or its representative; and during the progress of such work at least one-half of the street or public place shall be kept open and free. Such excavation shall be carefully guarded by the permittee with an adequate barrier, and be lighted from sundown to sunrise in such a manner as to indicate the excavation and to prevent accidents. Such street or public place shall be restored by the permittee to the satisfaction of the Board or its representative.

No permit shall be granted except upon payment to the Village of a fee in an amount to be fixed by the Board or its representative dependent upon the character and extent of the excavation.

No permit shall be issued by the Board of Trustees or the official representative unless and until the person applying for the same shall have deposited with the Village of Cayuga Heights the sum of \$100 in cash or a certified check payable to the Village of Cayuga Heights as security for the proper performance of the work and the replacement of the highway in the manner required by the Board or its representative. When the Board or its representative certifies that the work has been performed in a satisfactory manner and the highway replaced as required, the said deposit shall be refunded to the depositor; otherwise, the said deposit, or as much thereof as shall be necessary, may be used by the Board or its representative to cover the cost of repairing the said highway and replacing it in a proper and safe conditions for public travel.

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith.

Village of Cayuga Heights**ARTICLE VIII
SEWERS AND DRAINS**

Local law regulating the use of public and private sewers and drains, the installation and connection of sewer connections, and the discharge of water and wastes into the public sewer system and providing penalties for violations thereof, in the Village of Cayuga Heights, County of Tompkins, State of New York.

1. GENERAL PROVISIONS**1.1 Purpose and Policy**

This Local Law sets forth uniform requirements for discharge of wastewater from residential, commercial, industrial and institutional sources to the Village of Cayuga Heights publicly-owned treatment works (POTW).

The objectives of this Local Law are:

- a. To prevent the discharge of wastewater containing pollutants which will interfere with the operation or performance of the Cayuga Heights POTW or which will contaminate the resulting wastewater treatment sludge;
- b. To prevent the discharge of wastewater containing pollutants which will pass through the Cayuga Heights POTW, inadequately treated, or which will otherwise be incompatible with the wastewater treatment system;
- c. To provide opportunities for recycle and reclamation of wastewaters and sludges; and
- d. To provide for equitable distribution of the cost of wastewater conveyance and treatment as determined by the Village Board.

This Local Law provides for the regulation of wastewater discharges to the Village of Cayuga Heights POTW through the issuance of Wastewater Discharge Permits to Significant Industrial Users and through enforcement of general requirements for all users. This Local Law authorizes monitoring and enforcement activities, establishes reporting requirements for sewer users, assures that wastewater treatment capacity provided to existing users will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs associated with the municipal wastewater collection and treatment system.

This Local Law shall apply to all owners of property located within the Village of Cayuga Heights and also to the owners of property located outside the Village who, by contract or agreement with the Village, discharge wastewater to the Cayuga Heights POTW.

Except as provided herein, the Village Engineer shall administer, implement and enforce the provisions of this Local Law.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Local Law, shall have the meanings hereinafter designated:

1. Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the wastewater discharge originates.
3. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure (five (5) days at 20° centigrade) expressed in terms of concentration (milligrams per liter (mq/1)).
4. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
5. Chemical Oxygen Demand (COD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure expressed in terms of concentration (mg/1).
6. Chlorine Demand. The difference between the amount of chlorine added to the water, sewage or industrial wastes and the amount or residual chlorine remaining at the end of fifteen minute contact period under standard laboratory procedure expressed in terms of concentration (mg/1).
7. Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
8. Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
9. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
10. Industrial Wastewater. Any liquid, gaseous or solid substance, or combination thereof, resulting from any process of industry, manufacturing, trade or business which is discharged to the public sewer system.
11. Interference. The term “Interference” refers to a wastewater discharge which, alone or in combination with other wastewaters, causes or contributes to inhibition or disruption of the POTW treatment processes or operations resulting in a violation of any requirement of the Village’s SPDES Permit. The term includes prevention of the sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge

- management plan prepared pursuant to Title IV of SWDA) applicable to the method of sludge disposal or use employed by the POTW.
12. National Categorical Pretreatment Standard. Any regulation promulgated by USEPA under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
 13. National Prohibitive Discharge Standard. Any regulation promulgated by USEPA under the authority of section 307(b) of the Act and 40 CFR. Section 403.5.
 14. Pass Through. The term “pass through” refers to the discharge of pollutants through the POTW in quantities or concentrations which, alone or in combination with discharges from other sources, causes violation of any requirement of the POTW’s SPDES permit (including an increase in the magnitude or duration of a violation).
 15. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
 16. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
 17. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological purity of water.
 18. Pollutant. Any man-made or man-induced solid, liquid or gaseous substance which alters the chemical, physical, biological or radiological purity of water.
 19. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by manufacturing process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
 20. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
 21. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the Village of Cayuga Heights. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Local Law, “POTW” shall also include any public sewers used to convey wastewaters to the Village of Cayuga Heights Wastewater Treatment Plant from persons located outside the Village.
 22. Village’s POTW Treatment Plant. That portion of the POTW designed to provide treatment of wastewater.
 23. Shall is mandatory; May is permissive.

24. Significant Industrial User (SUI). Any Industrial User of the Village POTW who (i) has a discharge flow of 25,000 gallons or more per average work day; or (ii) has a flow greater than 5% of the flow in the Village's wastewater treatment system; or (iii) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act; or (iv) is found by the Village, State or EPA to have a significant impact, either singly or in combination with other wastewater discharges, on the Village POTW including the quality of the POTW effluent, or air emissions.
25. Slug Discharge. The term "slug discharge" refers to a short-term wastewater discharge of high volume and/or pollutant concentration resulting from manufacturing and/or pretreatment process upsets.
26. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
27. State. State of New York.
28. State Pollutant Discharge Elimination System (SPEDS) Permit. A permit issued pursuant to Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended (33 U.S.C., Section 1251 et. seq.).
29. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
30. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
31. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of Section 307(a) of the Clean Water Act or other Acts.
32. User. Any person who causes or permits the discharge of wastewater to the Village POTW.
33. Village. The Village of Cayuga Heights or the Cayuga Heights Village Board.
34. Village Board. The Cayuga Heights Village Board.
35. Wastewater. The liquid and water-carried wastes from residential dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, together with such groundwater, surface water or storm water as cannot be avoided, which are discharged to or permitted to enter the POTW.
36. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.
37. Wastewater Contribution Permit. As set forth in Section 4.2 of this Local Law.

2. REGULATIONS

2.1 Use of Public Sewers Required

- a. It shall be unlawful for any person, firm, or corporation to place, deposit or permit to be deposited, in an unsanitary manner upon public or private property within the Village of Cayuga Heights or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other pollutant except as provided in this Local Law.
- b. Except as hereinafter provided, it shall be unlawful to construct, use or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except as provided in this Local Law.
- c. Except as otherwise stated herein, the owner of any house, building, or any property used for human occupancy, employment, recreation, or commerce, situated within the Village of Cayuga Heights (and abutting on any street, thoroughfare, or right of way in which there is located a Village public sewer system, or, if such Village public sewer system is otherwise available or accessible to such house, building, or property) is hereby required at his expense to connect with the Village public sewer system and, also, at his expense to install suitable toilet facilities therein and other facilities that are required to be connected to the sewer system and to connect such facilities directly with the public sewer in accordance with the provisions of this Local Law. Except as otherwise stated herein, such connection must be made within forty-five (45) days after date of official notice to do so, except that any house or building constructed after the effective date of this Local Law shall be connected to such public sewer system prior to occupancy or use thereof
- d. From time to time the Village Board may specifically exempt an owner of property from the requirement of connecting with the public sewer system under certain terms and conditions and until such time as such exemption is cancelled by the Village Board.

2.2 Building Laterals, Street Laterals, Sewer Connection and Fees

- a. No person shall uncover nor make any connections with or opening into the Village public sewer system, nor construct, alter, repair, or use any drain, building sewer, nor other lateral sewer to connect with such public sewer, without first obtaining a written permit from the Village Engineer. No permit shall be issued until an application has been filed by the owner of the property or his duly authorized agent and the payment of the fee, if any, which the Village Board may from time to time establish for such purpose. Such application shall include or be accompanied by a description and plan of the proposed work and such other pertinent information as may be required by the Village Board or its duly authorized agent. Such permit shall be kept at the site of the work and be available for inspection by any officer of the Village or member of the Village Board or its duly authorized agent. Said permit shall be valid for a period of one (1) year from the date of issuance.
- b. Notwithstanding anything hereinbefore contained, the issuance of the permit shall be subject to such further requirements as may be required by any

- contracting municipality. The Village Board may designate such contracting municipality as its agent for the purpose of issuing permits.
- c. The Village Board or its duly designated agent may revoke any such permit upon written notification to the person to whom it was granted if the work is not being done in compliance with the requirements of this Local Law and any applicable rules and regulations, or if the work is not being performed in a competent manner, or if the work is not being completed within a reasonable time after the commencement thereof, or if the work is endangering or may reasonably endanger persons or property, or upon such other ground as the Village Board or its duly designated agent may deem to be justifiable.
 - d. All interior plumbing installations and the connection of the building sewer into the public sewer system or any alteration, repair, or addition thereto shall be made in conformance with the requirements of this Local Law and of such rules, regulations, and specifications as are adopted by the Village Board.
 - e. No person shall uncover, make any connections with or opening into, or use, alter, lay, or repair any public sewer or building sewer unless he is a qualified person as required by any regulations of the Village Board which may be hereinafter adopted.
 - f. Conduct of Work
 1. A written report to the Village Engineer, or his representative, shall be made by the applicant for a permit, or by any person performing any work in a public or building sewer, of every connection or disconnection to or from a public sewer within twenty-four (24) hours of completion of such connection or disconnection.
 2. The Village Engineer or his representative or, in the case of a contracting municipality, the appropriate official thereof, shall be notified when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of such official or his representative.
 3. All work of laying building sewers and connections shall be done in such manner and at such time as to interfere as little as possible with public travel and convenience, and such work shall be conducted as the appropriate municipal official may from time to time direct.
 4. All excavations shall be made in a safe manner with barricades and lights so as to protect the public from hazard. Prior to making any excavations, a road opening permit must be obtained from the Village Engineer.
 5. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Engineer or his representative.
 6. The owner of the property on which the work is being conducted agrees to save and hold harmless the Village of Cayuga Heights, its employees, agents, and officers from any and all damage, cost, and liability which it or they may incur because of any act or failure to act resulting from any work done by, or caused to be done by the property owner whether on or

off the owner's property. Any applicant for a permit is required to furnish proper evidence of a sufficient insurance policy protecting the Village against any liability for injuries to persons or property or to indemnify the Village against any loss or damage which it may sustain.

7. The Village Engineer or his representative shall have the authority to perform any proper tests to the pipe or fitting and the owner, contractor, or other person doing the work shall furnish all necessary tools and labor for such tests and shall remove any defective material or repair any work improperly done as the Village Engineer or any other authorized person shall direct without any expense to the Village.

2.3 General Discharge Prohibitions

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant and/or wastewater which will interfere with the operation or performance of the Village of Cayuga Heights POTW. These general prohibitions apply to all persons whether or not the person is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. In addition, discharge of the following substances is specifically prohibited:

- a. Any storm water, surface water, groundwater, roof runoff, subsurface drainage, non-contaminated cooling water, or unpolluted industrial process water. Draining of any catch basin, lake, swamp, pond, or swimming pool is prohibited, except with the permission of the Village Engineer as evidenced by a properly issued permit.
- b. 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 five percent (5%) nor any single reading over ten percent (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, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Village, the State or EPA has notified the user is a fire hazard or a hazard to the system.
- c. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities. Prohibited substances include, but are not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues,

residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- d. Any wastewater having a pH less than 5.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- e. Any wastewater containing toxic pollutants in sufficient quantity which can either singly or by interaction with other pollutants cause interference with the Village POTW, constitute a hazard to living things, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
- f. Any noxious liquids, gases, or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- g. 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. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance 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 developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- h. Any substance discharged at a flow rate and/or concentration which, alone or in combination with other discharges, will cause the POTW to violate its NPDES and/or SPDES Permit or the receiving water quality standards.
- i. Any wastewater with objectionable color, as determined by the Village Engineer, not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- j. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater having a temperature at the introduction into the POTW which exceeds 40° C (104° F).
- k. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

- l. Any wastewater containing radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Engineer in compliance with applicable State or Federal regulations.
- m. Any wastewater which cause a hazard to living things and/or creates a public nuisance.

2.4 Specific Pollutant Limitations

No person shall discharge wastewater-containing pollutants in excess of the following:

| <u>Pollutant</u> | <u>Maximum Concentration</u> |
|-------------------------------|------------------------------|
| BOD(5) | 300 mg/1 |
| COD | 600 mg/1 |
| Total Suspended Solids | 300 mg/1 |
| Total Phosphorus (as P) | 15 mg/1 |
| Chlorine Demand | 25 mg/1 |
| Total Oil and Grease | 100 mg/1 |
| Oil & Grease, petroleum-based | 50 mg/1 |
| Cadmium (total) | 0.1 mg/1 |
| Chromium (total) | 1.0 mg/1 |
| Copper (total) | 0.4 mg/1 |
| Iron (total) | 0.6 mg/1 |
| Lead (total) | 0.1 mg/1 |
| Mercury (total) | 0.001 mg/1 |
| Nickel (total) | 1.6 mg/1 |
| Zinc (total) | 1.0 mg/1 |
| Cyanide (total) | 0.2 mg/1 |
| Phenol | 0.01 mg/1 |

In addition to the above limits, no person shall discharge wastewater containing toxic organic pollutants in measurable quantities as determined by laboratory analysis using gas chromatograph/mass spectrometer (GC/MS) methods in accordance with procedures established by USEPA and contained in 40 CFR Part 136 and amendments thereto.

2.5 Village's Right of Revision

The Village reserves the right to establish by local law more stringent limitations or requirements on wastewater discharges necessary to comply with the objectives presented in Sec. 1.1 of this Local Law.

2.6 Federal Categorical Pretreatment Standards

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than limitations imposed under this Local Law for sources in that subcategory, shall immediately supersede the limitations imposed under this Local Law.

2.7 State Requirement

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or local requirements and limitations presented in this Local Law.

2.8 Excessive Discharge

No person shall 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 National Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the Village or State.

2.9 Accidental Discharges

Each person shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Local Law. Facilities to prevent accidental discharge of prohibited materials, such as chemical spill containment facilities, shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted by Significant Industrial Users to the Village Engineer for review. All existing Significant Industrial Users shall complete such a plan within three (3) months of the effective date of this Local Law. New Significant Industrial Users shall prepare such plans and operating procedures necessary for prevention of accidental discharges for review by the Village Engineer prior to commencing discharge of wastewater to the Village POTW. Review of such plans and operating procedures by the Village Engineer shall not relieve the industrial user for the responsibility to modify the user's facility as necessary to meet the requirements of this Local Law. In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include the location of the discharge, the type of waste, including concentration and volume, and the corrective actions taken or planned.

Written Notice

Within five (5) days following an accidental discharge; the user shall submit to the Village Engineer a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause such an accidental discharge to occur are advised of the emergency notification procedure.

3. FEES

3.1 Purpose

It is the purpose of this section to provide for the equitable recovery of costs from users of the Village's wastewater treatment system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Village's Schedule of Charges and Fees.

3.2 Charges and Fees

The Village may adopt charges and fees which may include:

- a. fees for monitoring, inspections and surveillance procedures;
- b. fees for reviewing accidental discharge procedures and construction;
- c. fees for permit applications;
- d. fees for filing appeals;
- e. other fees as the Village may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Local Law and are separate from all other fees chargeable by the Village.

4. ADMINISTRATION

4.1 Wastewater Discharge

It shall be unlawful to discharge wastewater without a permit to any natural outlet within the Village of Cayuga Heights, or in any area under the jurisdiction of the Village, and/or to the POTW except as authorized by the Village Engineer in accordance with the provisions of this Local Law.

4.2 Wastewater Discharge Permits

4.2.1 General Permits

All Significant Industrial Users proposing to discharge to the POTW shall obtain a Wastewater Discharge Permit before commencing discharge. All existing Significant Industrial Users shall obtain a Wastewater Discharge Permit within 180 days of the effective date of this Local Law.

4.2.2 Permit Application

Significant Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Village, an application in the form prescribed by the Village, and accompanied by a fee as established by the Village Board. Existing Significant Industrial Users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of this Local Law, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, and location (if different from the address);
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Local Law as

- determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- d) Time and duration of wastewater discharge(s);
 - e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
 - f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - g) Listing types of activities, facilities and plant processes on the premises and materials which are or could be discharged;
 - h) Where known, the nature and concentration of any pollutants contained in the wastewater discharge which are limited by any Village, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
 - i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (2) No increment referred to in paragraph (1) shall exceed nine (9) months.
- (3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Village Engineer including, as a minimum, the status of compliance with the increment of progress to be met on such date and, if in noncompliance, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than

nine (9) months elapse between such progress reports to the Village Engineer.

- j) Each type of product produced and type of raw materials processed.
- k) Number of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system.
- l) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

The Village will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Village may issue a wastewater discharge permit subject to the terms and conditions provided therein.

4.2.3 Permit Modifications

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of Significant Industrial Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by Section 4.2.2 of this Local Law, the user shall apply for a wastewater discharge permit within 180 days after promulgation of the applicable National Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

4.2.4 Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of the Local Law and all other applicable regulations, user charges and fees established by the Village. Permits may contain the following:

- a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- b) Limits on the average and/or maximum concentration and/or mass of pollutants contained in the wastewater discharge;
- c) Limits on average and maximum rate and time of wastewater discharge or requirements for flow regulations and equalization; flow monitoring and sampling facilities;
- d) Requirements for installation and maintenance of wastewater flow monitoring and sampling facilities;
- e) Specifications for wastewater monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for laboratory analyses and reporting schedules;
- f) Compliance schedules;
- g) Requirements for submission of technical reports or discharge reports (see 4.3);

- h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Village, and affording the Village access thereto;
- i) Requirements for notification of the Village of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater of the constituents being introduced into the wastewater treatment system;
- j) Requirements for notification of slug discharges as per Section 5.2;
- k) Other conditions as deemed appropriate by the Village to ensure compliance with this Local Law.

4.2.5 Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Village during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the Village. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

4.3 Reporting Requirements For Permittee

4.3.1 Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the discharge of wastewater to the POTW, any user subject to Pretreatment Standards and Requirements shall submit to the Village Engineer a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

4.3.2 Periodic Compliance Reports

- (1) Any user subject to a National Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Village Engineer during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Village Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the Village Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Village Engineer may agree to alter the months during which the above reports are to be submitted.
- (2) The Village Engineer may impose mass limitations on users which have been found to be using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the periodic compliance reports shall indicate the mass of pollutants regulated by Pretreatment Standards in the wastewater discharge of the user. These reports shall contain the results of sampling and analysis of the wastewater discharge, including the flow and the nature and concentration, or production and mass where requested by the Village Engineer, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All sampling procedures and laboratory analyses shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by EPA. Wastewater sampling shall be performed in accordance with the techniques approved by EPA.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.)

4.4 Monitoring Facilities

The Village shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Village may, when such a location would be impractical or cause undue hardship on the user, allow the

facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Village's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Village.

4.5 Inspection and Sampling

The Village shall inspect the facilities of any user to ascertain whether the purpose of this Local Law is being met and all requirements are being complied with. Persons or occupants of premises where wastewater and/or pollutants are created or discharged shall allow the Village or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Village, State and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Village, State and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Pretreatment

Significant Industrial Users shall provide pretreatment of wastewaters and/or pollutants as required to comply with this Local Law and with all applicable National Categorical Pretreatment Standards within the specified time frame. Any facilities required for pretreatment of wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Village Engineer for review. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Village under the provisions of this Local Law. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Village prior to the user's initiation of the changes.

The Village shall annually publish in the largest local newspaper a list of the Significant Industrial Users determined to be in noncompliance with any Pretreatment Requirements or Standards at least once during the twelve previous months. The notification shall also summarize any enforcement actions by the Village against the user(s) during the same twelve months.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA, the State, and the Village upon request.

4.7 Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections 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 Village that the release of such information would divulge information, processes or methods or production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Local Law, the National Pollutant Discharge Elimination System (NPDES) Permit, State Pollutant Discharge Elimination Systems (SPDES) permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Information regarding wastewater constituents (including pollutants) and characteristics will not be recognized as confidential information.

Information accepted by the Village as confidential, shall not be transmitted to any governmental agency or to the general public by the Village until and unless a ten-day notification is given to the user.

5. ENFORCEMENT

5.1 Violation of Local Law

- a) Whenever the Village finds that any user has violated or is violating this Local Law, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the Village may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Village by the user. The Village shall give the offender a reasonable time for correction thereof.
- b) Any person, who shall continue any violation beyond the time limit hereinabove provided, shall be guilty of a violation as defined in the Penal Law of the State of New York. Each day in which any such violation shall continue shall be deemed a separate offense.
- c) Any person violating any of the provisions of this Local Law shall become liable to the Village for a civil penalty pursuant to Section 6.1 herein for any expense, loss, or damage occasioned the Village by reason of such violation.

5.2 Suspension of Service and/or Permit

The Village may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Village, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment (including soil, water and atmosphere), causes

interference to the POTW or causes the Village to violate any condition of its SPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the wastewater discharge. In the event of failure of the person to comply voluntarily with the suspension order, the Village shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Village shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Village within 15 days of the date of occurrence.

5.3 Revocation of Permit

Any user who violates the following conditions of this Local Law, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5.4 of this Local Law:

- a) Failure of a user to factually report the wastewater constituents (including pollutants) and characteristics of his discharge;
- b) Failure of a user to report significant changes in operations, or wastewater constituents and characteristics;
- c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- d) Violation of conditions of the permit.

5.4 Show Cause of Hearing

5.4.1 Notice of Hearing

The Village may order any user who violates Section 5.3 herein to show cause before the Village Board why his permit should not be revoked. A notice shall be served on the user specifying the time and place of a hearing to be held by the Village Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Village Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

5.4.2 Conduct of Hearing

The Village Board may itself conduct the hearing and take the evidence, or may designate the Village Engineer to:

- a) Issue in the name of the Village Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b) Take the evidence;

- c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Village Board for action thereon.

5.4.3 Hearing Testimony

At any hearing held pursuant to this Local Law, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

5.4.4 Hearing Order

After the Village Board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued and the permit revoked, unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5.5.1 Legal Action

In addition to other hearings, actions or remedies provided herein, the Village Attorney may commence an action for appropriate legal and/or equitable relief in the (Supreme) Court of this State.

