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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.



of Harrisville

Village

Local Law No. _____ of the year 19 87

A local law ~~REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND THE USE OF LAND IN THE VILLAGE OF HARRISVILLE AND DIVIDING THE VILLAGE INTO DISTRICTS AND PRESCRIBING CERTAIN REGULATIONS IN EACH SAID DISTRICT.~~

Be it enacted by the Village Board of Trustees of the
(Name of Legislative Body)



of Harrisville as follows:

Village

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1.1 Enacting Clause

Pursuant to the authority conferred by Section 7-700 of the Village Law and Article 2 and 3 of the Municipal Home Rule Law of the State of New York, be it adopted and enacted by the Board of Trustees of the Village of Harrisville as follows:

Section 1.2 Title

This local law shall be known as the Village of Harrisville Zoning Law.

Section 1.3 Purposes

The purposes of this zoning law are to provide for orderly community growth according to a comprehensive plan. To conserve the value of property and buildings, to secure safety from fire, flood and other dangers, to provide adequate light and air, to provide the most appropriate use of land, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewer, parks and other public requirements, and to otherwise promote the health, safety and general welfare of the public.

Section 1.4 Application of Regulations

Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building or structure or part thereof, shall be occupied or used unless in conformity with the regulations specified for the district in which it is located.

Section 1.5 Prior Existing Laws

The Village of Harrisville Mobile Home and Travel Trailer Control Law, Local Law No. 1 of the year 1985, is hereby repealed. However, such repeal shall not affect any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the

(If additional space is needed, please attach sheets of the same size as this and number each)

same may be enjoyed, asserted, enforced, and prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

ARTICLE II. DEFINITIONS

Except where specifically defined herein, all words used in this local law shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word "lot" includes "plot"; the word "building" includes "structure"; the word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by "or intended", arranged, or designed to be used or "occupied"; "person" includes individual, partnership, association, corporation, company or organization. Doubt as to the precise meaning of any word used in this local law shall be clarified by the Board of Appeals under its power of interpretation.

Accessory Structure:	A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure.
Accessory Use:	A use incidental and subordinate to the principal use and located on the same lot with such principal use.
Adjacent	With reference to the location of a parking facility, land located across an alley, easement, street or highway from the building incidental to which such space for vehicle storage or off-street parking facility is required.
Area (of a Sign)	The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, as included within the definition of a sign, together with the frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.
Building:	Shelter having a roof supported by column or walls and intended for the shelter or enclosure of persons, animals, or property.
Campground/Travel Trailer Park	A parcel of land used or intended to be used, let, or rented for occupancy by two (2) or more cabins, travel trailers, tents, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes.
Child Care Center or Day Care Center:	Building or portion thereof, used for purposes of providing day care services for six (6) or more children.
Commercial Use	Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee.
Coverage	That percentage of the lot area or plot covered by the structure(s).
Dwelling Unit:	Building or part thereof used as living quarters for one family. The terms "dwelling," "one family dwelling," "two family dwelling," "three family dwelling," or "multiple-family dwelling" shall not include a motel, hotel, boarding house, tourist home, mobile home or similar structure.
Dwelling, One Family:	Detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two Family:	Building designed for, or occupied by, two (2) families living independently of each other.
Dwelling, Multiple Family:	A building designed for, or occupied by, three (3) or more families living independently of each other.
Essential Services	Erection, construction, alteration, operation or maintenance by municipal agencies or public utilities of telephone dial equipment centers, electrical or gas substations, water treatment or storage facilities, pumping stations and similar facilities.
Family:	One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.
Front Lot Line:	The property line separating a plot or parcel of property from a public street or highway. If a lot adjoins two (2) or more streets or highways, it shall be deemed to have a front lot line respectively on each.
General Plan	A comprehensive or master plan for the development of the Village.
Gross Floor Area (GFA)	The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length, width of the facility.
Gross Leasable Area (GLA)	The gross size of the floor area of a commercial/retail facility which is leased.
Home Occupation	A nonresidential activity conducted within a dwelling unit or mobile home by the residents thereof, which is clearly secondary to the dwelling use for living purposes and does not change the character thereof.
Industrial Use	Any manufacturing, production or assembly of any goods or materials, including any on-site waste disposal area directly associated with an industrial use. Also includes mineral extraction, private and commercial sand and gravel extraction, and sawmills and other wood processing facilities.
Lot:	A parcel or area of land, the dimensions and extent of which are determined by the latest official records or recording and is occupied or designed to be occupied by one (1) building and the accessory buildings or uses customarily incident to it.
Lot Frontage:	The distance between the boundaries of a lot measured at their points of intersection with the street right of way line.
Lot Line:	Property lines bounding a lot.
Lot of Record:	Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.
Mobile Home	Manufactured housing with or without a foundation, designed with a chassis and constructed to be towed, driven, or otherwise transported in whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. The term mobile home shall not include modular homes or travel trailers.
Mobile Home, Double Wide	Manufactured housing built on a chassis bearing a seal issued by the Federal Department of Housing and Urban Development. A double-wide home is manufactured in two or more sections off-site and transported individually to the placement site and assembled there.

Modular Home	Manufactured housing bearing the insignia of approval issued by the State of New York.
New Use:	Any construction or other activity which changes the use of the land or a structure or the intensity of use of land or a structure; including but not limited to new structures, expansions to existing structures, new uses, changes in or expansions to existing uses, and excavation for the purpose of extracting soil or mineral deposits.
Nonconforming Use:	A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.
Off-Street Parking Facility:	A space for temporary parking of motor vehicles off the public street right-of-way.
Principal Buildings or Structures:	Any buildings or structures associated with the principal use of the property which are not accessory structures.
Professional Office:	A building consisting of the office of a practitioner of a recognized profession such as medical, dentist, legal, optometrist, real estate agent, photographer, or similar profession, but not including personal services.
Public and Semi-Public Facility:	Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use: <ul style="list-style-type: none"> A. Religious Institutions B. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority. C. Schools D. Public Libraries E. Not-for-profit fire, ambulance and public safety buildings.
Rear Lot Line:	That lot line which is opposite and most distant from the front lot line.
Religious Institution:	Includes church, temple, parish house, convent, seminary and retreat house.
School:	Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated school of beauty culture, business, dancing, driving, music and similar establishments.
Side Lot Line:	A lot line not a front lot line or a rear lot line.
Sign	Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge, or insignia of any public, quasi-public, civic, charitable, or religious groups.
Street:	Public way for vehicular traffic which affords the principal means of access to abutting properties.
Structure	Any object constructed, installed, or fixed on the ground to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions, and alterations thereto. The word fences shall not be included in the definition of structure.