6. CIVIL COSTS AND CRIMINAL PENALTIES

6.1 Civil Penalties

Any user who is found to have violated on Order of the Village Board or who willfully or negligently failed to comply with any provision of this Local Law, and the orders, rules, regulations and permits issued hereunder, may be fined an amount as determined by the Village Board not to exceed the cost incurred by the Village due to such violation for each offense. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. These costs may include reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Local Law or the orders, rules, regulations, and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Local Law, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Local Law, shall be guilty of a violation as defined in the Penal Law of the State of New York.

6.3 Criminal Penalty

Any person who violates Section 5.1 of this Local Law shall be guilty of a violation as defined in the Penal Law of the State of New York.

7. VALIDITY

7.1 Time Local Law Takes Effect

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

7.2 Repeal of Other Ordinances

All other ordinances conflicting with any part of this Local Law are hereby repealed.

Amended: 6/25/73; Local Law # 1, 1987; Local Law #1, 1992.

Village of Cayuga Heights**ARTICLE IX
ZONING**

For the purpose of promoting the health, safety, morals, or the general welfare of the community, and to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, under and pursuant to Article VI-A of Chapter 64 of the Consolidated Laws, the size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, residence or other purposes, are hereby restricted and regulated as hereinafter provided.

SECTION 1. DISTRICTS

For the purpose of this ordinance, the Village of Cayuga Heights is hereby divided into three districts, as follows:

Residence District
Multiple Housing District
Commercial District

A Planned Unit Development may be established in any district pursuant to the Planned Unit Development Ordinance (Local Law #1 of 1993), and shall be subject to the requirements set forth in the Planned Unit Development Ordinance and to any special conditions imposed by the Board of Trustees in approving such Planned Unit Development. These requirements shall supersede the zoning requirements set forth in this article.

The Residence District is all the area of the Village not included in either the Multiple Housing District or the Commercial District, and not included in the Planned Unit Development described in this article.

The Multiple Housing District is that area bounded on the south by the Village Line, on the west and north by Kline Road and Oak Hill Road to a point at the western end of Lot No. 160, thence easterly along the southern boundary of lot No.'s 160, 161, 162, 163, 168 and the prolongation thereof across Triphammer Road to a point 600 feet from the center line of Triphammer Road, and bounded on the east by a line from such point southerly to the south Village Line parallel to the center line of Triphammer Road and 600 feet easterly therefrom; also the area bounded and described as follows:

Commencing at a point in the north boundary of the Multiple Housing District east of Triphammer Road, where the said line is intersected by a line 140 feet

southeasterly from and parallel with the southeast boundary of the premises now owned by Dorothy McIlroy at No. 419 Triphammer Road;
thence northeasterly on a line parallel with and 140 feet southeasterly from the southeast boundary of said McIlroy property and continuing on a line parallel with and 140 feet southeasterly from the southeast boundary of the property now owned by E. Lawrence Palmer and wife to a point 140 feet south from the south boundary of the property now owned and occupied by Sheldon M. Smith and wife.

thence easterly on a line parallel with and 140 feet south of the south boundary of said Smith property to the westerly line of Pleasant Grove Road;

thence southeasterly along the westerly line of Pleasant Grove Road to its intersection with the east boundary of the Village;

thence south along the east boundary of the Village to the southeast corner of the Village;

thence west along the boundary line between the Village of Cayuga Heights and the City of Ithaca to the southeast corner of the existing Multiple Housing District;

thence northerly along the east boundary of said existing district to the northeast corner thereof;

thence westerly along the north boundary of the existing district to the place of beginning.

The Commercial District is that area bounded as follows:

Beginning in the center of North Triphammer Road at the southwesterly corner of the Texas Lane subdivision;

thence southerly along the center of North Triphammer Road, crossing Hanshaw Road to the intersection with the center line of Triphammer Road at its eastern terminus;

thence westerly along the center of Triphammer Road to the northwest corner of the George R. Pfann residence lot;

thence southerly along the west boundary of the Pfann lot 207.9 feet to the southwest corner thereof;

thence southwesterly in a straight line to the northwest corner of the Burr Ripley residence lot;

thence easterly along the north line of the Ripley lot property at 406 E. Upland (10-3-7) to the center of East Upland Road;

thence southeasterly at a right angle to East Upland Road for a distance of 225 feet;

thence southwesterly parallel with the easterly line of East Upland Road and 200 feet therefrom to the present north line of lands of Pearl Sheldon;

thence easterly along the north line of the lands of Pearl Sheldon to the northwest corner of lands of Earl F. and Margaret Sharp;

thence southerly along the east boundary of the lands of Pearl Sheldon to the north boundary of the lands of Pleasant Grove Cemetery Association at the northwest corner of the addition to the cemetery conveyed to said Association by Earl F. and Margaret Sharp;

thence easterly along the north boundary of said addition 619 feet; more or less, to the centerline of Pleasant Grove Road;
thence northwesterly along the centerline of Pleasant Grove Road to the center of Hanshaw Road;
thence easterly along the center of Hanshaw Road to the division line between the Gardner Rogers and Ella Cushman properties;
thence north along said division line to the southeast corner of the Texas Land subdivision;
thence northwesterly along the southerly boundary of said subdivision to the place of beginning.

The following area is zoned as a Planned Unit Development:

Beginning at a point in the center line of North Triphammer Road, which point is also the southeast corner of premises owned by Cornell University (290/08) in the northeast corner of property now or formerly of Kir Sook Yin Ching (665/106);
thence north 82 degrees 27 minutes 28 seconds west a distance of 955.95 feet to an iron pin;
thence south 08 degrees 02 minutes 11 seconds west a distance of 456.38 feet to a point in the centerline of Hanshaw Road;
thence northwesterly along the said center line of Hanshaw Road a distance of 138 feet, more or less, with a chord bearing and distance of north 70 degrees 52 minutes 31 seconds west 137.76 feet to a point;
thence north 78 degrees 18 minutes 32 seconds west along the said centerline of Hanshaw Road a distance of 368.97 feet to a point;
thence north 17 degrees 36 minutes 18 seconds east a distance of 158.52 feet to an iron pin;
thence north 72 degrees 19 minutes 37 seconds west a distance of 300.27 feet to an iron pin;
thence north 70 degrees 28 minutes 45 seconds west a distance of 129.64 feet to an iron pin;
thence north 70 degrees 49 minutes 03 seconds west a distance of 159.11 feet to an iron pin;
thence north 09 degrees 04 minutes 06 seconds east a distance of 191.15 feet to an iron pin;
thence north 60 degrees 55 minutes 54 seconds west a distance of 170.00 feet to an iron pin;
thence south 39 degrees 25 minutes 09 seconds west a distance of 257.42 feet to an iron pin;
thence north 51 degrees 00 minutes 10 seconds west a distance of 150.20 feet to an iron pin;
thence north 47 degrees 39 minutes 15 seconds west a distance of 83.42 feet to an iron pin;
thence south 85 degrees 31 minutes 09 seconds west a distance of 161.23 feet to an iron pin;
thence north 29 degrees 32 minutes 06 seconds west a distance of 44.42 feet to an iron pin;

thence north 14 degrees 21 minutes 29 seconds west a distance of 10.09 feet to an iron pin;
thence north 86 degrees 05 minutes 44 seconds east a distance of 179.71 feet to an iron pin;
thence north 45 degrees 28 minutes 25 seconds east a distance of 95.26 feet to an iron pin;
thence north 08 degrees 21 minutes 38 seconds east a distance of 93.58 feet to an iron pin;
thence south 82 degrees 34 minutes 58 seconds east a distance of 181.46 feet to an iron pin;
thence north 07 degrees 58 minutes 19 seconds east a distance of 1,663.16 feet to an iron pin;
thence south 81 degrees 58 minutes 27 seconds east a distance of 525.50 feet to an iron pin;
thence south 82 degrees 33 minutes 44 seconds east a distance of 669.31 feet to an iron pin;
thence south 82 degrees 02 minutes 39 seconds east a distance of 694.80 feet to an iron pin;
thence south 85 degrees 50 minutes 41 seconds east a distance of 308.60 feet to a point in the centerline of said North Triphammer Road;
thence southerly along the centerline of said North Triphammer Road a distance of 172 feet, more or less, with a chord bearing and distance of south 00 degrees 34 minutes 10 seconds east, 171.52 feet;
thence south 07 degrees 42 minutes 46 seconds west along said centerline of North Triphammer Road a distance of 916.06 feet;
thence south 07 degrees 34 minutes 26 seconds west along the said centerline of North Triphammer Road a distance of 398.7 feet to a point;
thence south 03 degrees 54 minutes 16 seconds west along said centerline of North Triphammer Road a distance of 139.78 feet to a point;
thence southerly along said centerline of North Triphammer Road a distance of 294 feet, more or less, with a chord bearing and distance of south 01 degrees 45 minutes 55 seconds west, 293.30 feet to the point or place of beginning.

SECTION 2. RESIDENCE DISTRICT

In the Residence District, no building shall be erected or extended and no land or building shall be used for other than any of the following purposes:

1. a. Residence for not more than two families with a total of not more than two other occupants residing in the residence, or
b. Residence for not more than one family with a total of not more than three other occupants residing in the residence, or
c. Residence in which there is no family and a total of not more than four occupants residing in the residence.
2. Public School.
3. Any municipal or public utility purpose approved by the Village Board.
4. Home gardening.

5. Golf course, except a driving range or a miniature golf course conducted on a commercial basis.
6. One temporary sign advertising the sale or lease only of the premises on which it is located.
7. Such accessory uses as are customarily incidental to the above uses, including:
 - a. The office of a resident doctor, dentist, musician, engineer, teacher, lawyer, artist, architect, or member of other recognized profession, where such office is a part of the residence building. One sign not exceeding two (2) square feet and affixed to the wall of the principal building is permitted.
 - b. Customary home occupation, such as dressmaking, hairdressing, laundering, home cooking, of Family Day Care Home in accordance with the Social Services Law of the State of New York, conducted by one person only, resident in the dwelling, provided that no goods or products are publicly displayed or offered for sale. **1/4/80**
8. Swimming pools not of the commercial type.
9. Any cemetery purpose approved by the Village Board.

Note: the word “family” as used in this section shall include husband or widower, a wife or widow, his or her children, and his or her other blood relatives. The word “occupant” as used in this section shall mean and apply to any person living in a house for more than one month who is not a member of a family residing therein.

SECTION 3. MULTIPLE HOUSING DISTRICT

In the Multiple Housing District no building shall be erected or extended and no land or building shall be used for other than any of the following purposes:

1. Any use permitted in the Residence District.
2. Any of the following uses:
 - a. Dwelling for three or more families.
 - b. Church or other place of worship; convent, parish house, Sunday School building, provided that no bowling alleys shall be included in any such building.
 - c. Public library or public museum, parochial school, nursery school, school operated by a non-stock corporation under the education laws of the State. **(Amended 9/1/65)**
 - d. Fraternity and sorority. **(Eff. 6/15/66)**
 - e. Hospital or sanitarium for the treatment of human beings, other than the criminal, insane, feeble-minded, epileptic, drug, liquor, or psychiatric patients. Nursing, or convalescent homes are prohibited.
3. Any use by an institution of higher learning necessary in or incidental to higher education, provided that any landowner who intends to use land for any of the aforementioned purposes shall be given opportunity to explain to the Village Board the nature of and reasons for the intended use.

In arriving at a decision, the Village Board shall consider the following: the location and size of the use, the nature and intensity of the operation involved, and the size of the site in relation to it, the location of the site with respect to roads giving access to it, and any other reasonable requirements necessary to keep the proposed use in harmony with the appropriate and orderly development of the Multiple Housing District. These standards may replace those listed in SECTIONS 5 through 10.

SECTION 4. COMMERCIAL DISTRICT

In the Commercial District, no building shall be erected or extended and no land or building shall be used for other than one or more of the following purposes:

1. Any use permitted in the Multiple Housing District, subject to the other requirements as set forth in SECTION 3 above
2. Any of the following uses:
 - a. Retail store.
 - b. Business or professional office.
 - c. Restaurant or dairy bar for the serving of food and beverages but only on special approval of the Board of Trustees. In granting approval, the Board of Trustees shall determine, after a public hearing, that a need for such use exists for the convenience of the neighborhood and that the general welfare of the Village will be served and that there will be no excessive noise in connection with the use.
 - d. Bank or other financial institution.
 - e. Gasoline retail sales station including facilities for minor repairs, but only on special approval of the Board of Trustees.
 - f. Place of business of the following, and businesses of a similar nature, provided that any manufacture or processing of goods on the premises is clearly incidental to a retail business conducted on the premises:

| | | |
|--------------|--------------|------------------|
| Baker | Furrier | Shoeshiner, |
| Barber | Hairdresser | shoemaker |
| Caterer | Manicurist | or repairer |
| Confectioner | Milliner | Tailor |
| Decorator | Optician | Telegraph and |
| Dressmaker | Photographer | telephone office |
| Dyer | Printer | Undertaker |
| Florist | | Upholsterer |

- Commercially operated swimming pool
 Hand laundry or machine rental laundry
- g. Theater, but not a drive-in theater, and only on special approval of the Board of Trustees.
 - h. Car-wash operation and car-rental operation, subject to special approval of the Board of Trustees. **Eff. 8/1/65**

SECTION 5. HEIGHT OF BUILDINGS

No building or structure shall be erected in a residence district so as to exceed twenty-five (25) feet in height; or in any other district so as to exceed thirty (30) feet in height. The limitations of height shall not apply to chimneys, ventilators, skylights, or other necessary features usually carried above roofs nor to spires of churches or other buildings if such features are in no way used for living purposes.

The height of a building shall be measured from the lowest point of the base of the building at the elevation of the proposed grade line of the ground to the average height between eaves and ridge for pitched roofs and to the highest part of the parapet for flat roofs. In cases where the proposed grade line of the ground is higher than the existing ground, the change must be approved by the Zoning Officer at the time of issuance of the zoning permit.

SECTION 6. YARD REQUIREMENTS

Yards free from buildings and of the following minimum dimensions are required, said dimensions to be measured at right angles to the property lines:

Residence District

| | |
|---------------------|---------|
| Front Yard | 25 feet |
| Side and rear yards | 15 feet |

Multiple Housing District

- Front Yard – twice the maximum height of the building on the front street side, but in no case less than 30 feet.
- Side and rear yards – the maximum height of the building on the side facing the respective side and rear yards.

Commercial District

| | |
|---------------------|---------|
| Front Yard | 35 feet |
| Side and rear yards | 30 feet |

The yard requirements hereinabove specified shall be the same in the case of swimming pools.

The above notwithstanding, a residence designed to house not more than two families, in any district, need not have yards greater than those required in the Residence District.

No automobile parking area shall be included in any required front yard, except for a residence housing not more than two families.

The front yard in each case shall be measured from the property line of the street. In case of corner lots, the front yard requirement shall apply to each street abutting the property.

SECTION 7. BUILDING COVERAGE

No building or buildings shall be erected or extended so as to exceed the percentages for each district below:

| | |
|---------------------------|------------|
| Residential District | 12 percent |
| Multiple Housing District | 12 percent |
| Commercial District | 15 percent |

In computing the building coverage, the area of any accessory buildings shall be included in the computation.

The areas covered by overhanging building eaves of three feet or less, or by non-roofed swimming pools shall be omitted in computation of the building coverage.

a. Size of Lots. Lot sizes in all districts shall be as follows:

(Local Law #1 of 1998 Amendment to 7.a. 11/20/89)

| | |
|-----------------------|----------------------|
| Minimum average width | 125 feet |
| Minimum average depth | 150 feet (eff. 5/62) |

b. Frontage on Public Street: Each lot shall have a minimum frontage on a public street of seventy-five (75) feet; except any frontage on a cul de sac in a subdivision, approved by the Planning Board, shall have such frontage as shown on the approved subdivision plan. This ordinance shall apply to any lots hereinafter subdivided or developed by placing a building thereon.

SECTION 8. PORCHES, DECKS, AND CARPORTS

In determining the percentage of building coverage of a lot or the size of yards for the purpose of this ordinance, porches, decks, or carports open at the sides, but roofed, shall be included in the building coverage. Unroofed porches or decks, the surface of which is over two feet above the surface of the underlying ground as finally graded shall also be included in the said determination. In cases where the proposed grade line of the ground is higher than the existing ground, the change of grade must be approved by the Zoning Officer at the time of issuance of the zoning permit. (1/80)

SECTION 9. FENCES AND WALLS

The provisions of this ordinance, unless otherwise specified, shall not apply to fences or walls not over four feet high above the natural grade, or to terraces, steps, driveways, open parking areas, or other similar features. Fences over four feet in height are permitted only when set back to the same yard requirements as for buildings. Swimming pools other than small portable pools, shall be enclosed by protective fencing. (1/80)

SECTION 10. BUILDING FLOOR AREA

No dwelling in any district shall be erected or altered so as to provide for less than 700 square feet of enclosed floor areas used for housing purposes.

SECTION 11. TRAILERS, TEMPORARY STRUCTURES, CONSTRUCTION SHANTIES & MATERIAL

No occupied automobile house trailer, whether on wheels or otherwise supported, shall be permitted on premises within the Village. Temporary structures such as construction shanties, as well as construction material must be removed from the premises within ninety days of the time when the principal building on the premises is ready for occupancy.

SECTION 12. REDUCTION OF LOT AREA

Whenever a lot upon which a building stands is changed in size or shape so that the building coverage or yard requirements of this ordinance are no longer complied with, such building shall not thereafter be used until it is altered, reconstructed or relocated so as to comply with such requirements. The provisions of this section shall not apply when a portion of a lot is acquired for a public purpose.

SECTION 13. MORE THAN ONE BUILDING ON A LOT

When there is more than one principal building on a lot in any district, the space between such buildings must be at least equal to the sum of the side yards required by such buildings or the sum of the rear and the front yards as the case may be.

SECTION 14. GARAGES AND PARKING FACILITIES

Every building used for living purposes shall provide sufficient off-street garage space or parking space for the occupants and employees thereof.

Every non-residential structure, commercial, or otherwise, shall provide off-street garage or parking space sufficient to accommodate the cars of employees and the number of cars anticipated to be attracted by the facilities of such structure at any time.

SECTION 15. EXTRACTION OF NATURAL PRODUCTS

The removal of sod, loam, topsoil, sand, gravel, or quarried stone for sale, except when incidental to, or in connection with, the construction of a building on the premises shall be permitted only on special approval of the Board of Trustees.

SECTION 16. TRAFFIC HAZARDS

No structure, fence or planting shall be maintained so as to obstruct the view from vehicles upon a street in a manner dangerous to traffic.

SECTION 17-A. SIGNS

The purpose of this section [local law] is to promote and protect the public health, welfare and safety of the Village of Cayuga Heights by regulating existing and proposed indoor and outdoor signs of all types.

As used in this section [local law] unless otherwise expressly stated:

“Sign” shall mean any material, structure or device of fixed location and stationary components which is used to advertise or promote the interests of any person or business when the same is placed in view of the general public.

“Indoor Signs” are signs inside of buildings, which are designed and placed to be read from outside the building.

“Erect” shall mean to display, relocate, place, affix or maintain any sign, and shall also include the painting of exterior wall signs.

The “face” of a building shall mean any outer surface of a building, which is visible from any private or public street or highway except the roof or roofs.

The “front” of a building shall mean that face which contains the front entrance.

“Illuminated sign” shall mean any sign illuminated directly or indirectly by electricity, gas, or other artificial light, including reflective or phosphorescent light originating from outside the body of the sign or from within or behind it.

“Projecting sign” shall mean any sign which projects from the exterior of any building.

“On premises sign” shall mean any sign related to an activity, business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

“Sign area” shall mean the surface area of the sign including the frame, plate or structure used to hold up any lettering or pictorial matter. In the event a sign is attached, painted or applied to the front or face of a building or is irregular in shape the area of the sign shall be taken as the area of the smallest rectangle that can be placed over the entire sign, including its lettering, devices, frame and decorative moldings along its edges, and background, if of a different color than the predominant color surrounding the sign except as otherwise provided herein. In the event that both upper case and lower case letters are used in a lettered wall sign, the area shall be defined by the smallest rectangles that can be placed over the series of lower case letters plus the area of the smallest rectangles that can be placed over the upper case letters. In the event that a letter or letters or other pictorial matter are placed as separate units on background boards, the sign area shall be calculated as the sum of the areas of the background boards. In the case of a flat or two-sided freestanding sign, the sign area is considered to be the entire surface area of one face of the sign.

“Free standing sign” shall mean any sign or sign structure not attached to the exterior of a building.

“Shopping center” or “multi-use commercial facility” shall mean any group of two or more stores for which there is provided off-street parking.

A. General Regulations

1. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity. The lights shall be so regulated as to direction and intensity that they cause no nuisance or traffic hazard.
2. A sign may project horizontally not more than two feet from the front or face of a building.
3. Outdoor signs may be placed only on the faces of a building.
4. Only “on premises signs” as provided in this local law are permitted.
5. The maximum height of any part of a freestanding sign shall be six feet above ground level.

B. Permitted Signs in all Districts

1. The following signs in any area of the Village are permitted without a permit:
 - a. Signs advertising the proposed sale, lease, or rental of the premises upon which the sign is located, which sign shall not exceed 4 square feet in area.
 - b. Professional nameplates that shall not exceed 2 square feet in area.
 - c. Signs denoting the name and address of the occupants of premises used for residential purposes which signs shall not exceed 1 square foot in area.
 - d. Directional (entrance/exit) signs on premises, each not exceeding 2 square feet in area and which shall not include any trademarks or names of businesses conducted or products sold.
 - e. A sign or notice, having an area of 10 square feet or less, of a public utility necessary for the direction, information, or safety of the public.
2. The following signs are permitted in any area of the Village of Cayuga Heights but they shall not be erected or maintained without a permit as provided herein:
 - a. One sign and one bulletin board customarily incident to places of worship, libraries, museums, not to exceed 18 square feet and to be located on premises of such institutions.
 - b. One sign not to exceed 6 square feet in area for social clubs or societies, which shall be located on the premises of such institutions.
 - c. One sign of a temporary nature listing the architect, engineer, contractor, or owner may be placed on premises where construction, repair, or renovation is in progress. Such sign shall be removed immediately upon completion of the project or after a period of three years from the date of the permit, whichever comes first.
 - d. Each building in a commercial zone may have one or two signs, whose total area shall not exceed 20 square feet. Said signs may be attached to or painted on the front or face of each building or one or both signs may be indoor signs. Where there are two signs they shall be attached to, painted on, or applied to the front and to the face or faces of the

building in such a way that they are at an angle or not less than 90 degrees from one another.