Use, Special:	A use requiring special use review by the Village Board of Trustees prior to the issuance of a special permit.
Use, Permitted:	A use not requiring Village Board of Trustees review, but requiring a zoning permit issued by the Zoning Officer.
Use, Temporary:	An activity conducted for a specified limited period of time. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work, and seasonal produce stands.
Variance:	A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.
Zoning Certificate of Occupancy	A certificate issued by the Zoning Officer stating that a structure or the use thereof is in compliance with this code.
Zoning Officer	A person appointed by the Village Board to carry out the regulations of this law.
Zoning Permit	A document issued by the Zoning Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses in conformity with this law.

ARTICLE III. ZONING DISTRICTS

Section 3.1 Establishment of Districts

Harrisville is hereby divided into the following zoning districts:

- R1 Residential - 1
- R2 Residential - 2
- MU Mixed Use

Section 3.2 Zoning Map

The zoning districts are shown, defined and bounded on the map accompanying this law entitled "Zoning Map," dated _____, _____. The village zoning map is hereby made a part of this law, and shall be on file in the office of the village clerk.

Section 3.3 Interpretation of Zone Boundaries on Zoning Map

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the Zoning Map, the following rules shall apply:

- A. Where the designation on the Zoning Map indicates a boundary approximately upon a street line, such line shall be construed to be the boundary.
- B. Where the designation on the Zoning Map indicates a boundary approximately upon a lot line, such lot line shall be construed to be the boundary.
- C. Where a zone boundary line divides a lot of record at the time such line is adopted, the use authorized on, and the zone requirements of the least restricted portion of such lot shall be understood as extending to the entire lot.
- D. In the event that a metes-and-bound description has been filed for a change of zone or variance of use as required by this law, such metes-and-bound description shall be used in lieu of other provisions of this section.
- E. Further questions concerning the exact location of the district boundary lines as shown on the village zoning map shall be resolved by the zoning board of appeals.

Section 3.4 Permitted Uses

The following schedule sets forth the permitted uses, and uses not permitted, within each zoning district:

	<u>Residential-1 Zone</u>	<u>Residential-2 Zone</u>	<u>Mixed Use/ Central Area Zone</u>
One or two family dwelling	X	X	X
Multiple family dwelling	C	C	C
Modular home	X	X	X
Mobile home	-	X	X
Mobile home Double Wide	X	X	X
Mobile home park	-	C	C
Commercial Use	-	-	C
Industrial use	-	-	C
Home occupation	X	X	X
Child care center	C	C	C
Professional office	C	C	C
Public or semi-public facilities	C	C	C
Essential services	C	C	C

Signs (see Section 4)

"X" indicates that a use shall be permitted.

"C" indicates a special use, which shall only be permitted upon issuance of a special permit by the village board.

"-" A dash indicates that the use is not permitted.

ARTICLE IV. REGULATIONS

Section 4.1 Setbacks

All buildings or structures shall comply with the following setback requirements, except that no setback requirements shall apply within the "central area" as shown on the Zoning Map.

	<u>Accessory Structures</u>	<u>Principal Buildings</u>
A. Minimum distance to side and rear lot lines	10 feet	25 feet
B. Minimum distance to center line of a State highway	50 feet	60 feet
C. Minimum distance to center line of all other public streets and roads	40 feet	50 feet

4.11 Porches, Carports, and Other Additions

In determining setbacks, all building additions which are roofed and attached to the principal building, including porches and carports, shall be considered part of the principal building and shall comply with the setbacks for principal buildings.

Section 4.2 Minimum Lot Area and Coverage

All new uses specified below shall comply with the following minimum lot areas and maximum lot coverages:

	<u>Minimum Lot Area</u>	<u>Maximum Lot Coverage</u>
A. One family dwelling, mobile home/modular home, and accessory uses/structure	10,000 Sq. Ft.	
B. Two family dwelling and accessory uses/structures	12,000 Sq. Ft.	
C. Multiple family dwelling and accessory uses/structures	20,000 Sq. Ft.	(40%)
D. Commercial use/nonresidential uses*	15,000 Sq. Ft.	(50%)

* Except that no minimum lot area, lot coverage, or setback requirements shall apply to essential services, or within the "central area" as shown on the zoning map.

Section 4.3 Driveways and Intersections with Public Streets

All driveways and entrances and exits to public streets shall be designed to provide maximum safety and proper drainage. Any culverts, ditches or other drainage facilities shall be approved by the Village Superintendent of Public Works or his designee.

All new entrances and exits to state highways are subject to permit requirements of the New York State Department of Transportation.

Section 4.4 Water and Sewage

4.41 Sewage Disposal

All individual household on-site sewage disposal systems and all non-individual sewage disposal systems shall comply with village standards and Department of Health requirements.

4.42 Water Supply

All connections to the village water system shall be approved by the Village Superintendent of Public Works pursuant to Village of Harrisville public water regulations.

Section 4.5 Signs

4.51 General

No Sign shall be permitted which:

- A. obscures visibility so as to impair traffic safety on public streets or roads
- B. exceeds twenty (20) feet in height
- C. exceeds eighty (80) square feet in area

4.52 Residential Districts

In R1 and R2 districts only the following signs shall be permitted:

- A. "For Rent" and "For Sale" signs, not exceeding nine square feet.
- B. Signs identifying any non-residential building or use within residential districts, not exceeding twenty (20) square feet, are mounted to the building where the advertised activity is being conducted and do not exceed twelve (12) feet in height.
- C. Directional or information signs, not exceeding four square feet.
- D. Signs necessary for public safety or welfare.

Section 4.6 Parking

4.61 General

- A. All uses shall be provided with off-street parking for all vehicles during typical peak use periods. Off-street parking may be located off-site but must be within 300 feet of the site. However, the Village Board may waive the location requirement where circumstances warrant.
- B. A parking space shall not be less than nine (9) feet by twenty (20) feet exclusive of access ways and driveways.
- C. Existing uses need not provide additional off-street parking unless one or more of the following conditions occur:
 - 1. The use changes;
 - 2. The use expands its gross floor area by thirty (30) percent or more or if the dollar value of the rehabilitation of the facility for purposes of expansion exceeds fifty (50) percent of the value of the facility.
- D. To the greatest extent possible all parking areas shall be located behind the facility served and out of streetside view. Where parking areas must be located in front of a facility adjacent to a public highway, appropriate landscaping or visual barriers shall be provided.
- E. To the greatest extent possible the size of all parking areas other than those for dwelling units and dwelling units with a home occupation shall be based on gross leasable area. Where gross leasable area figures are unavailable, gross floor area figures shall be used.

4.62 Minimum Parking Standards

- A. One (1) space per dwelling unit
- B. Dwelling unit with a home occupation: Adequate space to accommodate all vehicles during typical peak use periods.
- C. Professional offices/personal services 1 space/200 square feet GLA.
- D. Commercial, Retail 1 space/200 square feet GLA
- E. Facilities with Drive Up-Service windows
Three twenty (20) feet car length waiting spaces for each drive up lane. Where multiple drive up windows exist there shall be one additional waiting space which shall be a common lane.
- F. Public and Semi-public Facilities 1 space per 4 seats

Note: All fractional portions of parking spaces as calculated by Gross Leasable Area shall be deleted if the fraction is less than .50; otherwise one additional parking space is required.

4.63 Off Street Loading

All uses other than dwelling units or dwelling units with home occupations must comply with the following off street loading standards:

- A. First 10,000 sq. ft. GLA 1 berth
Each additional 10,000 sq. ft. 1 berth
- B. With the exception of funeral homes, each loading berth shall be a minimum of twelve (12) feet wide, fifty (50) feet long and fourteen (14) feet in height.
- C. Loading area berths for funeral homes shall be a minimum of ten (10) feet wide, twenty-five (25) feet long and eight (8) feet in height.
- D. Where the use, traffic generation or function of a site is such that the applicant can show that the number of berths required is not justified, the Village Board may waive these requirements.

Section 4.7 Mobile Homes

4.71 General

No mobile home shall be located in the Village whether inside or outside a park, until the following requirements have been met.

A. Restrictions on Occupancy

1. Every mobile home shall have a pitched roof of a minimum ratio of 1/4 (about 14°).
2. Every mobile home shall contain a minimum gross area of six hundred fifty (650) square feet.
3. Every mobile home shall bear a seal issued by the Federal Department of Housing and Urban Development.

B. Mobile Home Skirting

1. Each mobile home shall be provided with a skirt to screen space between the mobile home and the ground.
2. Such skirts shall be of permanent material similar to that used in the mobile home and providing a finished exterior appearance.

C. Mobile Home Pad

1. Each mobile home site shall be provided with a pad which will give a firm base and adequate support for the mobile home.
2. Such pad shall have a dimension approximating the width and length of the mobile home and any expansions or extensions thereto.
3. Pads shall be either
 - a. ten (10) inches of compact gravel; or
 - b. a full concrete slab at least six (6) inches thick; or
 - c. six (6) inches of compacted gravel with a reinforced concrete runner on each side of the pad to provide support. Such runner shall be a minimum of four (4) feet wide, sixty-five (65) feet long, and six (6) inches thick; or
 - d. constructed as recommended by the mobile home manufacturer or designed by a licensed engineer or architect and is approved by the Zoning Officer.
4. The pad area shall be graded to ensure adequate drainage.

4.72 Emergency Mobile Homes

With the permission of the owner, a mobile home may be temporarily placed and occupied as an emergency dwelling on any property in the Village, regardless of prior development or current use of such property, and shall not be required to meet the standards of 4.71 of this law, provided that:

- A. the need for such emergency mobile home resulted from the loss by flood, fire or other disaster of an existing dwelling within the Village;
- B. temporary arrangements for safe access to the property, adequate potable water supply, sanitary disposal of sewage, safe storage of liquefied petroleum gas and anchoring are provided within forty-eight (48) hours of such placement and occupancy by means either onsite or offsite;
- C. a temporary permit application shall be obtained from the Office of the Village Clerk. Such application shall be filed with the Enforcement Officer within seventy-two (72) hours of the placement of the emergency mobile home; such temporary permit shall be valid for the length of time stated thereon.

- D. except as provided herein, no other improvements to or alteration or disturbance of the property shall be caused by such placement and occupancy of an emergency dwelling and no rights to develop such property shall be thus established other than as are permitted in full compliance with the provisions, regulations, standards and procedures of this law.

4.73 Mobile Homes as Interim Dwellings

The Village Board shall grant a temporary permit for the installation of a single mobile home as an interim dwelling or professional office on an individual lot during the construction of principal building unit(s) or the restoration of principal building unit(s) on such lot conditioned on the following:

- A. A mobile home as interim dwelling shall not be required to meet the standards of 4.71. This shall in no way be interpreted to allow mobile homes that do not meet the requirements of the Uniform Building and Fire Prevention Code of the State of New York, or any other county, state, or federal requirements.
- B. On or before the date of expiration of the temporary permit and extensions thereto, if any, use of the mobile home as an interim dwelling shall cease and the mobile home shall be removed.