- e. Where more than one business occupies a single building, in place of the sign restrictions in Section 2 (d), each business may have one or two signs whose total area shall not exceed 10 square feet. One or both signs may be an indoor sign.
- f. If there are more than two businesses operated on any one parcel or contiguous parcels, which parcel or parcels are under the ownership, operation, management, or control of the same person, persons, firms, or corporation, involving a shopping center or other multi-use facility, one free standing sign which shall not exceed 18 square feet shall be permitted for the parcel, parcels, development, or shopping center as a whole, regardless of the number of separate businesses operated thereon, provided that if such a sign is used, a sign of the kinds referred to in the first and second sentences of the preceding section d. shall not be used.
- g. Signs advertising store hours and “rules” of conduct are exempt from this section [local law].

C. Temporary Signs

All signs of temporary nature such as political or civic posters, and other signs of a similar nature, may be erected without a permit for a period not to exceed thirty days on premises of any property owner by the property owner; with the condition that a period of not less than eleven months shall elapse between the last day of one period of showing and the first day of the next. The maximum size shall be four square feet.

D. Application for Permit

Application for a permit shall be made in writing by the owner of the premises in duplicate, upon forms prescribed and provided by the Zoning Officer and there shall be attached a detailed, to-scale drawing or blueprint showing a description of the construction details of the sign and showing all the lettering and/or pictorial matter composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land, and its position in relation to nearby buildings or structures and to any private or public street or highway.

E. Fees

The following fees shall be paid upon issuance of the permit:

1. Application fee of five dollars (\$5.00).

F. Procedures

1. It shall be the duty of the Zoning Officer, upon the filing of an application for a permit to erect a sign, to examine such plans, specification, and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure; and if it complies with this local law, to approve the same and issue a permit.

2. If the said sign does not comply with this local law, the Zoning Officer shall immediately notify the applicant. An appeal from his decision may be made to the Board of Appeals. (Eff. 11/1/76)
3. In making any determination or decision with respect to any proposed sign, any Village officer or the Board having jurisdiction shall be guided by the general purpose of this local law and shall also consider the following:
 - a. The purpose for which the sign is erected and the distance from which the sign is intended to be or can possibly be read and the character of adjacent streets. In all cases, the smallest sign which will suit the purpose shall be the guide, taking into account the legitimate commercial or other interests which are intended to be promoted by the sign, and the speed limits and traffic conditions on adjacent streets.
 - b. The number of letters on the proposed sign. A sign with only a few letters need not be as large as one with many letters to be seen from the same distance.
 - c. Other signs in the vicinity of the proposed sign.
 - d. The character of the neighborhood. The proposed use shall not be detrimental to the general amenity or neighborhood character so as to cause a devaluation of neighboring property or material inconvenience to neighboring inhabitants or material interference with the use and enjoyment by the inhabitants of the neighboring property.
 - e. The protection of the public interest and the desirability of maintaining open spaces, views and vistas insofar as possible.
 - f. Any hardship imposed by this local law due to the nature of the sign, its location and its purpose.

G. Revocation of Permit and Removal of Signs

1. Any sign which advertises a business no longer in existence on the premises shall be removed by the owner of the premises upon which such sign is located as soon as the business ceases to exist.
2. No sign, whether new or existing, shall hereafter be erected or altered except in conformity with the provisions of this law. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, including but not limited to, holes in the sign, faulty wiring, loose fastenings and the sign must otherwise be maintained at all times in good repair and shall not be detrimental or dangerous to the public health or safety. If the Zoning Officer, or Board of Trustees, shall find that any sign violates any of the foregoing provisions or that such sign is unsafe or is an actual or imminent traffic or other hazard or danger to the public, he shall give written notice which shall specify the violations and the items requiring correction or the removal of a sign, as the case may be.
3. In the event of failure to comply with the requirements of said notice within the period required therein, the permit for such sign shall be automatically revoked and such sign shall be removed by the owner of the land on which such sign is erected.

H. Non-Conforming Signs

Any sign which has been in existence prior to the effective date of this local law and which does not conform with the provisions and standards of this law and any amendments thereto, shall be removed within 90 days from the effective date hereof.

I. Legal Fees

Whenever any action at law is brought to collect a sum of money, the defendant shall pay attorney's fees.

J. Violations

Failure to comply with any of the provisions of this section [local law] shall be deemed a violation and the violator shall be liable to a fine of not more than \$50.00 for each violation, and each day's failure to comply shall be deemed a violation.

K. Validity

If any section, subsection, phrase, sentence or portion of this section [local law] is for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 17-B TELECOMMUNICATION TOWERS AND FACILITIES

PURPOSE: The purpose of these supplemental regulations is to promote the health, safety, and general welfare of the residents of the Village of Cayuga Heights; to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to minimize the total number of telecommunication towers and facilities in the community by encouraging shared use of existing and future facilities, and the use of existing tall structures; to serve the prevailing aesthetic of the entire Village and to minimize adverse visual effects from telecommunication towers by requiring careful siting, visual impact assessment, and appropriate landscaping.

1. Definitions

- a. Telecommunication Tower – Any structure greater than thirty (30) feet in height which is capable of receiving and /or transmitting signals for the purpose of communication in connection with a telecommunications facility.
- b. Telecommunication Facility – Any commercial equipment used in connection with the provision of two-way wireless communication services, including cellular telephone services, personal communications services, and private radio communications services, regulated by the Federal Communications Commission in accordance with the Telecommunications Act of 1996 and other federal laws. A telecommunications facility shall include monopole, guyed, or latticework tower(s), as well as antenna(s), switching stations, principal and accessory telecommunications equipment and supporting masts, wire, structures, and buildings.

2. Application of Permit Regulations

- a. No telecommunication facility or tower (except those approved prior to the effective date of this section) shall be used unless in conformity with these regulations which shall be administered by the Village Zoning Officer, Permit applications hereunder to be heard by the Village Planning Board (hereafter sometimes “Board”). No telecommunication facility or tower shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structures shall be modified to serve as a telecommunication tower unless in conformity with these regulations.
- b. Applicants proposing to co-locate on a previously approved telecommunication tower may be granted a permit under an abbreviated approval process as outlined in subsection 3 below. They are, however, subject to Site Plan Review in accordance with subsection 8 below of this Section. The Village Planning Board shall require the applicant to submit the items under subsection 3(a) below as part of the Site Plan Review Process.
- c. These regulations shall apply to all property within the Commercial District and the P.U.D. District. Telecommunication towers and facilities shall be specifically excluded from all other zones.
- d. Applications for permit hereunder to construct new telecommunication towers shall comply with the Code of Federal Regulations pertaining to objects affecting navigable airspace as delineated within Federal Aviation Regulations (FAR) Part 77. Additionally, no application for construction of a new telecommunication tower will be approved if the proposed tower violates the criteria for obstructions to air navigation as established by FAR Part 77 Subpart C-Obstruction Standards.
- e. Applicants shall provide evidence of whether they are a public utility in the State of New York.
- f. All applications under this section, once commenced, shall be processed to completion by the applicant and the Village Zoning Officer and Planning Board with all the reasonable promptness the matter will permit.

3. Shared Use of Existing Tall Structures. At all times, shared use of existing tall structures (for example municipal water towers, multi-story buildings, church steeples, farm silos, etc.), and existing or approved towers (see subsection 2(b) above), shall be preferred to the construction of new towers or facilities.

- a. An applicant proposing to share use of an existing tall structure shall be required to submit:
 - i. Such abbreviated application as the zoning officer shall designate at a pre-submission conference with the applicant.
 - ii. Documentation of intent from the owner of the existing facility to allow use.
 - iii. A site plan. The site plan shall show all existing and proposed structures and improvements including antennae, roads, buildings, guy wires and anchors, parking and landscaping, and shall include grading plans for new facilities and roads. Any methods used to conceal the modification of the existing facility, shall be indicated on the site plan.
 - iv. A NY Licensed engineer’s report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tall structure, and

- explaining what modifications, if any, will be required in order to certify to the above.
- v. A completed short form EAF (environmental assessment form) and a completed visual EAF addendum, under SEQRA (NYS Environmental Quality Review Act).
 - vi. A copy of its Federal Communications Commission (FCC) license.
- b. If an applicant proposing to share use of an existing tall structure submits complete and satisfactory documentation in accordance with subsection 3(a) above, and if modifications indicated according to subsection 3(a) are deemed insignificant by the Board, and after the Board conducts a public hearing and complies with all SEQRA provisions, the Board may grant a permit under this section without further review. If the Board determines that any modifications indicated according to subsection 3(a) are significant, it may require further review according to subsections 8 through 19 below.
- 4. New Telecommunication Tower.** The Board may consider a new telecommunication tower when the applicant demonstrates that shared use of existing tall structures and existing or approved towers is impractical. An applicant shall be required to present an adequate report inventorying all existing tall structures and existing or approved towers within a reasonable distance of the proposed site. This distance shall be determined by the Board in consultation with the applicant. The report shall outline opportunities for shared use of these existing facilities as an alternative to a proposed new tower. The report shall demonstrate good faith efforts to secure shared use from the owner of each existing tall structure and existing or approved tower as well as documentation of the physical, technical and/or financial reasons why shared usage is not practical in each case. Written requests and responses for shared use shall be provided.
- 5. Shared Usage of an Existing Tower Site for Placement of a New Tower.** Where shared use of existing tall structures, and existing or approved towers, is found to be impractical, the applicant shall investigate shared usage of an existing tower site for its ability to accommodate a new tower and accessory uses. Documentation and conditions shall be in accordance with subsection 4 above. Any proposals for a new telecommunication tower on an existing tower site shall also be subject to the requirements of subsections 7 through 19 below, which may, as appropriate in the sound discretion of the Board, entail a full Permit application process hereunder as if it were an application for a new tower at a new location.
- 6. New Tower at a New Location.** The Board may consider a new telecommunications tower on a site not previously developed with an existing tower when the applicant demonstrates that shared use of existing tall structures, and existing or approved towers, is impractical, and submits a report as described in subsection 4 above; and when the Board determines that shared use of an existing tower site for a new tower is undesirable based upon the applicant's investigation in accordance with subsection 5. Any proposal for a new telecommunication tower shall also be subject to the

requirements of subsections 7 through 19 below, and the documentation to satisfy those requirements shall constitute the Permit application under this section.

7. New Towers: Future Shared Use. The applicant shall design a proposed new telecommunications tower to accommodate future demand for reception and transmitting facilities. The applicant shall submit to the Board a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other telecommunications providers in the future. This letter shall be filed with the building inspector prior to issuance of a building permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special permit. The letter shall commit the new tower owner and his/her successors in interest to:

- a. Respond within 30 days to a request for information from a potential shared use applicant.
- b. Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers.
- c. Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

8. Site Plan Review: Submission Requirements.

- a. An applicant shall be required to submit a site plan which depicts the information required under subsections 9 and 11 through 16 below. The site plan shall show all existing and proposed structures and improvements including roads, buildings, towers, guy wire and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads, and must bear the seal of an engineer licensed to practice in the State of New York. Some of the details which the Board will expect to be addressed are:
 - i. The exact location including geographic coordinates of the proposed telecommunications facility including any towers, guy wires and anchors, if applicable.
 - ii. The maximum height of the proposed facility, including all appurtenances.
 - iii. A detail of tower type, if any, including engineering drawings from the tower manufacturer (monopole, guyed, free-standing, or other).
 - iv. The location type and intensity of any lighting on the tower.
 - v. Property boundaries and names of all adjacent landowners.
 - vi. Proof of the landowner's consent to the erection of the facility and agreement to abide by this section of the zoning ordinance if the applicant is not the landowner.

- vii. The location of all other structures on the property and all structures on any adjacent property within one hundred feet of the property lines, together with the distance of these structures from any proposed tower.
- viii. The location, nature, and extent of any proposed fencing, landscaping and screening.
- ix. The location and nature of any proposed utility easement and access roads or drives.

- b. Supporting Documentation – The application shall submit a complete EAF (long form), a complete Visual Environmental Assessment Form (visual EAF addendum), and documentation on the proposed intent and capacity of use as well as a justification for the height of any tower and justification for any clearing required. The applicant shall also submit a copy of its Federal Communications Commission (FCC) license.

9. Lot Size and Setbacks. All proposed telecommunication towers and accessory structures shall be located on a single parcel and shall be set back from abutting parcels and street lines a distance sufficient to contain substantially on-site all ice-fall or debris from tower failure (the “fall zone”) and preserve the privacy of any adjoining properties.

- a. Lot size of parcels containing a tower shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased the entire area required shall be leased from a single parcel unless the Board determines that this provision may be waived.
- b. Telecommunication Towers shall comply with all existing setback requirements of the underlying zoning district, and shall be located with a minimum setback from any property line equal to one half (1/2) of the height of the tower or the fall zone demonstrated to the Board’s satisfaction, whichever is greater. Accessory structures shall comply with the minimum setback requirements in the underlying zoning district.

10. Visual Impact Assessment. The Board may require the applicant to undertake a visual impact assessment which may include:

- a. A “Zone of Visibility Map” shall be provided in order to determine locations where the tower may be seen.
- b. Pictorial representations and computer-generated visual simulations of “before and after” views from key viewpoints both inside and outside of the Village including but not limited to: state highways and other major roads, state and local parks, other public lands, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. The Board shall determine the appropriate key sites at a pre-submission conference with the applicant.
- c. Assessment of alternative tower designs and color schemes, as described in subsection 11 below.
- d. Assessment of the visual impact of the tower base, guy wires, accessory buildings and overhead utility lines from abutting properties and streets.

- 11. New Tower Design.** Alternative designs shall be considered for new towers, including lattice and single pole structures. The design of a proposed new tower shall comply with the following:
- a. Any new tower shall be designed to accommodate future shared use by other telecommunications providers.
 - b. Unless specifically required by other regulations, a tower shall have a finish (either painted or unpainted) that minimizes its degree of visual impact.
 - c. The maximum height of any new tower shall be justified on a basis of necessity and shall not exceed that which shall permit operation without artificial lighting of any kind or nature, in accordance with municipal, state, and/or federal law and/or regulations. The Board at its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
 - d. The Board may request a review of the application by a qualified engineer in order to evaluate the need for, and the design of, and the satisfaction of any other requirements under this Ordinance, for any new tower. The cost of this review shall be borne by the applicant, which cost shall not exceed \$5,000 or 1% of the applicant's total project cost, whichever is greater. Such sum shall be deposited in escrow with the Village at the time of filing an application here under. The permit application fee shall be as established from time to time by the Village Board of Trustees.
 - e. Accessory structures shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
 - f. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose, including but not limited to, company name, phone numbers, banners, and streamers.
- 12. Existing Vegetation.** Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding four (4) inches in diameter (measured at a height of four (4) feet off the ground), shall take place prior to the approval of the special permit. Clear cutting of trees exceeding 20,000 square feet for a facility shall be prohibited.
- 13. Screening.** Deciduous or evergreen tree plantings may be required to screen portions of the tower and accessory structures from nearby properties as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, screening shall be required.
- 14. Access.** Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private, shall be made. Road construction shall, at times, minimize ground disturbance and vegetation cutting to within the toe of fill, the top of cuts, or no more than ten (10) feet beyond the edge of any pavement. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.

- 15. Parking.** Parking shall be provided to assure adequate emergency and service access. The Board shall determine the number of required spaces based upon a recommendation from the applicant. No parking spaces shall be located in any required yard.
- 16. Fencing and Security Measures.** The tower and any accessory structures shall be adequately enclosed by a fence, design of which shall be approved by the Board. This requirement may be waived by the Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility. Security lighting shall not project off-site. A locked gate for entry may be required by the Board.
- 17. Removal of Telecommunications Facility.** The applicant shall submit to the Board a letter of intent committing the tower owner, and his/her successors in interest, to notify the Zoning Officer within thirty (30) days of the discontinuance of use of the facility. This letter shall be filed with the Zoning Officer prior to issuance of a Permit, once the telecommunication facility is approved according to this section. Obsolete or unused towers and accessory structures shall be removed from any site and the site restored to its original condition within four (4) months of such notification. Failure to notify and/or to remove the obsolete or unused tower and accessory structures in accordance with these regulations, shall be a violation of this chapter and shall be punishable according to Section 22 of the Ordinance. The Planning Board, as a condition of permit approval, may require the applicant and /or owner to provide a letter of credit, performance bond or other financial guarantee to the Village (which may be adjusted from time to time to cover increases in removal costs) that funds will be available for the demolition of facilities and restoration of the site to its original condition in the event of non-compliance with the provisions of this removal requirement. Said financial guarantee be subject to approval as to form and content by the Village Treasurer and Counsel. Every twenty-four (24) months, applicant shall provide the Zoning Officer with a certificate from a New York licensed engineer that the facility continues to retain its structural integrity and does not pose a hazard to life, limb or property. Upon failure to submit such certificate timely, the Permit shall lapse and the facility must forthwith be removed.
- 18. Intermunicipal Notification for New Towers.** In order to keep neighboring municipalities informed, and to facilitate the possibility of directing that an existing tall structure or existing telecommunications tower in a neighboring municipality be considered for shared use, and to assist in the continued development of County 911 Services, the Board shall require that:
- a. An applicant who proposes a new telecommunication tower shall notify in writing the legislative body of each municipality that borders the Village of Cayuga Heights, plus the Towns of Lansing and Dryden and the Director of the Tompkins County Planning Department. Notification shall include the exact location of the proposed tower, and a general description of the project including, but not limited to, the height of the tower and its capacity for future shared use.

- b. Documentation of this notification shall be submitted to the Board at the time of application.

- 19. Hearing and Notification of Nearby Landowners.** Prior to rendering a decision on any application made under this section, a public hearing shall be held and the provisions of SEQRA satisfied. The applicant shall be required to mail notice of the public hearing directly to all landowners whose property is located within five hundred (500) feet of the property line of the parcel on which a new tower is proposed. Notice shall also be mailed to the administrator of any state or federal parklands from which the proposed tower would be visible if constructed. Notification, in all cases, shall be made by certified mail. Documentation of this notification shall be submitted to the Board prior to the public hearing.
- 20. Limited Permit.** Any permit granted under this section will be valid only for the facility, the dimensions and number of antennas or towers in the application as approved. Change must be by new application to the Planning Board. Any permit application may be approved, approved with appropriate restrictions and conditions, or denied, pursuant to applicant's satisfaction, substantial satisfaction, or failure to meet substantially the requirements of this section in light of the purposes as set forth at the beginning of this section.
- 21. Court Review.** Any person aggrieved by decision made pursuant to the terms of this Section may apply to the Supreme Court for review under Article 78 of the NY Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the Board's decision in the office of the Village Clerk. If any section, sentence, clause or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

III. New Section 17-B, enacted as a Local Law, shall take effect upon filing with the Secretary of State. **6/15/98**

SECTION 18. CONTINUATION OF EXISTING USES

Any use of land, or a building legally existing at the time that this ordinance becomes effective, may be continued, but may not be extended or changed in character, although such use of land or building does not conform to the provisions hereof.

When a non-conforming use has been discontinued for a period of at least one year, it shall not thereafter be re-established, and the future use shall be in conformity with the provisions of this ordinance.

SECTION 19. ENFORCEMENT

This ordinance shall be enforced by the Zoning Officer, except as otherwise herein provided. The Zoning Officer shall issue a zoning permit upon proper application unless the proposed construction, extension, or use thereof would be in violation of any provision of the ordinance. He shall also issue such permit upon written order of the

Board of Trustees or the Board of Appeals, under the authority granted to such Boards by this ordinance.

The Board of Trustees shall appoint the Zoning Officer who may be one of their number. The Board may from time to time prescribe rules and regulations under which the Zoning Officer may act. Violations of this ordinance coming to the attention of the Zoning Officer shall be reported to the Board of Trustees.

SECTION 20. ZONING PERMITS

No building or structure shall be begun or expanded nor shall any building be remodeled so as to change the structure or function of any room therein until a zoning permit authorizing such construction shall have been issued by the Zoning Officer.

Such building or structure shall be constructed or extended in accordance with the terms of the permit.

Every application for a zoning permit shall state the intended use of the building, the number of families to be housed, if any, the height of the building, and shall be accompanied by a plot plan with all the dimensions shown indicating the size and shape of the lot, the position of the buildings, and the front, side and rear yards.

This Local Law to take effect upon filing with the Secretary of State. (12/19/88)

Application for zoning permit shall be accompanied by fees payable to the Village as follows:

| | |
|---|---------|
| For buildings the estimated cost of which is not in excess of \$10,000 | \$ 5.00 |
| For buildings estimated to cost over \$10,000 and under \$50,000 | 10.00 |
| For buildings estimated to cost \$50,000 and over and less than \$100,000 | 20.00 |
| For buildings estimated to cost \$100,000 and over | 40.00 |

Unless there has been substantial progress in the work for which a zoning permit was issued, said permit shall expire one year from the date of issue.

SECTION 21. BOARD OF APPEALS

There is hereby established a Board of Appeals which shall function in such manner and have such powers and duties as the Village Law of the State of New York and this ordinance provide.

The Board of Appeals shall hear and determine appeals from any refusal of a zoning permit by the Zoning Officer or review any order or decision of said Zoning Officer, where such order or decision is based upon the requirements of this ordinance, except where it is a matter referred to the Board of Trustees by this ordinance.

Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance, the Board of Appeals shall have the power, in passing

upon appeals, to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of the ordinance shall be observed and public safety and welfare secured and substantial justice done.

In addition to the legal requirement for publication, the Board of Appeals at least ten days before public hearing, shall notify by mail the owners of property within two hundred (200) feet of the boundaries of the property subject to appeal.

The appellant shall pay for the advertising and notice as required in connection with hearings, and for that purpose the Board of Trustees shall establish a fee.

SECTION 22. VIOLATIONS AND PENALTIES

In addition to the remedies provided by Sec. 93 and 197(c) of the Village Law of the State of New York, failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith, and each day's violation shall constitute a separate offense.

SECTION 23. VALIDITY

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

SECTION 24. PLANNING BOARD, ESTABLISHMENT OF

I. Purpose

The purpose of this local law is to establish a Planning Board for the Village of Cayuga Heights, Tompkins County, New York.

II. Board of Trustees Empowered to Act As Planning Board

The Board of Trustees of the Village of Cayuga Heights, consisting of six members, and the Mayor of the Village of Cayuga Heights together shall constitute and be empowered to act as Planning Board for the Village of Cayuga Heights. All seven members of the Planning Board shall be full voting members. The mayor shall be the chairman of the Planning Board. The manner of election and appointment of trustees and provisions relating to the length of their terms shall apply in like manner to their appointment to the Board. The Mayor may appoint alternate members of the Planning Board to serve on the Planning Board when a conflict of interest or extended absence of a regular Planning Board member would preclude action by the Board. This law amends Section 7-718 of the General Village Law pursuant to the powers granted to municipalities by Municipal Home Rule Law.

III. Powers and Duties

A. Site Plan Review. The Planning Board (hereafter referred to as "the Board") shall be empowered to review and approve, approve with modifications or disapprove site plans, prepare to specifications set forth herein, and such other specifications as the Board may reasonably require.

Site plan review shall be required for the following:

1. Land Use in Multiple Housing or Commercial District

Any land owner who intends to use land for any purpose or change an existing use permitted in the multiple housing district or commercial district as defined in the zoning ordinance of the Village of Cayuga Heights, shall submit to the Board a site plan, a written statement and such other evidence as may reasonably be required by the Board of the proposed use, and shall provide a statement explaining to the Planning Board the nature of and reason for the intended use.

The following factors shall be considered by the Board:

- a. The location and site of the use.
- b. The nature and intensity of the operation involved.
- c. The size and topography of the site in relation to it.
- d. The location of the site in respect to the roads giving access to it.
- e. The provisions for parking.
- f. The relation of the size of the building and lot to the parking area.
- g. Traffic and noise generated by the proposed use.
- h. Landscaping.
- i. Architectural features.
- j. Location and dimension of buildings.
- k. Impact of the proposed use on adjacent land uses.
- l. Effect on the environment.
- m. Effect on infrastructure and existing Village services, including sewer, water, drainage and solid waste.
- n. Any other reasonable factors that will promote the safety of the proposed use and the orderly development of the Multiple Housing or Commercial District.
- o. Effect on population density, if any.
- p. Any other factors reasonably related to the health, safety and general welfare of the community.

2. Minor Subdivision.

Any landowner who intends to subdivide land in a manner that qualifies as a “minor subdivision” as defined herein shall apply to the Planning Board for approval of the subdivision set forth below. A minor subdivision is the subdivision of any land into not more than two lots (initial lot plus one new lot). Each lot shall front on an existing street, not involve any new street or road or the extension of any municipal facilities, and not be in conflict with any provision of the zoning law. The construction of more than one principal building on any lot shall be construed as a subdivision of the lot into two lots subject to the requirements of this law.

The following factors shall be considered by the Board:

- a. Effect of the proposed subdivision on traffic and so traffic safety.
- b. Effect of the proposed subdivision on the environment.

- c. Any other factors reasonably related to the health, safety and general welfare of the community.
3. Procedure
 - a. An applicant for site plan review under paragraphs 1 or 2 above shall file with the Village Clerk a site plan conforming to the requirements of paragraph A-(4) below, together with an application fee of \$200.00.
 - b. Within a reasonable time of receipt of an application for a minor subdivision the Board shall make a determination whether the application qualifies as a minor subdivision as defined herein. If the Board determines that the application is not for a minor subdivision the applicant shall be notified and may resubmit the subdivision application as a major subdivision.
 - c. Within a reasonable time of receipt of an application for site plan review in the multiple housing or commercial district pursuant to paragraph A (1) above, the Planning Board shall hold a public hearing. The hearing shall be advertised in the newspaper of general circulation in the Village at least ten days before such hearing. The applicant shall notify all contiguous property owners of the proposed use by mail at least five days before the date of the hearing, and shall provide proof of such mailing to the Planning Board. No public hearing shall be required for a minor subdivision.
 - d. Within a reasonable time from the date of the public hearing, or of submission of the application for a minor subdivision, the Planning Board shall deny or approve, with or without modification, the site plan submitted for review. An approved site plan will be endorsed by the Planning Board Chairman or someone authorized by the Board to endorse the plan in the Chairman's absence. After the Planning Board has approved and endorsed the site plan, one copy of the plan must be filed by the sub-divider with the Village Clerk
 - e. Approval of the site plan by the Board shall be a necessary prerequisite for issuance of a building permit by the Village Zoning Officer.
 4. Site Plan Requirements.
 - a. Site Plan for Land Use in Multiple Housing or Commercial District.
 - i. A field survey of the boundary lines of the property. made and certified to by a licensed land surveyor, showing date, north point, map scale, and name and address of record owner.
 - ii. The location of any and all buildings, streets, walkways, driveways and landscaping.
 - iii. A general indication of existing natural features including topography, streams, water bodies, ditches, buildings, large trees and tree masses and other significant aspects of the environment.
 - iv. Architectural drawings, if deemed appropriate by the Board.
 - v. Such other information as reasonably required by the Board.
 - b. Site Plan for Minor Subdivision.
 - i. A field survey of the boundary lines of the property, made and certified to by a licensed land surveyor, showing date, north point, map scale, and name and

address and address of record owner. The corners of the tract and each lot shall be located on the ground and marked by measurements, and shall be shown on the plan.

ii. The proposed lines, width, depth and area of each proposed lot.

iii. A general indication of existing natural features including topography, streams, water bodies, ditches, buildings and large trees and tree masses, and other significant aspects of the environment.

5. Written Statement

In an application for site plan review in a Multiple Housing or Commercial district pursuant to paragraph A (1) above, the applicant shall submit a written statement containing the following information:

1. The character and purpose of the proposed use.
2. A description outlining how the proposed development meets the factors set forth in paragraph A (1) above.

B. Approval of Plats for Major Subdivision

A major subdivision of land is a subdivision which does not qualify as a minor subdivision, as defined in paragraph A (2) above.

1. Approval of Plats. The Planning Board shall be empowered to review and approve plats showing lots, blocks or sites, with or without streets or highways, and to conditionally approve preliminary plats.
2. Procedure. The Planning Board shall act in accordance with the requirements set forth in Sections 7-728, 7-730 and 7-732 of the Village Law, and such regulations as established from time to time by the Planning Board.
3. Cluster Development. The Planning Board shall be authorized to modify applicable provisions of the Zoning Ordinance to allow flexibility design and development of land, subject to the conditions set forth in Section 7-738 of the Village Law and such other conditions as the Board of Trustees may determine by resolution.

SECTION 25. ANTENNAS, REGULATING INSTALLATION AND MAINTENANCE OF WITHIN THE VILLAGE OF CAYUGA

Section 1. Findings and Purpose

The Board of Trustees of the Village of Cayuga Heights have become concerned about the appearance and impact of antennas. The Board finds that, unless regulated, antennas can be installed in an aesthetically unpleasant manner with an adverse impact on surrounding property values and the enjoyment and use of surrounding properties. The intent and purpose of this local law is to establish a procedure and criteria to avoid the adverse impacts of the installation of all antennas and to preserve the character, beauty and general welfare of the municipality.

Section 2. Application and Procedure

Any antenna installed on any building or separate there from is considered a structure requiring issuance of a building permit by the building inspector. Any antenna located on the ground must be screened from the roadway by foliage, fencing or walls, as approved by the building inspector. No antenna shall be located on any trailer or portable device. No antenna shall be located in any front yard as defined by the zoning ordinances of the Village and shall be considered as an accessory structure requiring compliance with all minimum yard requirements.

Section 3. Penalties for Violation

Where a violation of this local law is determined to exist, the Zoning Officer shall serve, by registered mail or personally, on the owner, agent or contractor of the subject premises or on the lessee or tenant of the subject premises a notice of violation requiring the removal of the violation within 10 days after service of the notice. If the person or persons notified shall fail to remove the violation within the allotted time period, the Zoning Officer shall commence appropriate proceedings before the Justice Court of the Village of Cayuga Heights. The municipality may take any appropriate action or proceeding in addition to the aforesaid remedy, including proceeding by any available remedy. Failure to comply with the provisions of this local law shall be deemed a violation and the violator shall be subject to a fine of not more than \$50.00 for each violation and each day's failure to comply shall be deemed a violation.

Section 4. Effective Date

This local law shall take effect upon enactment and publication in the manner provided by law.

SECTION 26. PLANNED UNIT DEVELOPMENT

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PLANNED UNIT DEVELOPMENT

A. PURPOSE

The purpose of a Planned Unit Development is to introduce a degree of flexibility in conventional land use and design regulations which will encourage development in an imaginative and innovative way while ensuring efficient investment in public improvements, a more desirable environment, and protection of community interest. A Planned Unit Development is primarily intended for residential development, but may include accessory commercial and recreational development.

B. REQUIREMENTS

1. Minimum acreage – 20 acres
2. Permitted land uses
 - a. Residential land uses
 - b. Non-residential land use when:
 - i. Such use will contribute to quality of proposed development for the area.
 - ii. Such use will enhance the surrounding neighborhood in terms of open space, vehicular and pedestrian traffic movement, landscaping, preservation of natural features and an improved living environment.
 - c. Commercial land use when:
 - i. Such use is integral with, but clearly ancillary to, residential use of the site.
 - ii. Such use will not create a consumer market that routinely extends beyond the area of the Planned Unit Development.
3. Density

The number of dwelling units provided in a Planned Unit Development shall not exceed the number of units that would be permitted by regulations of the underlying district. For purposes of this Ordinance, a dwelling unit shall mean a dwelling or residence containing one or more rooms designed or used for human habitation and providing living accommodations that include separate eating, sleeping and bathroom facilities for each family or household residing therein.
4. Size of Lots

Lot size shall be specified in an approved Planned Unit Development.
5. Yards

No structure shall be located less than 75 feet from any public road right-of-way line existing at the time of the PUD application, or 100 feet from any other existing property line bordering the PUD, or as otherwise approved in an approved Planned Unit Development.
6. Height of Buildings

Unless otherwise approved by the Board of Trustees, no building shall be more than two stories high and no building shall exceed a height of 30 feet from the average finished grade to average height between the eaves and ridgeline of a pitched roof or the highest point of a flat roof. This height limit shall not apply to necessary mechanical or electrical equipment, skylights, flagpoles, light poles and similar site amenities approved by the Board of Trustees.

7. Building Coverage
The total land coverage for all buildings in the Planned Unit Development shall not exceed the coverage requirements of the underlying district.
8. Natural Features
Existing natural features on the site shall be preserved to the maximum extent feasible and incorporated into the site design.
9. Storm Water Runoff
In general, the rate of storm water runoff from the Planned Unit Development site after development is complete shall not exceed the rate that would normally occur under a natural undeveloped condition as calculated for a fifty (50) year storm.
10. Site Planning Requirements
 - a. Roads. All proposed roads in a Planned Unit Development shall be designed and constructed in accordance with standards approved by the Village Engineer.
 - b. Service Areas. Loading and service areas that face or are visible from a public road, including areas for the storage of solid waste and trash, shall be screened from public view by a vertical screen at least six feet high. A landscaped buffer strip or a combination of landscaping and fencing may be used to provide the required screening.
 - c. Public Transit and Parking. The Board of Trustees shall be satisfied that appropriate provisions are provided for public transit and that an adequate amount of off-street parking will be provided for the proposed use. No off-street parking space shall be located less than twenty-five feet from any existing property line. All parking areas containing more than four spaces shall be landscaped.
 - d. Underground services. All electric, telephone and television lines and cables shall be placed underground. All access points shall be landscaped in a manner approved by the Board of Trustees.
 - e. Lighting. Adequate site lighting shall be provided and shall be designed and located so that it does not produce glare on adjacent properties and does not impede the vision of traffic on adjacent roads.
 - f. Access Drives. Multiple and extra-wide driveways shall be avoided. Access drives that do not provide safe sight distances shall not be permitted. Access drives shall intersect existing roads at a ninety degree angle and shall not have a slope of greater than five percent for a distance of sixty feet from the intersection of centerlines.
 - g. Intersections. On- and off-site intersections shall be designed to accommodate the expected traffic safely. Turning lanes, deceleration lanes, by-pass lanes and other safety measures shall be provided as required by the Board of Trustees.
 - h. Signs. One identification sign shall be permitted. Such sign may be two-sided but shall have a total area of no greater than sixteen square feet per side. If lighted, the effects of lighting on automobile drivers shall be

considered. Lighting shall not produce glare on roads or adjacent properties.

- i. Operation. No offensive noise, traffic, odor, smoke, dust, heat, glare, electrical disturbance or other pollutants shall be produced by the normal operating conditions of the proposed Planned Unit Development.
- j. Landscaping. The number of trees to be planted in the Planned Unit Development shall be at least equal to the number of trees removed for development purposes.

11. Special Circumstances

When the Board of Trustees determines that due to unusual circumstances of a particular site the requirements set forth above are not necessary, in the interest of public health, safety and general welfare, the Board of Trustees may modify such requirements subject to any conditions it may wish to impose.

C. FACTORS TO BE CONSIDERED IN REVIEWING APPLICATION

1. Impact on existing and planned capacity of infrastructure system, including but not limited to roads, water, sewer, energy and drainage.
2. Whether the proposed development promotes the orderly growth and sound development of the community, and whether a need exists for the proposed development.
3. The extent to which the plan departs from the zoning regulations applicable to the property in terms of bulk, density, and permitted uses.
4. The existing character of the neighborhood and the relationship, beneficial or adverse, of the proposed development to this neighborhood.
5. The consideration given to pedestrian circulation within and outside the development and provision for open space.
6. Traffic circulation features within the site, including the amount of, location of, and access to automobile parking.
7. The amount of traffic generated and provisions for adequately handling or mitigating such volumes, and the nature and suitability of the connecting road or highway system to absorb anticipated changes.
8. The provisions for storm water runoff, sanitary and solid waste disposal and other utilities on and adjacent to the site.
9. Provision for access for emergency services.
10. Any other factor reasonably related to the general health, welfare and safety of the community.

D. PRE-APPLICATION CONFERENCE AND CONCEPT PLAN

The Board of Trustees shall schedule a pre-application conference to discuss general development concepts of the proposed Planned Unit Development. The developer should present information that would most help the Board of Trustees gain a full understanding of the proposal. Information to be submitted should include:

1. Base map locating the project site and showing the immediately surrounding neighborhood.

2. General analysis of existing site characteristics (topography, soils, floodable land, natural features, environmentally sensitive areas, exceptional views, drainage areas, etc.)
3. Narrative description of the proposed development including land use types, densities, utility needs, traffic expectations, site amenities (open space, recreation areas, general massing of landscaped areas, etc.), construction phasing, general architectural character, restrictive covenants, etc.
4. A concept plan generally indicating the approximate location of existing and proposed buildings, parking and service areas, patterns of vehicular and pedestrian movement, the provision of utilities, site amenities, and any other information that will help to explain the development concept.

E. PRELIMINARY APPROVAL

The developer shall file 14 copies of an application for preliminary approval of a Planned Unit Development by the Board of Trustees with the Village Clerk, with an application fee of \$250.00. The application shall contain the following materials:

1. Preliminary Development Plan

The plan shall be prepared at a scale of no more than one hundred feet to the inch, and shall show the following:

- a. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer, and shall be referenced and shown on the plan.
- b. Proposed development name, name of Village, Town and County in which it is located, date, true north point, scale, name and address of record owner, developer and Engineer or Surveyor, including license number and seal.
- c. The names of the owners of record of all adjacent property as disclosed by the most recent municipal tax records.
- d. All parcels of land proposed to be dedicated to public use.
- e. The location of proposed buildings, indicating size and height.
- f. An analysis of how site planning is affected by existing soils in the development area, including wetlands, floodable areas, depth to bedrock and the seasonal water table.
- g. Proposed landscaping treatment for open areas, buffer areas, roads, and areas around and between structures indicating plant species and the approximate size of trees to be used.
- h. Location of existing property lines, easements, road rights-of-way, water courses and drainage ways, wetlands, rock outcroppings, wooded areas, single trees outside wooded areas with a diameter of 4 inches or more as measured 3 feet above the base of the trunk, and other significant existing features related to the proposed planned unit development area and adjacent property.
- i. Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.

- j. Existing contours with intervals of five feet, or two feet for areas with grades less than 5 percent.
- k. The width and location of any existing roads or public ways or places on or adjacent to the property, and the width, location, proposed grade and typical cross-section of all private or public roads or public ways proposed by the developer.
- l. The approximate location and size of all proposed water lines, valves, hydrants, sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment as provided in the Public Health Law. Appropriate profiles of all proposed water and sewer lines.
- m. A storm water drainage plan showing the calculated volume of storm water run-off, the approximate location, size and grade of proposed storm sewers, catch basin locations with approximate inverts, the location and design of proposed detention or retention facilities, if any, with connections to existing drainage ways or proposed alternate means of disposal.
- n. Site improvements including the approximate location and grade of walkways, with typical cross-sections, the location and type of site lighting fixtures, provisions for fire protection, special landscaping features, outdoor recreation facilities and similar site amenities.
- o. Preliminary designs of any bridges or culverts which may be required.
- p. Where applicable, the proposed lot lines with approximate dimensions and area of each lot.
- q. A written erosion control plan, indicating what, when and how control measures will be installed.

2. Description of the Development

The developer shall submit written materials containing the following information:

- a. A written explanation of the character and purpose of the planned unit development, including the type and density of housing proposed and a description of the nature and extent of any nonresidential and commercial land uses proposed.
- b. A statement of proposed financing, including proposed sources of funds and guarantees that the work will be completed as proposed.
- c. An indication of the expected timetable for development.
- d. A description outlining how the proposed development meets the objectives of a Planned Unit Development.
- e. Description of land to be dedicated for public use and any conditions related thereto.
- f. Proposed covenants or deed restrictions.
- g. The manner and extent to which the proposed development varies from the zoning provisions of the underlying district.
- h. Drawings and narrative describing the architectural character of proposed buildings.
- i. An environmental impact statement.

3. Public Hearing

Within sixty (60) days after the receipt of the application, a public hearing shall be held, unless a different date is agreed to between the Board of Trustees and the developer. The Village Clerk shall send written notice to all owners of Village property contiguous to the boundaries of the property under consideration. The notice has to be mailed at least ten days in advance of the hearing. The public hearing may be continued or adjourned from time to time by the Board of Trustees.

4. Procedure for Preliminary Approval
 - a. When the application is received, a copy of the proposal shall be referred to the Tompkins County Planning Department in accordance with sections 239-1 and m of Article 12-B of the General Municipal Law.
 - b. The environmental review process shall be completed prior to final decision on the application.
 - c. Within sixty (60) days from the date of the public hearing and completion of the environmental review pursuant to 4.b. above, the Board of Trustees shall make a final decision on preliminary approval of the application. The Board may grant or deny preliminary approval, or may grant approval of the application with or without specified conditions to be met by the developer. The Board of Trustees shall determine the amount and terms of a Review and Inspection Fee established pursuant to Sec. G.3. herein at the time of making a final decision on preliminary approval. The time frame for such final decision to the Board of Trustees may be extended by agreement between the Board of Trustees and the applicant.
 - d. If preliminary approval is granted by the Board of Trustees, the zoning map shall, by such approval, be amended to establish and define the boundaries of the Planned Unit Development.

F. FINAL APPROVAL

1. Application

The developer shall, within six (6) months of receiving preliminary approval, submit an application for approval of the final development plan to the Board of Trustees. The Board may extend the period for submission of the final development plan by no more than an additional six months upon application of the developer and upon good cause. The application shall be accompanied by a filing fee of \$250.00. If the application for final approval is not submitted within six (6) months after the conditional approval of the preliminary development plan (or within the extended period), the Board may refuse to approve the final development plan and require resubmission of the preliminary development plan.

2. Final Development Plan

Twelve copies of the final development plan shall be submitted. The size of the sheet shall be 8-1/2 inches by 11 inches, minimum or 34 inches by 44 inches maximum, including a margin for binding. The plan shall be drawn at a scale no smaller than 100 feet to the inch and oriented with the north point at the top of the sheet. Where more than one sheet is required, an additional index sheet of the same size shall be filed showing, to scale, the entire planned development.

3. Contents of Plan

The final development plan shall contain the following items, in addition to all data required for the preliminary development plan and not specified below:

- a. The name of the development and the Village, the name and address of the record owner and developer, the name, license number and seal of the land surveyor, project engineer, architect and landscape architect.
- b. Road right-of-way lines, pedestrian ways, lots, reservations, easements, and areas to be dedicated to public use.
- c. Final plans showing location, size and species of proposed landscaping.
- d. Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every proposed road, lot line and boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State system of plane coordinates, and in any event should be tied to reference points previously established by a public authority.
- e. The length and bearing of all straight lines, tangents, radii, length of curves and central angles of all curves shall be given for each road. All dimensions and angles of the line of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plan shall show the boundaries of the property, location, graphic scale and true north point.
- f. The plan shall also show by proper designation thereon all public open spaces for which deeds are included and those spaces title to which is reserved by the developer. For any of the latter, there shall be submitted with the final development plan copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefore.
- g. Permanent reference monuments shall be shown, and shall be constructed in accordance with specification of the Village Engineer. When referenced to the State system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plan.
- h. Where separate lots are being created, all lot corner markers shall be permanently located in accordance with New York State licensed surveyor's standards.
- i. For all roads that are proposed to be conveyed to the Village, monuments of a type approved by the Village Engineer shall be set at all road intersections, angle points, tangent points of curves and such intermediate points as shall be required by the Village Engineer.

4. Construction drawings.

Unless additional copies are required by the Village Engineer, the final development plan shall include four copies of the following:

- a. Plans, profiles and typical cross-sections, as required, to show the proposed location, size and type of proposed roads, walkways, road lighting standards, street trees, curbs, water mains, sanitary sewers and

- storm drains, pavements and sub base, manholes, catch basins, and design drawings for bridges, culverts and similar structures.
- b. Profiles for proposed roads showing the existing natural grade, typical cross-sections, centerlines of intersecting roads and a centerline profile with dimensions on vertical curves and notation as to gradient and critical elevations.
 - c. The location and invert profile of all storm and sanitary drainage structures (manholes, catch basins, etc.) in road rights-of-way and in drainage easements.
 - d. Profile drawings shall be drawn with a vertical scale of one inch equals fifty feet and a horizontal scale of one inch equals ten feet unless otherwise approved by the Village Engineer.
5. Financial Plan.
The final development plan shall contain evidence that financing for the proposed construction is available and sufficient for completion of the project and for guarantees that the work be completed as proposed.
6. Action on the Final Development Plan.
- a. Within sixty (60) days of receipt of the final application, the Board of Trustees shall disapprove or approve the final development plan, or approve the plan on condition that alterations be made. The time period for Board action may be extended by mutual agreement between the Board and the developer.
 - b. Upon approval of the final development plan, the Board of Trustees may authorize and direct the mayor to sign the final development plan and the zoning officer to issue a special permit. Thereafter, the developer shall file the plan in the office of the County Clerk and may proceed with construction of the planned unit development.
 - c. Final approval shall be conditional upon compliance with applicable requirements of Sec. G.1 and 2 below.
 - d. No final development plan shall be altered or revised after it has been given approval and duly endorsed, except that changes that may become necessary during construction may be made after review and approval by the Board of Trustees.
 - e. Upon completion of any phase of the development, the zoning officer will, upon request of the applicant, make a final inspection thereof. If the zoning officer finds all work concerning construction and site improvements complete and in compliance with the approved final plan and all other applicable codes, laws, ordinances, rules and regulations, the zoning officer shall issue a certificate of compliance. In the event all proposed work has not been properly completed, or is not consistent with the approved final plan for which a special permit was issued, the zoning officer shall refuse to issue a certificate of compliance and shall notify the developer of the violations to be corrected.
 - f. Notwithstanding subsection e. above, the Board of Trustees may, upon request by the developer, authorize and direct the zoning officer to issue a

temporary certificate of compliance if such issuance would not endanger life, safety or the public welfare.