Section 4.8 Mobile Home Park Standards

4.81 Park Location and Conditions

- A. A proposed mobile home park shall be located where orderly development of a mobile home park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
- B. A mobile home park shall not contain travel trailers.
- C. The setback area of a park shall be landscaped to provide a screen from public streets.
- D. A proposed park shall be essentially free from adverse, unsafe or unhealthful conditions including but not limited to flooding, ponding, poor drainage, erosion, slumping or other soil instability, breeding areas for insects or rodents, smoke, noise, odors, heat, glare, or toxic volatile substances.

4.82 Mobile Home Site

Each mobile home park shall be divided (exclusive of internal streets, open space or common areas) and marked-off into mobile home sites numbered consecutively, the number being conspicuously posted on each lot with such number to correspond to the lot shown on the site plan submitted.

4.83 Mobile Home Site Size

Each mobile home site shall satisfy the following requirements:

- A. Minimum site size shall be ten thousand (10,000) square feet. In special cases where innovative park design for mobile home parks of ten (10) or more mobile homes provides clustering and allows for wide streets or a greater amount of usable recreation area or open space exceptions may be granted. In no case, however, shall the site area be reduced below seven thousand five hundred (7,500) square feet.
- B. Minimum seventy-five (75) foot site width. Where exceptions have been made as provided in paragraph A, minimum fifty (50) foot site width; and
- C. Minimum one hundred (100) foot site depth.

4.84 Setbacks and Spacing

- A. All mobile homes, including expansions, extensions or other additions thereto, patios, porches or garages and all other structures in a mobile home park shall satisfy the following setback requirements. A detached structure accessory to and located on the same site with an individual mobile home shall be considered part of the mobile home for the purpose of spacing requirements.
1. minimum of one hundred fifty (150) feet from the street line of any public street.
 2. minimum of thirty (30) feet from the center line of any street internal to the mobile home park.
 3. minimum of forty (40) feet spacing between adjacent mobile homes and any other structures in the mobile home park.
 4. minimum of twenty (20) feet from rear site lines.
- B. No internal street, parking lot, recreation area or storage facility for fuels, supplies or equipment shall be located within fifty (50) feet of an adjoining property line external to the mobile home park.

4.85 Park Design Requirements

- A. Access. Each mobile home park shall provide for safe, legal means of access from one or more public streets as follows:
1. Access streets shall meet the public streets at right angles and at compatible grades; and be consistent with the standards set forth in Policy Standards For Entrances to State Highways as revised, established by the State of New York Department of Transportation.
 2. Entrances shall be located directly opposite or at least one hundred (100) feet from the nearest intersection of public streets, if any, and at least seventy-five (75) feet from any other entrances to the mobile home park, if any;
 3. Entrances shall have sufficient width to allow reasonable turning movements of vehicles with mobile homes attached and of service or delivery vehicles;
 4. Entrances shall be located to allow safe line-of-sight distances to and from their points of intersection with the public streets;
 5. At least one (1) common entrance and access street shall be required to serve any mobile home park having less than twenty (20) mobile homes;
 6. At least two (2) independent entrances and access streets shall be required to serve any mobile home park having twenty (20) or more mobile homes; and
 7. Access streets connecting mobile home park interior streets with the public streets shall meet Village street standards.
- B. Internal Streets
1. Internal streets shall be privately owned and maintained and shall provide for the safe and convenient movement of vehicles, with or without mobile homes attached.
 2. All mobile home sites shall face on and be serviced by such internal streets.
 3. All streets shall be designed, graded and leveled as to permit the safe passage of emergency and other vehicles at a speed of fifteen (15) miles per hour.

4. Straight, uniform gridiron street patterns should be avoided unless they can be relieved by mobile home clustering, landscaping and an open space system.
5. Cul de sacs shall be provided in lieu of closed end streets with a turn around having an outside street character of at least ninety (90) feet.
6. All internal streets shall have a minimum thirty (30) foot right-of-way.

C. Parking

1. Each mobile home shall be provided with at least two (2) off-street parking spaces adjacent to the mobile home.
2. Each parking space shall measure at least nine (9) feet by twenty (20) feet.
3. Parking spaces or areas shall have at least eight (8) inches of crushed stone base or two (2) inches of pavement over four (4) inches of crushed stone base.

D. Recreational Areas and Open Space. Easily accessible and usable open spaces shall be provided in all mobile home parks. Such open space shall have a total area equal to at least fifteen percent (15%) of the gross land area of the park, and shall be fully maintained by the park owner. Setback areas shall not be included as part of the fifteen percent (15%) open space requirement. Part or all of such space shall be in the form of developed recreation areas to be usable for active recreation purposes.

E. Walkways. A four (4) foot wide hard surfaced pedestrian walkway shall be provided along and at least five (5) feet from each access street between the entrance to the public highway and either:

1. the first mobile home unit or
2. such location within the mobile home park as may be required by the Village Board to assure pedestrian safety.

F. Water Supply. An adequate supply of water shall be provided for all mobile homes and service buildings. Where public water is available, connection shall be used exclusively, unless the Village Board deems otherwise. If a public water system is not available, the development of a private water supply system shall be approved by the New York State Department of Health.

G. Sewage. Where a public sewer system is available, connection shall be used exclusively, unless the Village Board deems otherwise. If a public system is not available, an approved sewage system shall be provided in all mobile home parks for the conveying, disposing and treatment of sewage from mobile homes, service buildings, and other accessory facilities. Such system must be designed, constructed and maintained in accordance with the New York State Department of Health standards and regulations or the Village of Harrisville Sanitary Code, as well as any other applicable county, state or federal requirements.

H. Garbage and Refuse. It shall be the responsibility of the park owner to ensure that garbage and rubbish shall be collected and properly disposed of outside of the mobile home park. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident or fire hazard.

I. Fuel Supply and Storage.

1. General Requirements. All fuel oil supply systems, provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

2. Specific Requirements

- a. All fuel oil tanks shall be placed at rear of mobile home and not located less than five (5) feet from any exit.
- b. All fuel oil tanks equal to or greater than two hundred seventy-five (275) gallons in capacity shall be buried.
- c. It is recommended that a central fuel supply system be provided.
- d. Supports or standards for fuel storage tanks are to be of a non-combustible material.