- g. If construction of the project does not commence within one (1) year of the date that the Board of Trustees authorized issuance of a special permit, or if at any time construction is interrupted for a period in excess of one (1) year, the Board of Trustees may revoke the Planned Unit Development designation. Once revoked, the original zoning classification for the parcel shall be reinstated, and if the developer wishes thereafter to continue with the project, the Planned Unit Development application and process shall begin anew. The time period to commence construction may be extended by the Board of Trustees upon good cause shown.

G. WARRANTIES AND FEES

1. Performance Guarantee

a. Estimate.

As a condition of final development plan approval, the developer shall submit a preliminary estimate of the cost of all roads, sanitary sewers, water systems, storm drains, culverts, walkways and other infrastructure improvements that are to become the responsibility of the Village. Such cost estimate shall be submitted to the Village Engineer together with a copy of the final development plan.

b. Form of Guarantee.

The developer shall file with the Village Clerk a performance guarantee in an amount to be determined by the Board of Trustees as adequate to cover the cost of completing all infrastructure improvements that are to become the responsibility of the Village Attorney, as set forth in subsection a. above. Such guarantee may be in the form of performance bonds, escrow agreements, letters of credit or similar collateral or surety agreements approved by the Village Board and village Attorney as to form, sufficiency and manner of execution.

c. Additional Conditions.

The performance guarantee shall be so written to allow the Village to draw from the funds to perform any and all work covered by the guarantee if the developer does not diligently, systematically and expeditiously perform the work.

If the developer fails to perform in accordance with Village standards and specifications, or those incorporated in the approved final development plan or subdivision plan, then the Village shall give written notice of such failure and the developer shall, within fifteen (15) days, correct and properly perform as provided for in such notice. If the developer fails to correct and perform the work within such fifteen (15) day period, as set forth in the notice, the Village shall have the authority to do the work and be reimbursed for the cost thereof from the performance guarantee.

2. Warranty of Work and Materials.

- a. For all infrastructure improvements that are to become the responsibility of the Village, the developer shall warrant all work performed and materials furnished against defect, failure, inadequacy or breakage for a period of two (2) years from the date of completion of the project or any phase of it if done in phases. In the event of such defect, failure, inadequacy or breakage during said warranty period, the developer shall make the necessary repairs or replacements within two days of receiving written notice thereof from the Village.
 - b. The form, amount and terms of such warranty shall be approved by the Board of Trustees.
 - c. It shall be the developer's responsibility to notify the Village forty-five (45) days prior to the end of the warranty period. The Village will make a final inspection and notify the developer of corrections or repairs that must be made as part of the warranty. If such work is not completed by the developer the Village shall make the necessary repairs or replacement and deduct all costs therefore from the warranty funds.
3. Review and Inspection Fee.
- a. A review and inspection fee shall be paid by the applicant for review of a Planned Unit Development application, including plans, architectural and engineering design, specifications and similar materials, field inspections and approvals required by regulations. Such fee is intended to cover the cost of professional and administrative services, including but not limited to architectural fees, engineering fees, legal fees and other consulting and inspection fees incurred by the Village in its review of a Planned Unit Development application.
 - b. The amount of such review and inspection fee shall be determined by the Board of Trustees after receipt of the application for preliminary approval of a Planned Unit Development. Such review and inspection fee, or a letter of credit therefore, shall be submitted to the Village Clerk prior to the date of the public hearing on the application for preliminary approval and shall be drawn against to pay for Village costs related to the project.
 - c. The Village shall document the nature and amount of any charges against the review and inspection fee. Any funds that have not been used when Village reviews and inspections are concluded shall be returned to the developer. If the Village incurs costs for review and inspection of the project that exceed the amount initially deposited by the developer, the developer will, upon due notification by the Village, provide an additional amount to cover such costs.

1/15/93

Re-adopted, amended & revised 3/1/62;

Thereafter amended: 5/62; 8/1/65; 9/1/65; 4/20/66; 6/15/66; 11/1/76; 1/4/80; 2/85; Local Law #1, 1986; Local Law #2, 1987; Local Law #2, 1988; Local

Law #1, 1989; Local Law #2, 1992; Local Law #1, 1993; Local Law #2, 1993; Local Law #4, 1993; Local Law #3, 1998.

Village of Cayuga Heights

ARTICLE X HAWKERS, PEDDLERS, AND SOLICITORS

SECTION 1. DEFINITIONS

The terms “hawker” and “peddler” as used in this ordinance shall mean any person who in any public street or public place or by going from house to house sells or offers for sale or carries or exposes for sale any goods, wares, or merchandise except meats, fish, fruit, milk, newspapers, and periodicals.

The term “solicitor” as used in this ordinance shall mean any person who goes from place to place or from house to house, or who stands in any street or public place, taking or offering to take orders for goods, wares, or merchandising except meats, fish, fruit, milk, newspapers, and periodicals; or taking or offering to take orders for services to be performed in the future, or for making, manufacturing, or repairing any article or thing whatsoever for future delivery.

SECTION 2. LICENSE REQUIRED

It shall be unlawful for any person except as provided in Section 8 of this ordinance to act as a hawker, peddler, or solicitor within the corporate limits of the Village of Cayuga Heights without first having obtained and paid for and having in force and effect a license therefor.

SECTION 3. APPLICATION FOR LICENSE AND BOND

- a. Any person desiring to procure a license as herein provided shall file with the Village Clerk a written application with satisfactory proof of good character and financial responsibility. Such application shall give the number and kind of vehicles to be used in carrying on the business for which the license is desired, the kind of goods, wares, and merchandise he desires to sell or the kind of service he desires to perform, the name and address of the applicant, the name and address of the person, firm, or corporation he represents, and such other information as may be required.
- b. Bond, conditions, amount, duration. An application for a license as a hawker, peddler, or solicitor who demands, accepts, or receives a payment or deposit of money in advance of final delivery, shall also be accompanied by a bond to the Village approved as to form and security by the Mayor in the penal sum of five hundred (\$500) dollars with sufficient surety or sureties or sufficient collateral security, conditioned for making a final delivery of goods, wares, or merchandise ordered or

services to be performed in accordance with the term of such order, or failing therein that the advance payment of such order be refunded. Any person aggrieved by the action of any licensed hawkers, peddlers, or solicitors shall have right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit, shall be retained by the Village for a period of ninety days after the expiration of any such license.

- c. Any person exempt from the provisions of this Ordinance shall apply to the Mayor for a license and may be issued a license showing the said exemption.

SECTION 4. LICENSE.

Upon the filing of the application and bond the Mayor shall issue a license and collect the fee to be paid therefor to such persons as he shall deem fit and proper for such trade or occupation. Any applicant who shall have been refused such license by the Mayor may apply to the Board of Trustees therefor at a meeting thereof and the same may be granted or refused by the Board.

All licenses shall be issued from a properly bound book with proper reference stubs and shall state the kind of vehicle, if any, to be used and the kind of goods, wares, or merchandise to be sold or service to be rendered, the dates of issuance and expiration, the fee paid, and the name and address of the licensee. Every licensee while exercising his rights shall carry the license with him and shall exhibit the same upon demand.

SECTION 5. LICENSE FEES

The following fees shall be paid for the license hereinabove required:

- a. Where a vehicle is to be used: for one year, \$50.00; for any period less than one year, at a rate of \$10.00 per month, except that the minimum fee shall be \$20.00.
- b. Where no vehicle is used: for one year, \$25.00; for any period less than one year, at a rate of \$5.00 per month, except that the minimum fee shall be \$10.00.

SECTION 6. REVOCATION OF LICENSE

The police commissioner may at any time revoke the license of any licensee who has violated the provisions of this ordinance. When a license has been revoked, no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason therefor shall be given in writing to the person named in the application by delivering the same to him personally or by mailing the same to the address given in the application.

SECTION 7. RESTRICTIONS

A hawker or solicitor shall:

- a. Not falsely or fraudulently misrepresent the quantity, character, or quality of any article offered for sale.
- b. Keep the vehicles and receptacles used by him in a clean and sanitary condition and the foodstuffs offered for sale protected from dirt, dust, and insects.
- c. Not blow a horn, ring a bell, or use any other noisy device to attract public attention to his wares, or shout or cry his wares.

SECTION 8. EXEMPTIONS

Nothing in this ordinance shall apply to sales conducted pursuant to statute or by order of any court or to persons selling personal property at wholesale to dealers, or in any way that will unlawfully interfere with interstate commerce.

The licensing provisions of this ordinance shall not apply to merchants having an established place of business within the Village or to their employees; or to farmers and truck gardeners who sell or offer for sale the products of their own farms or gardens; or to honorably discharged soldiers, sailors, or marines properly exercising a license issued pursuant to the General Business Law.

Nothing in this ordinance shall apply to solicitations by or on behalf of the American Red Cross, the Salvation Army, Boy Scouts, Girl Scouts, Campfire Girls, United Community Fund, or the activities of any religious corporation.

SECTION 9.

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith, and each day's violation shall constitute a separate offense.

SECTION 10.

If any subdivision or provision of this ordinance shall be denied by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

This ordinance shall take effect March 1, 1962. Amended 10/8/70; 3/1/72

Village of Cayuga Heights

**ARTICLE XI
ACCEPTANCE OF STREETS**

SECTION 1.

No street will be accepted by the Village until all sewer, water, and gas mains and laterals, to be laid within the right-of-way, are installed, and all grading, ditching, placing of culverts, base gravel, and wearing surface to provide a finished road is completed to the satisfaction of the Board of Trustees or their representative.

SECTION 2.

No zoning permit shall be issued for construction on land fronting on or having access from undeveloped streets that have not been dedicated to and accepted by the Village.

Amended 8/15/63; 2/15/65.

Village of Cayuga Heights**ARTICLE XII
SEWER RENTS****SECTION 1.**

The sewer system or the part or parts of the sewer system for which such rents shall be established and imposed are as follows:

- (a) The sewage treatment and disposal works with necessary appurtenances including pumping station, and the extension, enlargement, or replacement of or additions to such sewage treatment plant.
- (b) The operation, maintenance, and repairs of the entire village sewer system, including the sewage treatment plant and the collection system.

SECTION 2.

Revenues derived from the sewer rents, including penalties and interest, shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used in the following order:

- (a) For the payment of the costs of operation, maintenance, and repairs of the entire village sewer system.
- (b) For the payment of the interest on and amortization of or payment of indebtedness which has been or shall be incurred for the construction of the sewage disposal plant. (Not including indebtedness, and the interest thereon, which is to be paid in the first instance from assessments upon benefited real property.)
- (c) For the construction of sewage treatment and disposal work with necessary appurtenances, including pumping stations or for the extension, enlargement, or replacement of, or additions to, such sewage treatment and disposal works.

SECTION 3.

The basis of the charge for such sewer rent shall be computed in units as follows with each unit bearing a proportionate part of the moneys necessary for the annual expense under Section 2 herein:

- (a) The owner of any private single family residence shall be assessed one unit.
- (b) Any two-family residence, apartment house, or multiple residence other than a fraternity or sorority house or dormitory, shall be assessed one unit for each apartment or dwelling unit.
- (c) An additional one-half unit shall be charged to any family having two roomers with additional one-half unit for each additional two roomers.
- (d) Each fraternity or sorority house or dormitory shall be assessed one unit for each five occupants in the said fraternity or sorority or dormitory.
- (e) The owner of any commercial, business or industrial property, including but not limited to schools, churches, professional offices, gas stations,

stores, and all other places of business shall be assessed one unit for each enclosed building housing such commercial, business or industrial property with an additional assessment of one unit for each 16,000 cubic feet of water, or part thereof, consumed annually in each such building over the first 16,000 cubic feet of water, except that portion thereof not discharged into the sewer system under special permit.

SECTION 4.

Sewer rents shall not be charged against properties granted special permit under Article VIII of the Village Ordinances or against properties connected to any other municipal system, except against those properties where the Village pays the rent of such a connection.

SECTION 5.

Sewer rents shall become due annually on the first day of June and may be paid without interest or penalty on or before the first day of July.

SECTION 6.

On all sewer rents unpaid after July 1st, interest of five per centum shall be added for the month of July, and an additional one per centum for each month and fraction thereof thereafter until paid.

Effective date 1/1/64. Amended Local Law #2, 1990; Local Law #3, 2002.

Village of Cayuga Heights

**ARTICLE XIII
REGISTRATION AND USE OF BICYCLES**

SECTION 1. DEFINITION

The term bicycle shall mean and include every device propelled by the feet acting upon pedals, having two wheels any two of which are twenty inches in diameter or more.

SECTION 2. REGISTRATION REQUIRED

- a. No resident of the Village of Cayuga Heights shall ride or operate a bicycle upon the public highways, parks, sidewalks, or public places in the Village of Cayuga Heights unless such bicycle shall have been registered as herein provided and shall conspicuously display the required license plate or sticker.
- b. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.

SECTION 3. ISSUANCE OF REGISTRATION CARDS AND PLATES

- a. Applications shall be made to the Police Department upon a form provided by the Village.
- b. The Police Department, upon receiving proper application therefor, shall issue bicycle registrations and renewals thereof, together with license plates or stickers. Each bicycle shall be inspected by the issuing officer and the bicycle must comply with the New York State Vehicle and Traffic Law as to condition and safety equipment before being licensed.

SECTION 4. FEES AND EXPIRATION OF REGISTRATIONS

There shall be no fee for issuance of such registrations. Such registrations shall be issued for a period of two (2) years and shall expire on April 30, 1992. Renewals shall expire on April 30 every two years thereafter. Lost registrations or license plates or stickers will be replaced upon application.

SECTION 5. TRANSFER OF REGISTRATION

It shall be the duty of every person residing in the Village of Cayuga Heights who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the Police Department the registration issued to such owner together with the name and address of the person to whom the bicycle is sold or transferred. Notification shall be made within five (5) days of the date of sale or transfer. The License plate or sticker issued to the seller or transferor shall not be valid unless validated by an issuance of a registration to the buyer or transferee upon application duly made.

SECTION 6. REGULATIONS

No person shall willfully or maliciously remove, destroy, or alter the number on any bicycle for which a registration has been procured pursuant to this Article.

SECTION 7. PENALTIES

Failure to comply with this ordinance shall constitute a violation as defined in the Penal Law of the State of New York, and any offender shall be punished in accordance therewith, and, in addition, the Village Court may order the removal and detention of the registration plate or sticker from such offender's bicycle for a period of not to exceed 90 days.

Effective 5/1/68 – 3/1/72; Amended Local Law #3, 1990

Village of Cayuga Heights

**ARTICLE XIV
CURFEW**

SECTION 1.

All children under the age of 16 years are hereby forbidden to be upon the streets or in any public places or public buildings in the Village of Cayuga Heights between 11:00 p.m. and one-half hour before sunrise unless accompanied by the parent or guardian, or other adult having the care and custody of such minor person, or unless the business or employment of such minor, engaged in with the consent of the parent or guardian or other adult having the care and custody of such minor, makes it necessary to be upon the streets, or other public places in said Village during the hours specified herein; provided, however, that these latter two exceptions shall not apply when such minor shall be playing or unnecessarily loitering in or upon any street or other public place in said Village.

SECTION 2.

All parents, guardians, or other adults having the care and custody of any child under the age of 16 years are hereby forbidden to permit such child or children to be upon the streets or in any public places or public buildings in the Village during the hours above stated unless such child is accompanied by said parent, guardian, or other adult having the care and custody of the minor, or unless such minor is performing an errand directly by said person or unless the business or employment of such minor, engaged in with the consent of such person, make it necessary to be upon the streets or in any public place or a public building in the Village.

SECTION 3.

Failure to comply with this Ordinance shall constitute a violation as defined in the Penal Law of the State of New York and any offender shall be punished in accordance therewith.

Village of Cayuga Heights**ARTICLE XV
DOG CONTROL ORDINANCE****Section 1.**

This Local Law is adopted pursuant to Article 7 of the Agriculture and Market Law of the State of New York. Its purpose shall be to promote the public health, safety, and welfare of the community, including the protection and preservation of the property of the Village and its inhabitants, and of peace and good order, by regulating and controlling the activities of dogs within the Village of Cayuga Heights and providing for enforcement thereof.

Section 2.

Any person owning or harboring any dog in the Village of Cayuga Heights shall be in violation of this Local Law if such dog, whether or not tagged or licensed and whether or not muzzled:

- a. is not under control and not restrained by an adequate collar and leash when not on the owner's property;
- b. engages in habitual loud howling or barking so as habitually to annoy any person;
- c. causes damage or destruction to property, or defecates, urinates, or otherwise commits a nuisance other than on the premises of the person owning or harboring such dog;
- d. when not on the owner's property, chases or otherwise harasses any person in such manner as reasonably to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury;
- e. habitually chases or barks at motor vehicles or bicycles.

Section 3.

The Village dog warden shall, and all peace officers of the Village may, administer and enforce the provisions of this Local Law.

Section 4.

Any person who observes a dog causing damage or destruction to property of a person other than its owner, or committing a nuisance upon the premises of a person other than its owner, may file a signed complaint, under oath, with the Village Justice of the Village of Cayuga Heights specifying the objectionable conduct of the dog, the date thereof, the damage caused, a description of the dog and name and residence, if known, of the owner or other person harboring said dog.

Section 5.

Upon receipt by the Village Justice of any complaint against the conduct of any particular dog, the Village Justice may summon the alleged owner or other person harboring said

dog to appear in person before him; if the summons is disregarded, the Village Justice may permit the filing of an information and issue a warrant for the arrest of such persons.

Section 6.

In the event that any dog found to be in violation of the Local Law is owned by a person under 17 years of age, the head of the household in which said person resides shall be deemed the owner or person harboring such dog and responsible for the acts of said dog for the purposes of this Article.

Section 7.

The fact that a dog is at large in the Village of Cayuga Heights elsewhere than on the premises of the owner or person harboring such dog shall be presumptive evidence that the dog has been permitted to be at large with the knowledge of the owner or person harboring the dog.

Section 8.

Any dog found to be in violation of Section 2a of this Local Law shall be subject to seizure and impounding by the dog warden or any peace officer. Any such dog warden or peace officer so seizing such dog shall be empowered to exercise such degree of force as shall be necessary to effect such seizure.

Section 9.

- a. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of seven days after day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed by Section 9c of this law and by producing proof that the dog has been licensed.
- b. Each dog which is not identified, whether or not licensed, shall be held for a period of five days from the day seized during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified and further provided that the owner pays the impoundment fees prescribed by Section 9c of this law.
- c. Impoundment fees shall be as follows:
 - (1) ten dollars for the first impoundment of any dog owned by that person; or
 - (2) twenty dollars for the first twenty-four hours or part thereof and five dollars for each additional twenty-four hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
 - (3) thirty dollars for the first twenty-four hours or part thereof and five dollars for each additional twenty-four hours or part thereof for the third and

subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.

Section 10.

An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period, and the dog shall then be made available for adoption or euthanized. No such dog shall be delivered for adoption unless it has been licensed to the new owner prior to its release from the custody of the pound or shelter and the adoption procedures of the pound or shelter are complied with.

Section 11.

The dog warden or peace officer shall keep a record and description of each animal seized, the date the animal was seized, the date and manner of its disposal, and, if redeemed, the name and address of the person by whom redeemed.

Section 12.

No person shall hinder, resist, or oppose the dog warden or any peace officer of the Village in the performance of their duties under this Local Law.

Section 13.

A violation of this Local Law shall constitute a Violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not more than \$250 for each violation, or by imprisonment for a term not to exceed fifteen days, for each violation. These penalties shall be in addition to any other penalty provided by law.

Section 14.

If any section, paragraph, subdivision, clause, phrase, or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of this Local Law as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section 15.

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

Effective 11/1/74. Amended 2/28/75; Local Law #2, 1977; Local Law #1, 1980; Local Law #2, 2002.

Village of Cayuga Heights

ARTICLE 16
BUSINESS INVESTMENT, PERCENTAGE OF EXEMPTION FOR

Section 1. The percentage of exemption allowed for business investment pursuant to Section 485-b of the Real Property Tax Law of the State of New York is hereby reduced to zero.

(Local Law #1, 1977)

Village of Cayuga Heights**ARTICLE 17
SUPPLEMENTARY CROSS-CONNECTION CONTROL****Preamble**

WHEREAS, the State of New York has adopted the New York State Sanitary Code (NYCRR 10(Health), Volume A, Chapter 1, State Sanitary Code, Part 5) which contains Subpart 5-1, entitled “Public Water Supplies,” which, in turn, contains Section 5-1.31, entitled “Connection Control” (the “NYS Cross-Connection Control Law”), and

WHEREAS, the New York State Department of Health has issued a policy statement regarding public water supply cross-connections in the Department of Health’s Bureau of Public Water Supply’s publication entitled “Public Water Supply Guide: Cross-Connection Control,” dated January, 1981, and

WHEREAS, the Municipality has enacted a Local Law for Cross-Connection Control, designated Local Law No. 1 of 1979 (the “CCC Law” or the “Cross-Connection Control Law”), and

WHEREAS, the Town of Dryden, the Town of Ithaca, the Town of Lansing, the Village of Cayuga Heights and the Village of Lansing are members of the Southern Cayuga Lake Intermunicipal Water Commission (the “Commission”), and

WHEREAS, the Municipality desires to amend and supplement the CCC Law in order to provide additional safeguards to potable water supplies by implementing a more comprehensive and effective back-flow prevention program that conforms to the requirements of the New York State Cross-Connection Control Law and the New York State Department of Health policy guidelines:

NOW, THEREFORE, the Municipality enacts this Local Law to be known as the “Supplementary Cross-Connection Control Law.”

PART I. Amendment of the Original CCC Law and Delegation of Authority**Article 1. Definitions, Interpretation and Separability**

All terms defined in the CCC Law and used in this law shall have the meanings given to them in the CCC Law. This Law is to be interpreted reasonably. In applying this Law, enforcement officials shall recognize that different circumstances result in varying degrees of hazard, and that the degree of protection or prevention required in each situation should be commensurate with the degree of hazard. If any article, section, paragraph, subdivision, clause, phrase or provision of this Law shall be adjudicated

invalid or unconstitutional, the validity of this Law as a whole or any part thereof other than the part so adjudicated to be invalid or unconstitutional shall not be affected.