3. Natural Gas

- a. Natural gas piping systems installed in mobile home parks shall be maintained in conformity with accepted engineering practices.
- b. Each mobile home lot provided with piped natural gas shall have an approved shut-off valve and cap to prevent accidental discharge of gas.

4. Liquefied Gas

- a. Such system shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- b. Systems shall have at least one accessible means for shutting off gas. This means shall be located outside of individual mobile home.
- c. All Liquid Propane Gas piping shall be well supported and protected against mechanical injury.
- d. Storage tanks shall not be less than one hundred (100) pounds and must be located at rear of mobile home and no closer than five (5) feet from any exit.
- e. It is recommended that a central underground gas storage system be furnished.

J. Electrical Service.

1. Every mobile home park shall contain an electrical wiring system consisting of wiring fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power companies' specifications and regulations. All wiring fixtures must have the Insurance Services Organization's approval as well as approval through the New York State Uniform Fire Prevention and Building Code or other authority as designated by the Village.
2. Each mobile home stand shall be supplied with not less than a one hundred (100) ampere service.
3. Adequate lights shall be provided to illuminate roads, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum lighting level of three-tenths (0.3) foot candles shall be provided.
4. All electrical distribution lines shall be placed underground unless the Village Board deems otherwise, and an exception for overhead wires is received from the Public Service Commission.

K. Telephone Service. When telephone service is provided to mobile home sites, the distribution system shall be placed underground.

L. Park Office and Storage Facilities. Owner or manager of a park shall maintain office and storage facilities within the park boundary.

- M. **Storage facilities.** Each mobile home park shall provide one hundred twenty-five (125) cubic feet of secure storage space for each individual mobile home. Such facilities shall be located either on the individual mobile home site or be a permanent structure within the mobile home park which is easily accessible to the park residents at all times.
- N. **Service Buildings**
 - 1. Service buildings, if provided, housing sanitation facilities and/or laundry shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
 - 2. All service buildings and the grounds of the mobile home park shall be well lighted and maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- O. **Fire Protection and Control**
 - 1. Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the fire district within which the mobile home park is located.
 - 2. No open fires shall be permitted any place within the mobile home park with the exception of outdoor grills used for the preparation of foods.

4.86 Responsibilities of Park Operators and Park Occupants

- A. The person to whom a permit for a mobile home park is issued shall operate the park in compliance with the standards set forth in this local law and any applicable state or county law, and shall provide adequate supervision to maintain the park, its common grounds, roads, facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park operator shall place or supervise the placement of each mobile home on its mobile home stand which includes ensuring its stability by securing all tie-downs and installing all utility connections.
- C. The park operator shall maintain a register containing the names of all occupants and the make, year, structural zone and wind zone data, heating and insulation data, outdoor design temperature data, and serial number, if any, of each mobile home. Such register shall be available to any law enforcement official or the Town Enforcement Officer inspecting the park.
- D. The park occupant shall be responsible for the maintenance of his mobile home and any appurtenances thereto, and shall keep all yard space on his site in a neat and sanitary condition.
- E. A list of operator and occupant responsibilities shall be posted in the park office or made available upon request.

Section 4.9 Campground/Travel Trailer Park Standards

4.91 Campground/Park Location and Condition

- A. A proposed campground/travel trailer park shall be located where orderly development of a campground/travel trailer park can be undertaken in harmony with development of the surrounding area in terms of traffic generation, ease and safety of vehicular access to and circulation within the park, safety of pedestrian movement, location of structures, adequacy of off-street parking, placement and sizing of sewage treatment and water supply systems and other utilities, safety of fuel storage and supply, provision of open space, recreation facilities or areas, delivery of services and adequacy of landscaping and buffering.
- B. Each campground/travel trailer park shall have adequate access to a public highway, and each travel trailer site shall be serviced from interior streets.

- C. Mobile homes shall not be parked, whether permanently or temporarily, in any campground/travel trailer park except for the owner/operator.

4.92 Camp/Travel Trailer Site

- A. Camp/travel trailer sites shall be located on generally level terrain, not to exceed eight percent (8%) slope, that is well drained, free of flood hazard, and clear of dense brush.
- B. The corners of each travel trailer lot shall be clearly and permanently marked, and each lot numbered for identification.

4.93 Camp/Travel Trailer Site Size

An overnight camp/travel trailer site shall be a minimum two thousand five hundred (2,500) square feet in size.

4.94 Setbacks and Spacing

All buildings and camp/travel trailer sites shall have a front yard setback of one hundred twenty-five (125) feet from the street line of all public streets with the setback area being substantially wooded and adequately landscaped to provide screening from all public streets.

4.95 Park Access

Access to all sites shall be consistent with the standards set forth in "Policy and Standards for Entrances to State Highways," as revised, published by the State of New York Department of Transportation.

4.96 Sewer, Water, and Public Facilities

- A. Sewer, water and other utilities shall be provided in accordance with the requirements of Chapter 1, Part 7, New York State Sanitary Code and subject to any other Village requirements.
- B. All campgrounds/travel trailer parks shall provide a building containing at least one (1) toilet, lavatory and shower for each sex, for each twenty (20) travel trailer lots.

4.97 Recreation

A minimum of ten percent (10%) of the total area of the campground/travel trailer park, not including the required setback, shall be dedicated to a recreation area and shall be fully maintained by the park owner.

4.98 Responsibilities of Park Operator

The owner or manager of a travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records of the names of park residents; home address; and make, description, year and license or identification number of the trailer. These records shall be available to any law enforcement official or the Enforcement Officer.

ARTICLE V. SPECIAL USE REVIEW

Section 5.1 Village Board of Trustees Review of Special Uses

The Village Board of Trustees shall review special uses and approve, approve with modifications, or disapprove special use applications within the village as hereinafter designated pursuant to and in accordance with the standards and procedures set forth in this local law.

Section 5.2 Objectives

In considering and acting on special use applications, the Village Board shall consider the public health, safety, welfare, and comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Village Board may prescribe such appropriate conditions and safeguards as may be required in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- A. Name and address of applicant and owner, if different, and of the person responsible for preparation of such drawings;
- B. Date, northpoint, written and graphic scales;
- C. Boundaries of the area plotted to scale, including distances, bearings, and areas;
- D. Location and ownership of all adjacent lands as shown on the latest tax records;
- E. Location, name, and existing width of adjacent streets;
- F. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use or adjoining the property;
- G. Complete outline of existing or proposed deed restrictions or covenants applying to the property;
- H. Existing hydrologic features together with grading and drainage plan showing existing and proposed contours at five foot intervals;
- I. Location, proposed use, and height and dimensions of all buildings;
- J. Location, design, construction materials of all parking and truck loading areas with access and egress drives thereon;
- K. Provision for pedestrian access, including public and private sidewalks;
- L. Location of outdoor storage;
- M. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
- N. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
- O. Description of the method of securing public water and location, design, and construction materials of such facilities;
- P. Location of fire lanes and other emergency zones including the location of fire hydrants;

Section 5.3 Application for Special Permit

- A. **Compatibility:** That the proposed use is of a character compatible with the surrounding neighborhood and in harmony with the General Plan for the community;
- B. **Vehicle Access:** That proposed access points are not excessive in number, but adequate in width, grade, alignment, and visibility; not located too close to intersections or places of public assembly; and other similar safety considerations.
- C. **Circulation and Parking:** That adequate off-road parking and loading spaces are provided to prevent parking of vehicles on public highways by any persons connected with or visiting the development; that the interior circulation system is adequate to provide safe accessibility to all required parking lots, and that it provides adequate separation of pedestrian and vehicular movements.
- D. **Landscaping and Screening:** That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and that the general landscaping of the site is in character with the surrounding areas.
- E. **Natural Features:** That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and adjacent areas and that existing natural scenic features are preserved to the extent possible.

An application for a special permit shall be filed with the Village Clerk together with the appropriate fee as determined by the fee schedule as adopted by Village Board from time to time by resolution. The application and plan shall include where applicable, as determined by the Village Board, but not be limited to, the following:

After receiving approval with or without modifications from the Village Board on the preliminary special use application, the applicant shall submit a final

- 5.41 Village Board Preliminary Review of Special Use.
 The Village Board shall consider the proposed special use application and its net effect on the community. Such consideration shall include, as appropriate, but shall not be limited to, compatibility with the General Plan, the economic, social, physical, and environmental aspects of the proposal, and such other matters as may be determined pertinent. The board may consult with local and county officials, its designated consultants, and also with representatives of federal, state, and county agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the Department of Environment-
 ral Conservation, and the Department of Health.
- 5.42 Public Hearing.
 The Village Board shall conduct a public hearing on the preliminary special use application. Such public hearing shall be conducted within sixty (60) days of the receipt of the completed application and shall be advertised at least five (5) days before the hearing in the village's official newspaper.
- 5.43 Village Board Action on Special Use.
 Within sixty (60) days of such public hearing, the Village Board shall act on the form of a written statement to the applicant stating whether or not the preliminary special use application is approved, disapproved, or approved with modifications. If the special use application is disapproved, the statement will contain the reasons for such findings.
- 5.44 County Planning Board Review.
 The Village Board shall refer all special use review matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239 m to the County Planning Board prior to final action. Any special use that falls within 500 feet of the boundary of the village; a State/County park or recreation area; a State or County highway or expressway; a State or County owned drainage channel; and State or County land where a public building or institution is located shall be referred to the Lewis County Planning Board for their recommendations thereon. If the County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter then the Village Board may act without such report. The Village Board must report to the County Planning Board on its final action within seven (7) days of that event.
- 5.45 Procedure for Final Special Use Approval.
 After receiving approval with or without modifications from the Village Board

Section 3.6 Procedure

- Q. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
- R. Location, size, design, and construction materials of all proposed signs;
- S. Location and proposed development of all buffer areas including indication of existing and proposed vegetative covers;
- T. Location and design of outdoor lighting facilities;
- U. Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or industrial activities;
- V. Number and distribution by type of all proposed dwelling units;
- W. General landscaping plan and planting schedules;
- X. A draft Environmental Impact Statement (E.I.S.), where required;
- Y. Other elements integral to the proposed development as considered necessary by the Village Board including identification of any federal, state, or county permits required for the project's execution.

1. Location and adequacy of parking and loading facilities.
2. Pedestrian right-of-way.
3. Traffic regulatory devices.
4. Location, number and design of points of ingress and egress.
5. Accessibility to emergency vehicles with particular emphasis on proximity to structures, no parking or no loading zones or areas and provision for turning and free movement.
6. Storage facilities for snow.
7. Age and mobility of persons for whose benefit the use is intended.
8. Speed limits upon and general character of public highways in close proximity.

- (a) All applicable regulations and other general and special controls contained in this local law are complied with.
- (b) There will be no adverse impact upon the character or integrity of any land use within the immediate vicinity having unique cultural, historical, architectural or similar significance.
- (c) The development will be in harmony with the natural environment.
- (d) Adequately designed open space, drainage facilities, landscaping and other features considered appropriate to the function of the development shall be provided.
- (e) Traffic controls for vehicular and pedestrian movement are designed to protect the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended. In making this determination, the Village Board shall review, but need not be limited to the following considerations:

Section 5.5 Findings

No special permit shall be approved unless the following findings are made:

Within sixty (60) days of receipt of the completed application for final approval, the Village Board shall make a decision.

Upon approval of the special permit and payment by the applicant of all fees and reimbursable costs due the village, the Village Board shall endorse its approval on a copy of the site plan, special permit and all other documents submitted as part of the final application.

The decision of the Village Board shall immediately be filed in the office of the Village Clerk and a copy mailed to the applicant.