Article 2. Definitions

1. Cross-Connections. The term “cross-connection” as used in these regulations means any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as equally safe, wholesome, and potable for human consumption.
2. Approved Water Supply. The term “approved water supply” means any water supply approved by the New York State Department of Health.
3. Auxiliary Supply. The term “auxiliary supply” means any water supply on or available to the premises other than the approved public water supply.
4. Vacuum Breaker – Nonpressure Type. A vacuum breaker which is designed so as not to be subjected to static line pressure.
5. Vacuum Breaker – Pressure Type. A vacuum breaker designed to operate under conditions of static line pressure.
6. Approved Check Valve. The term “approved check valve” means a check valve that seats readily and completely. It must be carefully machined to have free moving parts and assured watertightness. The face of the closure element and valve seat must be bronze, composition, or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure elements, e.g., clapper, shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
7. Approved Double Check Valve Assembly. The term “approved double check valve assembly” means an assembly of at least two independently acting check valves, including tightly closing shutoff valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the watertightness of each check valve. This device must be approved as a complete assembly.
8. Approved Reduction Pressure Principle Back-flow Prevention Device. The term “approved reduced pressure principle back-flow prevention device” means a device to incorporate two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with necessary appurtenances for testing. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device.

At cessation of normal flow, the pressure between check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere, thereby providing an air gap in the

device. To be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the valve will be submerged. The enclosure must be self-draining, so that the large amount of water which the relief valve may vent will be disposed of reliably without submergence of the relief valve.

This device must also be approved as a complete assembly.

9. Air-Gap Separation. The term “air-gap separation” means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
10. Water Supervisor. The term “water supervisor” means the consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer’s water system free from cross-connections and other sanitary defects, as required by regulations and laws.
11. Certified Back-flow Prevention Device Tester – is a person who is examined annually by the water purveyor and found competent for the testing of back-flow prevention devices. He shall be provided with an appropriate identification card which must be renewed annually. Failure to perform his duties competently and conscientiously will result in prompt withdrawal of his certification.

Article 3. Protection of Public Water System at Service Connection

Section I. Where Protection is Required

1. Each service connection from a public water system for supplying water to premises having an auxiliary water supply shall be protected against back-flow of water from the premises into the public water system, unless the auxiliary water supply is approved as an additional source by the water purveyor and is satisfactory to the public health agency having jurisdiction with regard to quality and safety, or the auxiliary water supply is properly abandoned. (1994)
2. Each service connection from a public water system for supplying water to premises on which any substance other than the supplied water is handled under pressure in such fashion as to permit entry into the water system, shall be protected against back-flow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the public water supply system which may have been subject to deterioration in sanitary or chemical quality. (1994)
3. Each service connection from a public water system for supplying water to premises on which any substance that is unusually toxic or a danger to human health is or may be handled in liquid form, or in solid or gaseous form if such substance is intended to be used after conversion to liquid form, even if such substance is not under pressure, shall be protected against back-flow of the water from the premises into the public water system. Examples of such premises include, but are not limited to, plating factories, premises on which

cyanide is handled and hospitals. This paragraph is not intended to apply to normal residential installations. (1994)

4. Back-flow prevention devices shall be installed on the service connection to any premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the water purveyor.

It shall be the responsibility of the water user to provide and maintain these protective devices, and each one must be of a type acceptable to the State Health Department.

Section II. Type of Protection

The protective device required shall depend on the degree of hazard as tabulated below:

1. At the service connection to any premises where there is an approved auxiliary water supply handled in a separate piping system with no known cross-connection, the public water supply shall be protected by an approved double check valve assembly. (1994)
2. At the service connection on any premise on which there is an auxiliary water supply where cross-connections are known to exist which cannot be presently eliminated or where the auxiliary water supply is not approved, the public water supply system shall be protected by an air gap separation or an approved reduced pressure principle back-flow prevention device. (1994)
3. At the service connection to any premise on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross-connection, the public water supply shall be protected by an approved double check valve assembly.
4. At each service connection from a public water system for supplying water to premises on which any substance that is unusually toxic or a danger to human health is or may be handled, in liquid form, or in solid or gaseous form if such substance is intended to be used after conversion to liquid form, even if it is not under pressure, the public water supply shall be protected by an air-gap separation or an approved reduced pressure principle back-flow prevention device. This device shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. (1994)
5. At each service connection from a public water system for supplying water to premises on which any substance that is unusually toxic or dangerous to human health is or may be handled under pressure, the public water supply shall be protected by an air-gap separation or an approved reduced pressure principle back-flow prevention device. The air gap shall be located as close as practicable to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure principle back-flow prevention device, providing the alternative is acceptable to the water purveyor. (1994)

6. At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle back-flow prevention device.

Delegation of the Municipality's Authority under this Law

- (a) The Municipality is hereby authorized to delegate all or any part of its power, authority and/or responsibilities under this Law and under the CCC Law, to the extent permitted by applicable law, to an authorized delegate, such as the Commission or an authorized representative of the Commission. In the event that the Municipality does delegate all or any part of its power, authority and/or responsibilities to an authorized delegate, such delegate shall be deemed to be acting with the full power and authority of the Municipality in regard to such matters, to the extent such power and authority exists under applicable law and to the extent such power and authority may be so delegated under applicable law. In the event that the Municipality so delegates its power, authority or responsibility in regard to a particular matter discussed in this Law, then, for the purposes of interpreting the text of this Law referring to such matter, each and every reference in such text to "the Municipality" may be understood to be a reference to the Municipality's authorized delegate, such as, for example, as a reference to "the Commission."
- (b) The delegation of power, authority or responsibility described in Section (a) above may be made by written agreement among the municipalities that are members of the Commission. In such an agreement, the Municipality may authorize the entity to which the Municipality is thereby delegating its power, authority or responsibility, such as the Commission, to (i) appoint an administrator for a back-flow prevention program designed to implement the provisions and fulfill the requirements of this Law and the CCC Law who shall be an employee of the authorized delegate, or (ii) select and engage an engineering or contracting or similar firm or person to act as administrator for the back-flow prevention program, or (iii) administer the back-flow prevention program itself, or (iv) combine options (i), (ii) and (iii) in structuring and assigning the various tasks of, the administration of the program. In the event that the Municipality so empowers its authorized delegate, and its authorized delegate takes any of the foregoing actions, the Municipality's authorized delegate may grant to the program administrator any and all such power, authority or responsibility as has been delegated to the authorized delegate, and as the Municipality's authorized delegate deems necessary or appropriate, to develop, implement, administer and enforce the terms of a back-flow prevention program on behalf of the Municipality. Such delegation to the program administrator shall be made only to the extent permissible under applicable law.

Article 4. Protection of Potable Water System within Premises

Section I. Separate Drinking Water Systems

Whenever the plumbing inspector determines that it is not practical to protect drinking water systems on premises against entry of water from a source of piping system or equipment that cannot be approved as safe or potable for human use, an entirely separate drinking water system shall be installed to supply water at points convenient for consumers.

Section II. Fire Systems

Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use shall, wherever practicable, be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire-fighting purposes, approved back-flow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire-fighting purposes. Any auxiliary fire-fighting water supply which is not approved for potable purposes, but which is so connected that it may be introduced into potable water piping during an emergency, shall be equipped with an approved automatic chlorination machine. It is hereby declared that it is the responsibility of the person or persons causing the introduction of said unapproved or unsafe water into the pipelines to see: (1) that a procedure be developed and carried out to notify and protect users of this piping system during the emergency, (2) that special precautions be taken to disinfect thoroughly and flush out all pipelines which may become contaminated before they are again used to furnish drinking water. In the event the means of protection of water consumers is by disinfection of the auxiliary fire-fighting supply, the installation and its use shall be thoroughly reliable.

The public water supply must be protected against back-flow from such dual domestic fire systems, as detailed in Article 3.

Section III. Process Waters

Potable water pipelines connected to equipment for industrial processes or operations shall be protected by a suitable back-flow prevention device located beyond the last point from which drinking water may be taken, which device shall be provided on the feed line to process piping or equipment. In the event the particular process liquid is especially corrosive or apt to prevent reliable action of the back-flow prevention device, air gap separation shall be provided. These devices shall be tested by the water user at least once a year; or more often in those instances where successive inspections indicate repeated failure. The devices shall be repaired, overhauled, or replaced whenever they are found to be defective. These tests must be performed by a qualified back-flow prevention device tester and records of tests, repairs, and replacement shall be kept and made available to the water purveyor and the health department upon request.

Section IV. Sewage Treatment Plants and Pumping Stations

Sewage pumps shall not have priming connections directly off any drinking water systems. No connections shall exist between the drinking water system and any other piping, equipment, or tank in any sewage treatment plant or sewage pumping station.

Section V. Plumbing Connections

Where the circumstances are such that there is special danger to health by the back-flow of sewage, as from sewers, toilets, hospital bedpans, and the like, into a drinking water system, a dependable device or devices shall be installed to prevent such back-flow.

The purpose of these regulations is not to transcend local plumbing regulations, but only to deal with those extraordinary situations where sewage may be forced or drawn into the drinking water piping. These regulations do not attempt to eliminate at this time the hazards of back-siphonage through flushometer valves on all toilets, but deal with those situations where the likelihood of vacuum conditions in the drinking water system is definite and there is special danger to health. Devices suited to the purpose of avoiding back-siphonage from plumbing fixtures are roof tanks, barometric loops or separate pressure systems separately piped to supply such fixtures, recognized approved vacuum or siphon breaker and other back-flow protective devices which have been proved by appropriate tests to be dependable for destroying the vacuum.

Inasmuch as many of serious hazards of this kind are due to water supply piping which is too small, thereby causing vacuum conditions when fixtures are flushed or water is drawn from the system in other ways, it is recommended that water supply piping that is too small be enlarged whenever possible.

Section VI. Pier and Dock Hydrants

Back-flow protection by a suitable back-flow prevention device shall be provided on each drinking water pierhead outlet used for supplying vessels at piers or waterfronts. These assemblies must be located where they will prevent the return of any water from the vessel into the drinking water pipeline or into another adjacent vessel. This will prevent such practices as connecting the ship fire-pumping or sanitary pumping system with a dock hydrant and thereby pumping contaminated water into the drinking water system, and thence to adjacent vessels or back into the public mains.

Section VII. Marking Safe and Unsafe Water Lines

Where the premises contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded, or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

Water Supervisor. The health department and the water purveyor shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary, in the opinion of

the water purveyor, a water supervisor shall be designated. This water supervisor shall be responsible for the installations and use of pipelines and equipment and for the avoidance of cross-connection.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and water purveyor shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination.

Article 5. Recourse for Non-Compliance

Section I.

No water service connection to any premises shall be installed or maintained by the water purveyor, unless the water supply is protected as required by state regulations and this rule.

Section II.

Service of water to any premises may be discontinued by the water purveyor, if a back-flow preventive device required by this rule and regulation is not installed, tested, and maintained; if any defect is found in an installed back-flow preventive device; if it is found that a back-flow preventive device has been removed or bypassed; if unprotected cross-connections exist on the premises, and service will not be restored until such conditions or defects are corrected.

PART II. Supplementary Provisions to the CCC Law

Article 1. Installation and Servicing of Water Distribution Systems

All persons within the Municipality that own or operate any water distribution system, or component of a water distribution system, that is connected to the public water supply system of the Municipality (each, a “user”), as well as all persons that perform installation, repair, modification or servicing of any part of such users’ water distribution system, shall take all steps necessary or appropriate to minimize the occurrence of back-flow into the public water system and any resultant damage. Such steps shall include, but shall not be limited to, control of fire hydrant flow, maintaining maximum possible pressure during repairs, follow-up flushing and bacterial testing. Users of the public water supply system, and persons that intend to perform installation, repair, modification or servicing of any part of such users’ water distribution system, shall contact the Municipality, or its designated agent, to obtain the information regarding the potential causes of and problems resulting from back-flow into the public water supply, as well as the measures necessary or appropriate to prevent back-flow in accordance with the New York State Cross Connection Control Law and N.Y.S. Department of Health requirements, that such persons may require in order to achieve and maintain compliance with this Law.

Article 2. Survey of Users

- (a) Each user of the public water system who, under applicable New York State Law, may be considered to be a potentially hazardous user shall cooperate, to the extent reasonably possible, in enabling the Municipality, utilizing either its own personnel or independent contractors or a combination of both, to perform surveys of such user's water distribution system in order to determine if such user is a potentially hazardous user.
- (b) Any person selected by the Municipality to perform such surveys, whether an employee of the Municipality or an independent contractor, shall demonstrate to the satisfaction of the Municipality that such person has received such training as is necessary or appropriate to perform the surveys in a thorough and accurate manner.

Article 3. Certification of Potentially Hazardous Users

- (a) Each user that receives written notice of having been identified, under applicable New York State law, as a potentially hazardous user shall be obligated, immediately upon receipt of such notice, to obtain and deliver to the Municipality, or to the Municipality's designated agent, as stated in such notice, written certification (i) certifying whether the hazard described in the notice does or does not exist, and (ii) if such hazard does exist, certifying that a New York State Health Department – approved back-flow prevention device (A) has been properly installed and (B) is fully-operational. The written certification must be signed by a licensed professional engineer who has adequate training, in the opinion of the Municipality or its designated agent, in sanitary engineering, including in back-flow prevention systems, water distribution and hydraulics. Any inspection and/or testing performed in connection with the preparation of the written certification must be performed by a person who has received certification from the State of New York Department of Health as a certified back-flow prevention device tester (such person referred to in this Law as a "certified back-flow prevention device tester"), who has performed such inspection and/or testing under the supervision of the professional engineer who signs the written certification. The certification shall be dated, signed and sealed by the certified back-flow prevention device tester not later than seventy-two (72) hours following the performance of any necessary tests at the site, and, if no testing was performed, not later than forty-eight (48) hours following physical inspection of the site.
- (b) In the event that a user receives written notification from the Municipality, or its designated agent, that such user's certification (i) is materially deficient in regard to the scope, nature or detail of information provided, (ii) contains any material errors or (iii) provides information indicating that the user's back-flow prevention device or system is inadequate or unsatisfactory, then this subsequent notice shall have the same effect as the initial notice described in subsection (a) above, that is, immediately upon receipt of this subsequent notice, the user shall be obligated to obtain and deliver to the Municipality, or to the Municipality's designated agent, as stated in such notice, a certification

as described in (a) above, which certification, in addition to the requirements of (a) above, specifically states the manner in which the defect identified in the subsequent notice has been cured.

- (c) In the event that the user has failed to deliver either (i) the certification described in subsection (a) above within thirty (30) days of the date of the initial notice to the user, or (ii) the certification described in subsection (b) above within fifteen (15) days of the subsequent notice to the user, then such user shall be in violation of this Law and subject to such penalties as are provided for herein and under all other applicable law.
- (d) Each user shall pay a filing fee established by the Municipality for the filing of the above-described certifications. Such fees may vary depending upon the nature of the user's business, the volume of water used by the user, and the size, age and location of the user's facilities.
- (e) All surveys of user's water distribution systems and all certifications delivered in accordance with this law shall be and remain the property of the Municipality.
- (f) Each user who has been identified as a potentially hazardous user and has been sent a notice in accordance with subsection (a) above shall be required to deliver to the Municipality, or its designated agent, an updated certification as described in subsection (a) above not less than once during every twelve (12) month period following the date of the initial notice to the user stating that the user has been identified as a potentially hazardous user. The Municipality may deliver notices of such requirement for updated certifications to users periodically. In any case that the Municipality has notified a user that a certification is defective as described in subsection (b) above, the Municipality may require, by delivery of written notice to the user, that the user deliver to the Municipality additional written certifications, as described in subsection (a) above, once in each four (4) month period during the twelve (12) months following delivery of the defective certification.
- (g) In the event that any user that has previously been identified as a potentially hazardous user by having received a notice as described in (a) above intends to install any back-flow prevention device at its premises, prior to installation of such device the user shall deliver to the Municipality, or to the Municipality's designated agent, a written statement, prepared by a New York State licensed professional engineer, describing the device and a copy of the user's plans for its installation. The user shall not install such device until the user has received the Municipality's, or the Municipality's designated agent's, written approval to such plans, and such approval as may be required from the Tompkins County Health Department. If the installation of the device deviates substantially from such plans, the user shall obtain the Municipality's, or the Municipality's designated agent's, written approval, and such approval as may be required from the Tompkins County Health Department, to such deviation.

Article 4. Penalties

- (a) In the event that a user of the public water supply fails to comply with any term or provision of this Law, the user shall be in violation of this Law, and such user shall be subject to the imposition of such penalties as are provided in accordance with the Cross Connection Control Law, and/or in accordance with this Law and/or in accordance with any other applicable law. In addition, a violation of this Law shall constitute a violation under the Penal Law of the State of New York. If no other penalties are provided, a violation of this Law shall be deemed to be a misdemeanor, and the violator shall be subject to a fine of up to One Thousand and 00/100 (\$1,000.00) Dollars and imprisonment for up to one (1) year. Each week's continued violation shall constitute a separate offense. The provisions of the Criminal Procedure Law, and any other law applicable to misdemeanors, shall govern criminal prosecutions of violations of this Law.
- (b) In addition to any other penalties provided in the Cross-Connection Control Law, or any other applicable law, if a user fails to provide to the Municipality, or to the Municipality's designated agent, any certification required in accordance with Article 3 of this Law, the user shall be subject to a fine. This fine shall not exceed twenty-five (\$25.00) dollars for each day beyond the one hundred eightieth (180th) day following the date of the original notice to the user (as described in Article 3, subsection (a) of this Law) multiplied by the number of inches of diameter of the largest pipe supplying public water to such user's premises,
- (c) In addition to any other penalties provided for herein, the Municipality may institute any appropriate action or proceeding to prevent the unlawful installation, repair, modification, maintenance or use of a water distribution system that is connected to the public water supply in violation of the requirements of this Law, the Cross-Connection Control Law or other applicable law.

Article 5. Residential Users

- (a) Residential users shall be considered potentially hazardous users if a determination is made by the Municipality that (i) an activity conducted at the residential property or (ii) a circumstance specific to the residential property establishes an equivalent degree of hazard as might be found in the situation of a potentially hazardous non-residential user. Examples of such activities and circumstances include, but are not limited to, the presence of boiler feed inhibitors, antifreeze loops and single-walled heat exchangers. Residential swimming pools and double-walled heat exchanger systems shall not be considered potential hazards.
- (b) Residential users also shall be considered potentially hazardous users if:
 - i. The residential user obtains its water supply from a private well in addition to the public water supply service. In this case, the residential user must either comply with all currently applicable requirements of the NYS Cross-Connection Control Law and of the NYS Department of

Health Cross- Connection Control Guide, or abandon use of the private well supply in a proper manner.

- ii. The residential user owns, operates, installs or relocates a lawn sprinkler system which employs underground lawn sprinklers. Such a residential user shall be required to install acceptable reduced pressure zone devices in accordance with the conditions of subpart 5-1.31(a) of the NYS Cross-Connection Control Law. Residential users who own, operate, install or relocate a “pop-up” lawn sprinkler system, rather than a strictly underground sprinkler system, shall likewise be required to install an acceptable reduced pressure zone device under said subpart 5-1.31(a), unless such owners apply in writing to the Municipality for a waiver of this requirement and receive written confirmation from the Municipality of such waiver. The requirement described in this subsection (ii) shall not apply to lawn sprinkler systems that are six (6) inches or more above grade.

Article 6. Private Hydrants

Owners and operators of private hydrants which are not under the control of the public water supplier shall be required to install acceptable reduced pressure zone devices in accordance with part 5-1.31(a) of the NYS Cross-Connection Control Law. The foregoing requirement shall apply whether the private hydrants are used to augment fire fighting systems, for lawn fertilization, for tree spraying or for any other purposes.

Article 7. Multiple Customer Distribution Systems

- (a) A “multiple customer distribution system,” according to the New York State Department of Health, includes all strip shopping centers, malls and similar water distribution networks. For the purposes of this Law, the term “multiple customer distribution system” shall also include any system providing water to any single non-residential building or group of non-residential buildings that are occupied by two (2) or more entities which entities are not all owned by a common owner or by one another or are not all engaged in the conduct of the same activities at the location served by said water system. All multiple customer distribution systems shall be identified as potentially hazardous users, because there is generally no communication with the Municipality regarding changes in individual customers using such systems. Owners of such systems, and/or their agents, shall install acceptable reduced pressure zone protection in such systems within the common service portion of such systems and as close within such systems to the water meter as is reasonably practical.
- (b) In the event that (i) the owner of multiple customer distribution systems, and/or the owner’s agent, submits to the Municipality, or the Municipality’s designated agent, a detailed written description, satisfactory to the Municipality, or its designated agent, of (A) the system and its users and (B) any change in any of the users of such system within thirty (30) days of such change, and (ii) the Municipality, or its designated agent, determines that no user of such system is a potentially hazardous user, and that the system

otherwise complies with all applicable back-flow prevention laws, the multiple customer distribution system shall be entitled to a waiver of compliance with the requirements of (a) above. Failure on the part of the owner and/or the owner's agent to deliver the notification of change of users described in (B) above shall automatically make void any waiver from compliance with the requirement to install adequate reduced pressure zone protection in the multiple customer distribution system.

Part III

Effective Date This Local Law shall take effect immediately.

(January 17, 1994)

Approved: Local Law #1, 1979. Amended: Local Law #1, 1994.

Village of Cayuga Heights

**ARTICLE 18
EMERGENCY LOCK BOX**

SECTION 1 FINDINGS

(a) The Cayuga Heights Board has found that given the now available technology, the use of alarm systems connected directly or indirectly to an agency providing fire and other emergency responses is prudent and advisable for the protection of the lives and property of the residents of the Village; and

(b) The technology now exists to provide this safety enhancement at minimal cost to, and with security for, property owners; and

(c) In addition, there have been a number of other situations where this enhancement would have been advantageous:

(i) On occasion such alarms have been erroneously activated when the premises are vacant or under other circumstances where the police and/or fire department has been called to the premises or other emergency personnel have responded and have been unable to obtain access to the premises to turn off the alarm; and

(ii) There have been other circumstances in which alarms are connected to a loud noise-making device such as bells or klaxons and it has not been possible to turn off such noise-making alarms when they have been triggered by an erroneous signal.

(d) There are circumstances where an emergency such as a fire or burglary is in progress and a non-forced entry to the premises would be desirable to react to the emergency; and

(e) It would be desirable to provide for a method for access by emergency personnel under the foregoing circumstances in a controlled manner.

SECTION 2 DEFINITIONS

(a) Lock box shall mean a device as prescribed by the Village of Cayuga Heights in coordination with the Cayuga Heights Police Department, Cayuga Heights Fire Department and the Village Building & Zoning Enforcement Officer in which shall be placed a master key to the premises, access to which box shall be limited and regulated so that a minimum number of persons shall have access to the key that will open said lock box and a record is maintained at all times as to the person or persons who may obtain access to the box. The lock box shall also contain an updated emergency notification list of at least two individuals with

telephone numbers and addresses. This list will be kept updated by said owner of the building or resident.

(b) Alarm system shall be any system by which notification of a possible fire or burglary is made directly or indirectly, to the police and/or fire department or other emergency response entity or emergency communications center or which activate an audible signal that can be heard off of the property on which the premises are located or a visual signal which can be seen off of the property on which the premises are located. Alarm systems include, but are not limited to, a municipal fire alarm, radio, telephone leased line, telephone dialer, remotely supervise alarm systems, or central station systems. Alarm systems shall also include any system that is activated by motion sensors, infrared sensors or other system designed to detect illegal entry when such systems are connected, directly or indirectly, to an emergency response entity such as a police department, remote supervisor, other emergency response dispatcher, or to an audible or visual alarm that can be heard or seen from off of the property on which the premises are located.

SECTION 3 LANDS AND STRUCTURES TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of the Village of Cayuga Heights. Lock boxes shall be required for all new and existing buildings except those one or two family dwellings not presently equipped with or serviced by an alarm.

SECTION 4 LOCATION AND ATTACHMENT OF LOCK BOXES

Lock boxes shall be affixed to the structure in a manner detailed by the manufacturer and in a location established by the Cayuga Heights Fire Department, Cayuga Heights Police Department or the Building/Zoning Enforcement Officer.

SECTION 5 RETROFIT REQUIREMENTS

Any building currently in existence to which this local law shall apply shall have a period ending June 1, 2003, within which to comply with the terms of this local law.

SECTION 6 PENALTY FOR VIOLATION

A violation of this local law is hereby declared to be a Class B Misdemeanor punishable in accordance with the provisions of the New York State Penal Law relating to the commission of misdemeanors.

SECTION 7 PARTIAL INVALIDITY

In the event that any portion of this law is declared invalid by a court of competent jurisdiction, the validity of the remaining portions shall not be affected by such declaration of invalidity.

SECTION 8 EFFECTIVE DATE

This local law shall take effect on January 15, 2002.

(Enacted: Local Law #2, 2001)

Village of Cayuga Heights

**ARTICLE 19
FEES BY RESOLUTION**

The Village Board of Trustees shall establish fees by resolution for the following: building permits, fees for projects with code enforcement covered through other agreements, pre-existing use variances, sub-divisions, filing fees for Zoning Board of Appeals, Clerk's fees, parking tickets for enforcement of laws pertaining to the Village, and other similar or related applications as determined appropriate by the Board.

Dated: 4/7/94

(Enacted Local Law #2, 1994)

Village of Cayuga Heights

**ARTICLE 20
FLOOD INSURANCE PROGRAM**

WHEREAS,

residents of the Village of Cayuga Heights wish to participate in the National Flood Insurance Program; and

WHEREAS,

relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968, as amended; and

WHEREAS,

it is the intent of this Village Board to require the recognition and evaluation of flood hazards in all official actions relating to land use in any areas having special flood hazards; and

WHEREAS,

this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Section 10 Municipal Home Rule and Section 4-412 Village Law

NOW, THEREFORE, BE IT RESOLVED,

that this Village Board hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program regulations; and
2. Vests the Village Board with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of any designated flood plain (and/or mudslide) area.
 - (c) Maintain for public inspection and furnish upon request any certificates of floodproofing and information on the elevation of the level of lowest habitable floor (including basement, if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation to which the structure was flood-proofed.
 - (d) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain or mudslide

- areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and/or mudslide areas, in order to prevent aggravation of existing hazards.
3. Submit a report to the Administrator of any development and implementation of flood plain (and/or mudslide area) management measures; and
 4. Appoints the Village Clerk to maintain for public inspection and to furnish upon request, a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in any special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

WHEREAS,

the Village of Cayuga Heights has adopted and is enforcing a Zoning Map and Zoning Law; and

WHEREAS,

the Zoning Officer must examine all plans and specifications for proposed construction when application is made for a building permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED

by the Village Board of the Village of Cayuga Heights, as follows:

that the Village Board shall, through its Zoning Officer and agents:

1. Review all building permit applications as required herein to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a location that has a flood hazard, any proposed development, new construction, or substantial improvement (including pre-fabricated and mobile homes) must be in compliance with the aforementioned Flood Plain Management Law; and
2. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage; and
3. Obtain, review, and reasonably utilize any base flood elevation data available from Federal, State, or other source; and
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date passed: June 20, 1977

(Local Law #3, 1977)

Village of Cayuga Heights

**ARTICLE 21
INDEMNIFICATION OF EMPLOYEES**

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights, County of Tompkins, State of New York as follows:

Section I.

To confer the benefits of Chapter 277 of the 1981 Session Laws of the State of New York, as said section may be amended from time to time, upon the employees of the Village of Cayuga Heights.

Section II.

The Village of Cayuga Heights agrees to be responsible for the proper costs incurred under these provisions.

Section III.

It is intended that the benefits accorded to the employees under this Local Law shall not be in lieu of and shall not take the place of any defense or indemnification protection conferred by another enactment.

This Local Law shall take effect at 12:01 a.m. on the 18th day of November, 1981.

(Local Law #2, 1981)

Village of Cayuga Heights**ARTICLE 22****OPEN ALCOHOLIC BEVERAGE CONTAINER PROHIBITION.****Section 1. Legislative Intent.**

It is the intent of the Village of Cayuga Heights as an exercise of its police power, to promote the general health, safety, and welfare of the residents and inhabitants of the Village by enacting this Local Law, since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Village in that such possession contributes to the development of unsanitary conditions and the creation of nuisances, including, but not limited to, littering and raucous or other disorderly behavior.

Section 2. Definitions.

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

- a. "Alcoholic beverage" shall mean and include alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.
- b. "Container" shall mean any bottle, can, glass, or other receptacle suitable for, or used to hold, any liquid.
- c. "Public Lands" shall mean any highway, street, sidewalk, park, playground, parking area, school property.
- d. "Village" shall mean the Village of Cayuga Heights.

Section 3. Prohibition.

It shall be a violation of this Local Law for any person to:

- a. consume any alcoholic beverage on any public land within the Village;
- b. have within his, or her, possession for the purposes of consumption on public lands by either himself, or herself, or another person any open container containing an alcoholic beverage on any public lands within the Village.

Section 4. Application.

This Local Law shall apply to all persons on public lands in the Village except it shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle upon any highway within the Village in violation of section 1227 of the Vehicle and Traffic Law of the State of New York.

Section 5. Penalties.

Each violation of this Local Law shall constitute a Violation as defined in the Penal Law of the State of New York, and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) and/or not more than fifteen (15) days in jail.

Section 6. Validity.

Should any provisions of this law be judicially determined to be invalid, the remaining provisions shall continue in full force and effect.

Section 7. Effective date.

This Local Law shall take effect from and after the Twentieth day of September 1983.

Local Law#1, 1982. Amended: Local Law #1, 1983

Village of Cayuga Heights

**ARTICLE 23
PLUMBING CODE**

The Village of Cayuga Heights, by intermunicipal agreement with adjacent municipalities, is part of a system of water works administered by the Southern Cayuga Lake Intermunicipal Water Commission. To assure uniform procedures and policies concerning plumbing throughout the Intermunicipal system, the Village of Cayuga Heights hereby adopts as the standard for use throughout the Village the State Building Construction Code applicable to plumbing, dated 1-1-73, Bulletin No. 23, with the understanding that where more detailed information is required concerning appropriate materials reference shall be made to the A.W.W.A. The Village of Cayuga Heights designates the Village Engineer and /or such other persons as it may depute to make inspections and to perform such other duties as may be necessary for giving effect to the provisions of the aforementioned code.

Failure to comply with the provisions of this code shall constitute a violation as defined in the Penal Law, and any offender shall be penalized in accordance therewith.

Effective 11/12/76

(Local Law #2, 1976)

Village of Cayuga Heights**ARTICLE 24
PRIOR WRITTEN NOTICE**

1. No action or special proceeding shall be maintained against the Village of Cayuga Heights, its Mayor or Trustees of the Village Engineer, Zoning Officer or Building Commissioner, Superintendent of Public Works or against any improvement district in the Village for damages for injuries to person or property including wrongful death sustained by reason of any street, highway, bridge, culvert, highway marking, sidewalk, crosswalk, or any other property owned, operated, maintained by or leased by or to the Village or any improvement district including but not limited to any other property owned, controlled or rented to or by the Village of any kind including but not limited to parks, playgrounds, any streams or bodies of water, or any buildings or any other structure, being out of repair, defective, unsafe, dangerous or obstructed unless written notice of such defective, out of repair, unsafe, dangerous or obstructed condition of any such street, highway, bridge, culvert, highway marking, sidewalk, crosswalk, or any other property owned, operated, maintained by or leased by or to the Village or any improvement district including but not limited to any other property owned, controlled or rented to or by the Village of any kind including but not limited to parks, playgrounds, any streams or bodies of water, or any buildings or any other structures was actually given to the Village Clerk of the Village of Cayuga Heights and that 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 including wrongful death sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert, sidewalk, or any other property owned by, controlled or rented to or by the Village of Cayuga Heights or any improvement district in the Village unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of Cayuga Heights and there was a failure and 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.
2. No action may be maintained for damages or injuries to any person or property against the Village of Cayuga Heights unless a notice of claim is served upon the Village in accordance with the provisions of Section 50-e of the General Municipal Law and unless the action is commenced within one year 90 days after the happening of the event upon which the claim is based, and in accordance with Section 50-i of the General Municipal Law, except that wrongful death actions shall be commenced within 2 years after the happening of the death.
3. This Local Law to take effect upon filing with the Secretary of State. (12/88)

(Enacted Local Law #1, 1988)

Village of Cayuga Heights

ARTICLE 25

PUBLIC NOTICES RELATING TO ADOPTION OF LOCAL LAWS

Be it enacted by the Board of Trustees of the Village of Cayuga Heights
As follows:

Section 1. No local law shall be adopted by the Board of Trustees of the Village of Cayuga Heights until a public hearing has been held thereon in its final form before such board of trustees not less than three nor more than thirty days after public notice has been given of the time and place of the holding of such public hearing. Such notice shall be given by the Village Clerk by causing the same to be published once in the official newspaper of the village. Such notice shall contain the title of the proposed local law and a brief explanatory statement thereof.

Section 2. The Village Clerk shall cause to be printed or otherwise reproduced copies of such proposed local law and shall, not later than the day such notice is published, post one such copy together with the notice of hearing in a conspicuous place in his office and shall also make copies of such proposed local law available at his office for inspection by and distribution to any interested person during business hours.

Section 3. The Village Clerk shall, within ten days following the adoption of a local law by the Board of Trustees, post a copy thereof in a conspicuous place in his office and shall also cause the local law or an abstract thereof describing the same in general terms, to be published in the official newspaper of the Village. The local law so published to take effect within five days following publication unless a different time shall be prescribed therein.

Section 4. Proof of publication of the notice of public hearing required by section 1 hereof and proof of the posting and publication required by Section 3 hereof shall be filed in the office of the Village Clerk.

Section 5. Each local law shall be numbered consecutively beginning with number one for each calendar year. When a local law is finally adopted, and certified copies thereof are required by section twenty-seven of the municipal home rule law to be filed in the offices of the Village Clerk, the State Comptroller, and the Secretary of State, the Village Clerk shall accordingly assign to such local law its appropriate number.

Section 6. This local law shall take effect immediately.

(Local Law #1, 1965)

Village of Cayuga Heights

**ARTICLE 26
RESIDENCY OF APPOINTED VILLAGE OFFICERS**

1. In lieu of any other residency requirement imposed by law, the following appointed officers may reside in Tompkins County, the County in which the Village of Cayuga Heights is wholly situated – Clerk, Treasurer, Zoning Officer.

2. This Local Law shall take effect upon its adoption and the compliance with all the provisions of the Municipal Home Rule Law and other applicable statutes of the State of New York as they pertain to the adoption of Local Laws.

This Local Law shall take effect from and after the seventeenth day of June, 1985.

(Enacted Local Law #1, 1985)

Village of Cayuga Heights

**ARTICLE 27
SEWER RATES, FISCAL YEAR ESTABLISHMENT OF**

Establish sewer rates for the 2003 Fiscal Year at \$93.50 per unit for the Inside Rate and \$140.25 per unit for the Outside Rate, as Defined in Article XII of the Village Ordinance.

(Amended Local Law #1, 1997; Local Law #2, 1998; Local Law #1, 1999; Local Law #1, 2000; Local Law #1, 2001; Local Law #4, 2002)

Village of Cayuga Heights**ARTICLE 28
SIDEWALK DISTRICTS, FORMATION OF**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

Section 1. The Board of Trustees may upon petition to twenty-five owners of real property within the Village, whose names appear upon the last approved assessment roll, cause maps and plans and specifications to be made for sidewalks to be located in a sidewalk district within the Village, provided that suitable maps and plans are not available, and in addition shall prepare a suitable plan for financing in the district.

Section 2. With these plans as a basis, persons owning real property in the proposed sidewalk district in the Village to the amount of more than one-half in value of the taxable real property within the proposed sidewalk district as appears by the last preceding completed assessment roll may petition the Board of Trustees of such Village for the establishment of a sidewalk district within the Village.

- a. The petition must state the maximum amount proposed to be expended in the construction of such sidewalk system and there shall be attached thereto a map showing the boundaries of the district and location of the said proposed sidewalk or sidewalks.
- b. Each petitioner shall state opposite his name the assessed valuation of the real property owned by him in such district according to the last preceding completed assessment roll.
- c. The execution of the petition by a property owner shall be acknowledged by him, or it may be proven by the oath of a witness who shall swear that he knows the property owner, and that the petition was signed by the property owner and that the petition was signed by the property owner in the presence of a witness.
- d. The petition may be in the form of separate sheets, each sheet containing at the top thereof, the complete wording of the petition, and when bound together and offered for filing, these shall be deemed to constitute one petition.

Section 3. On receipt of such petition the Board of Trustees shall hold a public hearing before taking any action on the petition, at which time full opportunity to be heard shall be granted to all officials, residents, voters, taxpayers, property owners or other persons or corporations in any way affected by the granting, modification or denial of the petition. Notice of the time, place and purpose of such hearing, containing a description of the district and extent of the proposed sidewalk system, shall be given by such board by posting such notice in two of the most public places within the Village at least seven days prior thereto and by publishing a notice in the official newspaper once seven days immediately preceding the hearing.

Section 4. After a hearing held in accordance with this notice and upon the evidence given thereat the Board of Trustees shall determine whether it is in the public interest to grant the petition, modify it or deny the relief sought.

- a. During a period of thirty days following the board action said determination shall be subject to review, in the manner provided by article seventy-eight of the civil practice law and rules upon a petition of any interested person. The petitioner shall give an undertaking, approved by the supreme court as to form, amount and sufficiency of sureties, that in event of failure to modify said final determination or order he or they will pay to the Village all such costs and expenses as are incurred by it or him on account of the said proceedings as shall be determined by the court. In the event that upon such review there shall be any modification by the court of said final determination or order the court shall direct the modification thereof by judgement which shall be final and conclusive.
- b. At the expiration of the thirty day period during which the board's action is subject to review, the Board of Trustees may, in conformity with its final determination or the judgement as the case may be, construct such system in accordance with the approved plans. But no such system shall be constructed if the expense thereof shall exceed the amount set forth in the petition, unless a further petition be presented to such board in the same form and executed in the same manner as herein provided, requesting that such system, shall be constructed for such amount.

Section 5. The cost of constructing such system shall be assessed from year to year by the Board of Trustees upon the lands within the district in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom. This assessment shall be prepared at the same time and in the same manner as the Village assessment roll and be subject to the same appeal. In addition to the cost of construction the Board of Trustees shall also have authority to provide for the maintenance or repair of any or all of the said sidewalk system.

Section 6. The Board of Trustees may require the said sidewalks to be constructed, maintained, or repaired solely at the expense of the property owners in the district or the Village may share a part of the expense of such construction, repair or maintenance.

9/8/66

(Local Law #1, 1966)

Village of Cayuga Heights

**ARTICLE 29
TAX EXEMPTION – SENIOR CITIZENS**

Adopt a maximum income of \$17,500 for Senior Citizens Exemption of real property taxes of 50%. A possible “sliding scale” exemption is not included.

(Enacted Local Law #1, 1995, Amendment of the 1986 Legislature on Senior Citizens’ Tax Exemption)

Village of Cayuga Heights

**ARTICLE 30
TAX EXEMPTION - VETERANS**

The Village of Cayuga Heights hereby grants real property tax exemptions for veterans under the Alternative Veterans' Exemption Program, with the following maximum levels of exemption:

1) Basic War Veteran Exemption for those honorably discharged veterans (and certain of their family members as set forth in the enabling legislation) who served during the Spanish-American War, the Mexican Border period, World War I, World War II, the Korean War, or the Vietnam War period :

15% of assessed value with a maximum of \$6,000.00

2) Combat Zone Veteran Exemption for those veterans qualifying under the Basic War Veteran Exemption who can also document service in a combat theater or zone:

Additional 10% of assessed value, with a maximum of \$4,000.00

3) Disabled Veteran Exemption for the qualifying veterans who have received a service connected disability compensation rating from the Veterans' Administration :

Additional percentage of assessed value equal to 50% of disability rating, with a maximum of \$20,000.00

This Local Law is effective immediately. (10/84)

(Enacted Local Law #1, 1984)

Village of Cayuga Heights**ARTICLE 31
UTILITY TAX**

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

Section 1. Imposition of Tax. Pursuant to the authority granted by Article 6,-640 of the Village Law of the State of New York, from on and after April 1, 1968 there is hereby imposed:

- (a) A tax equal to one per centum of the gross income of every utility doing business in the Incorporated Village of Cayuga Heights which is subject to the supervision of the New York State Department of Public Service and which has an annual gross income in excess of Five Hundred Dollars (\$500.00) except motor carriers or brokers subject to such supervision under Article Three-B of the Public Service Law.
- (b) A tax equal to one percentum of the gross operating income of every other utility doing business in the Incorporated Village of Cayuga Heights which has an annual gross operating income in excess of Five Hundred Dollars (\$500.00).

Section 2. Definitions. As used in this local law.

- (a) The work "utility" includes:
 - 1. Every person subject to the supervision of the State Department of Public Service, except
 - a. Persons engaged in the business of operating or leasing sleeping and parlor railroad cars, and
 - b. Persons engaged in the business of operating or leasing railroads other than street surface, rapid transit, subway and elevated railroads;
 - c. Omnibus corporations subject to supervision under Article Three-A of the Public Service Law.
 - 2. Every person who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy delivered through mains, pipes or wires, whether or not such person is subject to the supervision of the State Department of Public Services;
 - 3. Every person who furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service, by means of mains, pipes, or wires, regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.
- (b) The word "person" means: persons, corporations, companies, associations, joint-stock associations, co-partnerships, estates, assignee of rents, any person acting in a fiduciary capacity, or any other entity; and persons, their

assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means; except the state, municipality, public districts, and corporations and associations organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

- (c) The words “gross income” shall include”:
1. In the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village.
 2. In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated with the Village.
- (d) The word “gross income” in the case of any utility other than described in Section 2(c) thereof shall include:
1. Receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income), made or service rendered for ultimate consumption or use by the purchaser in the Village, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit) without any deductions therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever;
 2. Profits from the sale of securities;
 3. Profits from the sale of real property growing out of the ownership or use of or interest of such property;
 4. Profits from the sale of personal property (other than property of a kind which would properly be included in the inventory of a taxpayer if on hand at the close of the period for which a return is made);
 5. Receipts from interest, dividends and royalties, derived from sources within the Village (other than such as are received from a corporation, a majority of whose voting stock is owned by the taxpaying utility), without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof;
 6. Profits from any transaction (except sales for resale and rentals) with the Village whatsoever.
- (e) The words “gross operating income” mean and include
1. Receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephone or telegraphy, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator,

telephone or telegraph service in the Village, including cash, credits and property of any kind or nature, without deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other expenses whatsoever

Section 3. Application. This law and the tax imposed thereby shall

- (a) apply only within the territorial limits of the Village of Cayuga Heights;
- (b) not apply and the tax shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Cayuga Heights notwithstanding that some act be necessarily performed with respect to such transaction within such limits; and
- (c) be in addition to any and all other taxes and fees imposed by any other provisions of law;
- (d) apply to all subject income received on and after July 1, 1968.

Section 4. Disposition of Revenues. All revenues resulting from the imposition of the tax imposed by this law shall be paid into the treasury of the Village and shall be credited to and deposited in the General Fund of the Village.

Section 5. Collection and Enforcement; Rules and Regulations. The Village Treasurer shall be the chief enforcement officer of this law and shall make and be responsible for all collections hereunder. He shall also have the power and authority to make any rules or regulations or directives, not inconsistent with the law, which, in his discretion, are reasonably necessary to facilitate the administration of this law and the collection of the taxes imposed hereby. Copies of all such rules and regulations and directives, as may from time to time be promulgated, shall be sent by registered mail to all utilities subject to this law which registered as such with the Village Treasurer. All such rules, regulations and directives shall be deemed a portion of this law.

Section 6. Returns, Filing, Contents.

- (a) **Time of filing.** Every utility subject to a tax hereunder shall file on or before August 20th a return for the preceding six calendar months of January through June and shall file on or before February 20th a return for the preceding six calendar months of July through December including any period for which the tax imposed hereby or any amendment hereof is effective. However, any utility whose average gross income or gross operating income for the aforesaid six months period is less than Three Thousand Dollars (\$3,000.00) may file a return annually on October 1st for the twelve calendar months preceding each return date including any period for which the tax imposed hereby or any amendment hereof is effective. Any utility whether subject to tax under this law or not may be required by the Village Treasurer to file an annual return.
- (b) **Contents.** Returns shall be filed with the Village Treasurer on a form to be furnished by him for such purpose and shall show thereon the gross income or gross operating income for the period covered by the return and

such other information, data or matter as the Village Treasurer may require to be included therein. Every return shall have annexed thereto a certification by the head of the utility making the same or of the owner or of a co-partner thereof, or of a principal corporate officer to the effect that the statements contained therein are true.

Section 7. Payment. At the time of filing a return as required by this law, each utility shall pay to the Village Treasurer the tax imposed hereby for the period covered by such return. Such tax shall be due and payable at the time of the filing of the return or if a return is not filed when due, on the last day on which the return is required to be filed.

Section 8. Penalties and Interest. Any utility failing to file a return or a corrected return, or to pay any tax or any portion thereof within the time required by this law, shall be subject to a penalty of five per centum of the amount of tax due, plus one per centum of such tax for each month of delay or fraction thereof, excepting the first month, after such return was required to be filed or such tax became due; but the Village Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

Section 9. Tax as Operating Cost. The tax imposed by this law shall be charged against and be paid by the utility and shall not be added as a separate item to bills rendered by the utility to customers or others but shall constitute a part of the operating costs of such utility.