5.47 Village Board Final Action on Special Use.

The Village Board shall, where required, cause the completion of a final environmental impact statement with revisions as they see fit together with a state-ment of findings required under the State Environmental Quality Review (SEQR) Law (Section 8-0109-8 of Environmental Conservation Law). The Village Board shall require the filing and circulation of a final notice of completion as required in the provisions of Part 617, Title 6, N.Y.C.R.R. The foregoing shall be at the applicant's expense.

5.46 Environmental Impact Statement.

detailed plan of the special use for approval. If more than six (6) months has elapsed since the time of the Village Board's action on the preliminary review of the special use and if the Village Board feels that conditions may have changed significantly in the interim, the Village Board may require a resubmission of the special use for further review and possible revision before accepting the proposed final plan.

Section 5.6. Bond for Installation of Improvements

5.61 General

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, street signs, sidewalks, parking, access facilities, and street surfacing will be constructed, the Village Board of Trustees may require that the applicant enter into one of the following agreements with the Village.

1. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Village Board.
2. Deposit a certified check or bank letter of credit in sufficient amount equal to the cost of construction of such improvements as shown on the plans and based on the above estimate.

5.62 Conditions

Before the site plan and special permit are signed, the applicant may be required to execute a contract with the Village, and a performance bond or certified check shall have been deposited covering the estimated cost of the required improvements that have been designated by the Village Board.

The performance bond or certified check shall be to the Village and shall provide that the applicant, his heirs, successors, and assigns, their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the approved site plan.

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

Whenever a certified check is made, the same shall be made payable to the Village.

5.63 Extension of Time

The construction or installation of any improvements or facilities, other than streets, for which guarantee has been made by the applicant in the form of a bond or certified check deposit, shall be completed within one (1) year from the date of approval of the final site plan and special permit. Street improvements shall be completed within two years from the date of approval of the site plan. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the Village may use as much of the bond or check deposit to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

5.64 Schedule of Improvements

When a certified check or performance bond are made pursuant to the preceding sections, the Village and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of the construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion, inspection, and acceptance by the Village of all construction and installation covered by the check deposit, performance bond, or bank letter of credit as outlined in the contract.

5.65 Inspections

Periodic inspections during the installation of improvements shall be made by the Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the Building Inspector when each phase of improvements is ready for inspection. At least five (5) days prior to commencing construction of required improvements, the applicant shall pay to the Village Clerk the inspection fee required by the Village Board. Upon acceptable completion of installation and improvement, the Village

Board shall issue a letter to the applicant or his representative and such letter shall be sufficient evidence for the release by the Village of the portion of the performance bond, certified deposit, or bank letter of credit as designated in the contract to cover cost of such completed work.

5.66 Acceptance of Streets and Facilities

When the Zoning Officer following final inspection of the improvements, certifies to the Village Board that all installation and improvements have been completed in accordance with the contract, the Village Board may, by resolution, proceed to accept the facilities for which bond has been posted, check deposited, or bank letter of credit received.

ARTICLE VI. VILLAGE BOARD OF TRUSTEES

Section 6.1 Powers and Duties

The Village of Harrisville Board of Trustees shall have the following powers and duties with respect to this local law:

1. Special Use Review and Approval, Approval with Modifications, or Disapproval.
2. Issuance of Special Permits.
3. Approve Issuance of Temporary Permits.

Section 6.2 Procedure

The Village Board shall act in strict compliance with the procedures specified in this law. Every decision of the Village Board shall be made by resolution of a majority of its members, and record of findings setting forth the reasons for each decision shall be maintained in its minutes.

ARTICLE VII. ZONING BOARD OF APPEALS

Section 7.1 Establishment

A Board of Appeals is hereby created which shall consist of three (3) members. The Village Board shall appoint the members of the Board of Appeals on a staggered term basis. The Village Board shall appoint a Chairman and Vice Chairman. The Board of Appeals shall appoint a secretary, and may prescribe rules for the conduct of its affairs. Vacancies on the board shall be filled by appointments made by the Mayor with the consent of the Village Board.

Section 7.2 Powers and Duties

7.21 Appeal of Interpretation

The Board of Appeals shall schedule a meeting within a reasonable time in order to decide questions of interpretation. The meeting shall be open to the public and all parties of interest shall be notified of the meeting.

7.22 Variances

Upon application to the Board, to grant or deny requests to vary the strict requirements of this law, in cases of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land or building involved. No variance in the strict application of any provision of this law shall be granted by the Board unless it finds and records in its minutes that:

- A. There are special circumstances applying to the land or buildings not applying generally to land or buildings in the neighborhood, and that strict application of the law would deprive the applicant of the reasonable use of such land or buildings.
- B. Granting of the variance is necessary and reasonable, and the variance is the minimum that will accomplish this purpose.

- C. Granting of the variance will be in harmony with the general purpose and intent of this law, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- D. Self-imposed hardships or physical condition problems shall not constitute valid causes for the granting of a variance.

In granting any variance, the Board shall prescribe conditions that it deems to be necessary or desirable.

7.23 Procedure

The Board of Appeals shall act in strict accordance with the procedure specified by law. All appeals and applications for variance made to the Board shall be in writing and on a form prescribed by the Village. Every appeal or application shall refer to the specific provisions of the law being appealed and shall exactly set forth the interpretation that is claimed, the use for which the permit is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. A hearing shall be held for all variance actions in conformance with the requirements of Village Law.

7.24 Decision and Records

Every decision of the Board of Appeals shall contain a full description of reasons for granting or denying the permit. The findings setting forth the reasons for the action shall be recorded in the minutes of the Board of Appeals meeting at which the action was taken. A tally of each member's vote shall be recorded. All decisions of the board shall be made by a resolution of a majority of its members. Final decision by the board shall be rendered in public session.

Section 7.3 Nonconforming Uses

7.31 Continuation of nonconforming uses

Any lawful building, structure or use existing on the effective date of the enactment or amendment of this law may be continued, although such building or use does not conform to the terms of this law for the district in which it is located.