Section 10. Failure to File or Incorrect Returns. In case any return filed pursuant to this law shall be insufficient or unsatisfactory to the Village Treasurer, he may require at any time a further or supplemental return, which shall contain any data that may be specified by him, and, if a corrected or sufficient return is not filed within twenty days after the same is required by notice from him, or, if no return is made for any period, the Village Treasurer shall determine the amount due from such information as he is able to obtain and, if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the utility liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the utility against which it is assessed shall, within one year after the giving of notice of such determination, apply to him for a hearing or unless the Village Treasurer, of his own motion, shall reduce the same. After such hearing he shall give notice of his decision to the utility liable for such tax.

Section 11. Review of Final Determination. Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules if the proceeding is commenced within ninety days after the giving of notice of such final determination, provided, however, that any such proceeding under said Article Seventy-eight shall not be instituted unless the amount of any tax sought to be reviewed, with such interest and penalties thereon as may be provided for by local law, shall be first deposited and an undertaking filed, in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such

proceeding be dismissed or the tax confirmed the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 12. Notice. Any notice authorized or required under the provisions of this law may be given by mailing the same to the utility for which it is intended, in a postpaid envelope, addressed to such utility at the address given by it in the last return filed by it under this law, or if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the utility to which addressed. Any period of time, which is determined according to the provisions of this section by the giving of notice, shall commence to run from the date of mailing of such notice.

Section 13. Refunds. If, within one year from the giving of notice of any determination or assessment of any tax or penalty, the person liable for the tax shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided unless the Village Treasurer, after hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding in the manner provided in the Civil Practice Law and Rules that such determination was erroneous or illegal. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Village Treasurer may receive additional evidence with respect thereto. After making his determination the Village Treasurer shall give notice thereof to the person interested, and he shall be entitled to commence a proceeding to review such determination, in accordance with the provisions of the following section hereof.

Section 14. Review of Proceedings for Refunds. Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Village Treasurer, and he shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within ninety days after the giving of the notice of such denial, that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

Section 15. Limitation of Additional Tax. Except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment or additional tax shall be made with respect to taxes imposed under this law, after the expiration of more than three

years from the date of filing of a return, provided, however, that where no return has been filed as required hereby, the tax may be assessed at any time.

Section 16. Powers of Village Treasurer. In addition to any other powers herein given the Village Treasurer and in order to further insure payment of the tax imposed hereby, he shall have the power to

- (a) prescribe the form of all reports and returns required to be made hereunder;
- (b) take testimony and proofs, under oath, with reference to any matter hereby entrusted to him;
- (c) subpoena and require the attendance of witnesses and the production of books, papers, records and documents.

Section 17. Enforcement. Whenever any person shall fail to pay any tax or penalty imposed by this local law, the Village Attorney shall upon the request of the Village Treasurer bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by Section One Hundred Eight-six-a of the Tax Law is made a lien.

Section 18. Validity. The invalidity, illegality or unconstitutionality of any section, subsection or provision of this Local Law or any rules or regulations adopted pursuant hereto shall not affect the validity, legality or constitutionality of any section, subsection or provision of this Local Law or any rule or regulation adopted pursuant hereto, but shall be confined to such section, subsection or provision of the Local Law or rule or regulation adopted pursuant hereto which may be so condemned.

Section 19. Effective Date. This Local Law shall take effect December 1, 1968.

(Local Law #1 of the Year 1968: A local law imposing a tax on gross income or gross operating income of utilities arising from transactions originating and consummated within the territorial limits of the Incorporated Village of Cayuga Heights as authorized by Article 6, Section 6-640 of the Village Law of the State of New York.)

Amended: Local Law #1,1969.

Village of Cayuga Heights**ARTICLE 32
WATER BENEFIT CHARGES**

Section 1. The Village of Cayuga Heights by Intermunicipal Agreement with adjoining municipalities is part of a system of water works administered by the “Southern Cayuga Lake Intermunicipal Water Commission”; and, by agreement, the Village of Cayuga Heights is obligated to meet the capital share of the cost of such system and project, and its share of sums necessary for operation and maintenance of such system. The Village has determined that a portion of the cost shall be met by water rates duly adopted by the Village with the balance to be borne wholly by the owners of the land benefited by such water system. The Village by agreement also imposes upon parties not now benefited but benefited hereafter a connection charge. (See Schedule “A”).

Section 2. A potential building lot shall be any parcel of portion of a parcel of land complying with zoning requirements of the Village for a single family dwelling.

Section 3. The benefit to each owner of real property shall be computed in units as follows:

- (a) The owner of any private single residence on any parcel which cannot be divided into two potential building lots shall be assessed one unit. Each additional potential building lot within the parcel, an assessment of one-third unit shall be charged. An additional one-half unit shall be charged to any family having two roomers, with one-half unit for each additional roomer.
- (b) The owner of any potential building lot or unimproved parcel having an average width of 125 feet or multiple thereof shall pay one-third unit for each potential building lot. Any land 150 feet from a public road or highway is deemed to be not benefited and shall pay a connection charge when and if benefited, as hereafter provided.
- (c) Any two-family residence, apartment house, or multiple residence, other than a fraternity or sorority house or dormitory, shall be assessed one unit for each apartment or dwelling unit. An additional one-half unit shall be charged to any family having two roomers with additional one-half unit for each additional two roomers.
- (d) Each fraternity or sorority house or dormitory shall be assessed one unit for each 3 occupants in the said fraternity or sorority or dormitory.
- (e) The owner of any commercial or business property shall be assessed one unit for each store or separate place of business (except supermarkets, beauty parlors, laundromats, car washing facilities, for which see below under (h)). The owner of each professional office shall be assessed one unit for each office. The owner of each gas station shall be assessed one unit for each bay. The owner of each restaurant or food service, social or recreational club, shall

be assessed one unit plus one unit for each 5,000 square feet of building floor area or portion thereof.

- (f) The owner of any school shall be assessed one unit for each 10 persons.
- (g) The owner of any church shall be assessed one unit and one unit for each 10 persons taking part in regular classes other than Sunday School.
- (h) Any use of property not assigned units under the classifications above shall have its assignment of units decided by the Village Board of Trustees.

Section 4. The benefit charge for each property owner shall be shown on a separate tax roll and shall constitute a lien pursuant to Section 5-516 Village Law of the State of New York, and may be paid without interest or penalty on or before the first day of July, and shall be paid as part of the Village Tax, and shall be subject to all interest and penalties as provided for Village taxes generally. The Trustees may direct that the charge be billed and paid separately.

Section 5. Any property owner served by an extended water main not previously benefited, in addition to all other charges, taxes, and assessments, shall pay a connection charge to be collected at the time of connection and to be computed as follows:

- (a) If such connection occurs within one year of the date of completion of both Southern Cayuga Lake Intermunicipal Water Commission projects, the completion date to be determined by the Commission, there shall be no charge.
- (b) If such connection occurs one year but less than two years after such completion, the charge shall be \$50.00.
- (c) If such connection occurs two years but less than ten years after such completion, the charge shall be \$50.00 plus an additional amount equal to \$50.00 multiplied by the number of full years that have passed in excess of two since the date of completion, (i.e., if the connection occurs 4-1/2 years after the date of completion, the charge shall be \$150.00).
- (d) If such connection occurs ten or more years after completion, the charge shall be \$500.00.

A connection charge shall be made for each unit as determined by Schedule "A" annexed hereto.

**SCHEDULE A
DEFINITION OF UNITS FOR PURPOSES OF CONNECTION CHARGES
VILLAGE OF CAYUGA HEIGHTS**

A. Residence District

| | |
|---------------------|---------|
| Single Family House | 1 unit |
| Two-Family House | 2 units |

B. Multiple Housing District

| | |
|---------------------------------|--|
| Multiple Dwellings | 1 unit for each dwelling unit |
| School (non-residential) | 1 unit for each 10 persons |
| Church | 1 unit plus 1 unit for each 10 persons taking part in regular classes other than Sunday School classes |
| Fraternity, Sorority, Dormitory | 1 unit for each 3 occupants |

C. Commercial District

| | |
|--|---|
| Commercial | 1 unit for each store or separate place of business (except supermarkets, beauty parlors, laundromats, car washing facilities, for which see below) |
| Professional Office | 1 unit for each office |
| Gas Station | 1 unit for each bay |
| Restaurant, Food Service, Social And Recreational Club | 1 unit plus one unit for each 5,000 square feet of building floor area |

D. Special Classification

Any use of property not assigned units under the above classifications shall have its assignment of units decided by the Village Board of Trustees.

(Local Law #1, 1976)

Village of Cayuga Heights

**ARTICLE 33
SPECIFYING THE TERM OF OFFICE OF THE FIRE CHIEF
AND FIRE SUPERINTENDENT**

WHEREAS, Section 10-1010 of the New York Village Law provides for the election of fire company officers, wherein the election of a fire chief under that section would be annually for a term of one year, and

WHEREAS, to provide for continuity of leadership in the office of Fire Chief, the Village Trustees have entertained the suggestion that election of the Fire Chief should be for a two-year term such that biennially at the annual meeting of the Fire Company in April, the election of the Fire Chief should occur,

NOW, THEREFORE,

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights, County of Tompkins, State of New York, as follows:

1. Biennially, at the annual meeting of the Fire Company conducted by law in April of each year, the members of the Company shall elect by ballot from their own number a Chief Engineer (Fire Chief) for a term of office of two (2) years and who by law shall be a resident of the State of New York. The election of the person to be Fire Chief is subject to approval of the Village Board of Trustees, and the Fire Chief shall assume office upon such approval being granted.
2. The Fire Superintendent of the Village may also be appointed to serve for a similar two-year term, at the discretion of the Village Board of Trustees.
3. This Local Law shall take effect upon filing with the Secretary of the State of New York.

January 20, 2004

Village of Cayuga Heights

ARTICLE 34

NEW YORK STATE BUILDING CODE ENFORCEMENT LAW

WHEREAS, the State of New York Law embodies the New York State Building Code (sometimes known as "The Uniform Code"), and

WHEREAS, the State of New York requires all local municipalities to enforce the New York State Building Code, and

WHEREAS, the Village intends to enforce the New York State Building Code which requires a local law to establish the specific administration of said code, and

WHEREAS, the Village has drafted the aforementioned local law, and conducted a public hearing on said law,

NOW THEREFORE, the Village Board of Trustees hereby adopts this Local Law for enforcement and administration of the NYS Building Code.

A Local Law detailing administration and enforcement of building and fire prevention codes in the Village of Cayuga Heights.

WHEREAS, Section 381 of the Executive Law of the State of New York provides that the New York Secretary of State shall issue rules and regulations for implementation of the Uniform Fire Prevention and Building Code (the "Uniform Code") within this state, and

WHEREAS, Subdivision 2 of said Section 381 of the Executive Law requires, with certain exceptions, every local government to administer and enforce the Uniform Code, and

WHEREAS, Title 19 of the New York Code of Rules and Regulations sets forth the minimum standards for such administration and enforcement in Part 1203 of said Title 19, which may be implemented by local law enacted by a local government,

NOW THEREFORE,

BE IT ENACTED by the Board of Trustees of the Village of Cayuga Heights, County of Tompkins, State of New York, a new Article to its compilation of Ordinances and Local Laws as follows:

[Article XV - Code Enforcement and Administration]
Article 34 - Code Enforcement and Administration

Section 1. Designation of Code Enforcement Officer as Public Official

There is hereby designated in the Village of Cayuga Heights a public official to be known as the Code Enforcement Officer who shall also be the Building Commissioner, and who shall be appointed by the Mayor with the approval of the Board of Trustees at a compensation to be fixed by it.

Section 2. Duties and Powers of Code Enforcement Officer

Except as otherwise specifically provided by law, ordinance, rule or regulation, the Code Enforcement Officer shall administer and enforce all of the provisions of the New York State Uniform Fire Prevention and Building Code, hereinafter sometimes referred to as "The Uniform Code," and other laws, ordinances, rules and regulations applicable to plans, specifications, or permits for the construction, alteration and repair of buildings and structures, and the installation and use of materials and equipment therein, and to the location, use and occupancy thereof.

The Building Commissioner shall also be the Village Fire Safety Inspector and shall administer and enforce the New York State Uniform Fire Prevention and Building Code primarily with regard to requirements pertaining to the storage of combustible, flammable or otherwise dangerous materials.

Section 3. Rules and Regulations

The Village Board of Trustees may by resolution, after public notice and publication at least five (5) days prior to the effective date thereof in a newspaper of general circulation within the Village, adopt such further procedural/administrative rules and regulations that the Board deems reasonable to carry out the provisions of this local law. The Code Enforcement Officer may make recommendations to the Village Board of Trustees to adopt, amend, or appeal such rules and regulations as may relate to the efficient administration and enforcement of the provisions of the Uniform Code. Such rules and regulations shall not conflict with the Uniform Code, this local law, or any other provision of law.

Section 4. Acting Code Enforcement Official

In the absence of the Code Enforcement Officer, or in the case of his inability to act for any reason, the Mayor shall have the power, with the consent of the Board of Trustees, to designate a person to act on behalf of the Code Enforcement Officer and to exercise all the powers conferred upon him by this ordinance, at such compensation as the Board of Trustees may determine.

Section 5. Appointment of Inspectors

The Mayor with the approval of the Board of Trustees may appoint one inspector or more, as the need may arise, to act under the supervision and direction of the Code

Enforcement Officer and to exercise any portion of the powers and duties of the Code Enforcement Officer as he may direct.

The compensation of such inspector(s) shall be fixed by the Board of Trustees.

Section 6. Restrictions on Employees

The Code Enforcement Officer or any employee of his office directly involved in code enforcement, shall not engage in any activity inconsistent with his duties, or with the interest of the building department; nor shall he, during the term of his employment, be engaged directly or indirectly in any building business, in the furnishing of labor, materials, supplies or appliances for, or the supervision of, the construction, alteration, demolition or maintenance of a building or the preparation of plans or specifications thereof within the County of Tompkins except that this provision shall not prohibit the officer or any employee from engaging in any such activities in connection with the construction of a building or structure owned by him for his own personal use and occupancy or for the use and occupancy of members of his immediate family, and not constructed for sale. It is the intent of this provision to prohibit impropriety and the appearance of impropriety.

Section 7. Review Board

(a) Where practicable difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of the Uniform Code, applications for variances consistent with the spirit of the Code may be made to the Regional Board of Review in accordance with Part 1205 of Title 19 of the New York Code of Rules and Regulations entitled "Uniform Code: Variance Procedures" as promulgated by the New York Department of State. The Code Enforcement Officer shall maintain a copy of such rules and regulations for public inspection and shall obtain and retain a copy of all decisions rendered by the Regional Board of Review of special interest and/or pertaining to matters affecting the Village of Cayuga Heights.

(b) Where practical difficulties or unnecessary hardship may result from enforcement of the strict letter of any provision of this Local Law or any rule or regulation hereunder which provision is not required by the Uniform Code, applications for variances and appeals, consistent with the spirit of such law, rule or regulations, may be made to the Village Zoning Board of Appeals.

Section 8. Building Permit

No person, firm, corporation, association or other organization shall commence the erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure, except an agricultural building or structure, nor install heating equipment, without having applied for and obtained a permit from the Code Enforcement Officer. No permit shall be required for the performance of necessary repairs which do not involve material alteration of structural features, and/or plumbing, electrical or

heating/ventilation systems including, for example, the replacement of siding and roofing materials, nor for the erection of fences, nor for the construction of non-commercial storage facilities of less than 140 square feet of gross floor area. Such work shall nevertheless be done in conformance with the Uniform Code.

Section 9. General Permitting Procedures

The Code Enforcement Officer shall receive applications, approve plans and specifications, and issue permits for the erection and alteration of buildings or structures or parts thereof as detailed in the previous section and shall examine the premises for which such applications have been received, plans approved, or such permits have been issued for the purpose of insuring compliance with laws, ordinances, rules and regulations governing building construction or alterations.

A building permit will be issued when the application has been determined to be complete, when the proposed work is determined to conform to the provisions of the Uniform Code, if applicable, and when the Code Enforcement Officer has determined that the proposed work is in compliance with the Zoning Ordinance of the Village. The permit shall be prominently displayed on the property or premises to which it pertains during construction so as to be readily seen from adjacent thoroughfares, if possible.

The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

The form of the permit and application therefore shall be prescribed by resolution of the Village Board of Trustees. The application shall be signed by the owner (or his authorized agent) of the building or property on which the work is to be done and shall contain at least the following:

- 1) name and address of the owner;
- 2) identification and/or description of the land on which the work is to be done;
- 3) description of use or occupancy of the land and existing or proposed building;
- 4) description of the proposed work;
- 5) estimated cost of the proposed work;
- 6) statement that the work shall be performed in compliance with the Uniform Code and applicable State and local laws, ordinances and regulations;
- 7) required fee.

Such application shall be accompanied by such documents, drawings, plans and specifications as the applicant shall deem adequate and appropriate for compliance with the local law, or as the Code Enforcement Officer may require as being necessary or appropriate in his judgment. Applicant may confer with the Code Enforcement Officer in advance of submitting his application to discuss the Code Enforcement Officer's requirements for same.

Applicant shall notify the Code Enforcement Officer in writing of any pertinent changes in the information contained in the application during the period for which the permit is in effect. Failure to do so shall in and of itself, effect revocation of the permit previously issued.

A building permit issued pursuant to this Local Law may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.

A building permit issued pursuant to this Local Law shall expire one (1) year from the date of issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods provided that:

- 1) the permit has not been revoked or suspended at the time the application for renewal is made,
- 2) the relevant information in the application is up to date and,
- 3) the renewal fee is paid.

Section 10. Certificates of Occupancy

(a) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Code Enforcement Officer.

(b) No existing building hereafter enlarged, extended or altered, or upon which work has been performed which required the issuance of a building permit shall be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy shall have been issued.

(c) No change shall be made in the occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued.

(d) When, after final inspection, it is found that the proposed work has been completed in accordance with the applicable laws, ordinances, rules or regulations, and also in accordance with the application, the Code Enforcement Officer shall issue a certificate of occupancy. If it is found the proposed work has not been properly completed, the Code Enforcement Officer shall not issue a certificate of occupancy and shall order the work completed immediately in conformity with the building permit and in conformity with the applicable building regulations.

(e) A certificate of occupancy shall be issued, where appropriate, within thirty days after written application therefore is made.

(f) The certificate of occupancy shall acknowledge that the work has been completed, and that the proposed use and occupancy is in conformity with the provisions of the applicable laws, ordinances, rules and regulations, and shall specify the use or uses and the extent therefore to which the building or structure or its several parts may be put to use.

(g) Upon request, the Code Enforcement Officer may issue a temporary certificate of occupancy for building or structure, or part thereof, before the entire work covered by the building permit shall have been completed provided such portions as have been completed may be occupied safely without endangering life or the public health and welfare. A temporary certificate of occupancy shall remain effective for the period stated therein which shall not exceed six months from its date of issuance. For good causes and in unusual situations the Code Enforcement Officer in his sole discretion may allow a maximum of two extensions for periods not exceeding six months each.

(h) After completion of work requiring a building permit hereunder where issuance of a Certificate of Occupancy is not appropriate, the Code Enforcement Officer shall issue instead a Certificate of Satisfactory Completion.

Section 11. Fire Prevention and Safety Inspections

(a) Any and all areas of public assembly shall be inspected at least once each calendar year for the purpose of determining compliance with fire safety requirements of the Code. Said inspections shall be completed by the Code Enforcement Officer prior to November 30th of each year.

(b) All dwelling units in a building consisting of more than two such units and the common areas of such building such as halls, foyers, staircases, etc., shall be inspected for the purpose of determining compliance with the fire safety requirements of the Uniform Code at least once in each odd-number-ending calendar year (e.g., 2003). Said inspections shall be completed by the Code Enforcement Officer prior to November 30th of each year.

(c) All other buildings, uses and occupancies, other than public assembly and one or two family dwelling units, shall be inspected once in each even-number-ending calendar year (e.g., 2004). Said inspections shall be completed by the Code Enforcement Officer prior to November 30th of each year. (Inspections under this Local Law of one or two family dwelling units shall not be required.)

(d) An inspection of building or dwelling unit shall be performed at any other time upon:

(1) the request of owner or authorized agent,

(2) receipt of a written statement specifying grounds upon which the subscriber believes a violation of the Uniform Code exists or,

- (3) other reasonable and reliable information that such violations exists.

Section 12. Department Records and Reports

(a) The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by him including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by the municipality, and notices and orders issued. All such reports shall be public information open to the public inspection during normal business hours.

(b) The Code Enforcement Officer shall annually submit to the Village Board of Trustees a written report of all business conducted, and more frequently upon request.

Section 13. Stop Orders

Whenever the Code Enforcement Officer has reasonable grounds to believe that work on any building or structure is being performed in violation of the provisions of the New York State Uniform Fire Prevention and Building Code or applicable laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe manner and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend all work and issue a Stop Work Order. Such persons shall immediately stop such work and suspend all building activities until the stop orders have been rescinded. All Stop Work Orders and notices shall be in writing and shall state the conditions under which work may be resumed. A Stop Work Order shall be served upon a person to whom it is directed either by delivering it personally, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to the person, firm or corporations by certified mail, return receipt requested, and simultaneously by regular mail, with return address noted.

Section 14. Violations

(a) Upon determination by the Code Enforcement Officer or the Fire Safety Inspector (or their respective designees) that a violation of the Uniform Code or this local law exists in, on, or about any building or premises, he shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by certified mail, return receipt requested.

(b) Any person, firm or corporation who violates any provision of the Uniform Code, this Local Law, or any rule or regulation issued under this local law, or the terms or conditions of any Certificate of Occupancy issued by the Building and Fire Safety Inspector, shall be liable to a civil penalty of not more than \$100.00 for each day or part

thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Officer or the Fire Safety Inspector.

(c) Alternatively, and in addition to an action to recover the civil penalties provided by subsection (b), the Village Board may institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or terms or conditions of any Certificate of Occupancy issued by the Code Enforcement Officer or the Fire Safety Inspector.

(d) Furthermore, the Village Board may designate certain violations as criminal in nature, subject to fine or imprisonment as the case may be. A violation of Code Requirements pertaining to storage of combustible, flammable, or otherwise dangerous materials is hereby declared to constitute a Violation as defined in the Penal Law of the State of New York, and shall be punishable by a fine of not more than \$250.00 for each day or part thereof during which said violation continues, or imprisonment for a term not to exceed *fifteen* days, for each violation. These penalties shall be in addition to any other penalty provided by law.

Section 15. Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this Local Law shall be judged invalid or held unconstitutional, it shall not affect the validity of this Local Law as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional.

Section 16. Effective Date

The Local Law shall take effect upon filing with the Department of State.

March 15, 2004

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