7.32 Expansion of nonconforming uses prohibited; maintenance standards

No building or structure, or the nonconforming use of a building structure or land, shall hereafter be extended, altered or expanded or changed unless changed to a conforming use. However, a nonconforming use is hereby required to be maintained in such a condition as will not constitute a danger to the safety, health or general welfare of the public, provided that such maintenance shall not tend to increase the inherent nuisance nor violate any provisions of this chapter regarding yards, lot areas or lot coverage for the district in which it is situated nor increase any existing violation of such provisions.

7.33 Reconstruction of nonconforming buildings or structures

Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, riot or any other unplanned catastrophe may be corrected and used as before, provided that such reconstruction is done within twelve (12) months of the date of the calamity, and provided that the restored building or structure does not cover any greater area or have any greater cubic content than before.

7.34 Reoccupation of unoccupied nonconforming structures or uses

A building or structure, nonconforming as to use, which is or hereafter becomes vacant or remains unoccupied for a continuous period of thirty-six (36) months, shall not thereafter be occupied except by a use which conforms to the terms of this law.

Section 7.4 Non-Conforming Lots of Record

Any lot of record held under separate ownership prior to the enactment of this local law and having lot width or lot depth or both less than the minimum area requirements set forth in this local law may be developed with any compatible use listed for the zone

in which such non-conforming lot is located without requiring a variance provided that such lots:

- A. Does not adjoin other property held by the same owner where sufficient land could be transferred to eliminate the non-conformity without reducing such other property to non-conforming dimensions;
- B. Has sufficient area, width, and depth to undertake development which will:
 - 1. maintain the required minimum front setback,
 - 2. meet or exceed at least two-thirds (2/3) of the required minimum side and rear setbacks,
 - 3. not exceed the maximum permitted lot coverage; and
- C. Otherwise satisfies all applicable provisions of this local law.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 8.1 Zoning Permits

- A. All new buildings and structures, building additions or enlargements, or any "new use of any building or land" and signs shall require a zoning permit from the Village of Harrisville, except for the following:
 - 1. Building additions or enlargements which would increase the square footage of the existing structure by less than 25 percent over a three year period.
 - 2. Accessory structures less than 100 square feet in floor area.
 - 3. Signs less than sixteen (16) square feet in area.
 - 4. Agricultural, open space or recreational use of land not involving new buildings or structures.
 - 5. Interior structural alterations. Likewise no zoning permit is needed for routine maintenance and improvement (e.g., roofing, window replacement, siding replacement, etc.) that does not expand the exterior dimensions of the structure.
 - 6. Chimneys, placement of posts, and other similar accessory uses.
- B. When establishing measurements to meet the required front yards and structure setbacks, the measurements shall be taken from the street center line, lot line, or nearest high water elevation to the furthestmost protruding part of the structure. This shall include such projecting facilities as cornices, eaves, porches, carports, attached garages, etc.
- C. No such zoning permit shall be issued for any building or structure where said construction, addition, and exterior expansion or use thereof would be in violation of any of the provisions of this law.
- D. A zoning permit issued under this law shall expire one (1) year from the date of issue if construction is not started.
- E. Applications for zoning permits shall be submitted to the Zoning Officer or Village Clerk and shall include two (2) copies of a layout or plot plan showing the actual dimensions of the lot to be built upon; the size and location on the lot of the structures and accessory structures to be; the distance from the building line to all lot lines, street right-of-way lines, waterfront property lines, streams, and any other features of the lot; and such other information as may be necessary to determine and provide for the enforcement of this law. This information, and other relevant application data, shall be provided on a form issued by the Village.
- F. A fee as determined by the Village Board shall be paid for each zoning permit issued. Costs of hearings, notices, postings, etc., shall be added to this fee when such requirements of the law must be met.
- H. Temporary permits may be issued by the Zoning Officer, upon approval by the Village Board (as meeting the intent and purpose of this law) for a period not

exceeding one (1) year, for conforming and nonconforming uses. Such temporary permits are conditioned upon agreement by the owner or operator to remove the nonconforming structures or equipment upon expiration of the temporary permit or to bring the use into compliance by a specific time. Such permits may be renewed.

Section 8.2 Zoning Officer

- A. This law shall be enforced by the Zoning Officer, who shall be appointed by the Village Board.
- B. The Zoning Officer's authorities shall include:
 1. Approve and/or deny zoning permits.
 2. Scale and interpret zone boundaries on Zoning Maps.
 3. Approve and/or deny Certificates of Occupancy.
 4. Refer appropriate appeal matters to the Zoning Board of Appeals.
 5. Revocation of a zoning permit where there is false, misleading or insufficient information. Revocation of a zoning permit and/or certificate of occupancy where the applicant has not done what was proposed on the application.
 6. Issue stop work orders for noncompliance with this zoning law.
 7. The Zoning Officer shall report at regular Village Board meetings the number of zoning permits issued and fees collected.

Section 8.3 Certificate of Occupancy

- A. No land shall be occupied or used and no building or structure hereafter constructed, erected, extended, used, or changes made in the use until a certificate of occupancy shall have been issued by the Zoning Officer stating that the building, structure, or proposed use thereof complies with the provisions of this law.
- B. All certificates of occupancy shall be applied for coincidentally with the application for a permit. Said certificate shall be issued within ten (10) days after the erection and alteration shall have been approved as complying with the provisions of this law.
- C. The Zoning Officer shall maintain a record of all certificates and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected.
- D. Under such rules and regulations as may be established by the Zoning Board of Appeals, a temporary certificate of occupancy for not more than thirty (30) days for a part of the building may be issued by the Zoning Officer. Such temporary certificate may be renewed upon request for an additional thirty (30) days.

Section 8.4 Violations and Penalties

- A. Complaints of violations: Whenever a violation of this law occurs, the Zoning Officer, Village, or any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record such complaint and immediately investigate and report thereon to the Village Board. The Village Board shall institute appropriate legal procedures to correct the violation or issue penalties. In addition to other remedies, this may be done by a Stop-Work Order, and/or order to correct the violation. If the violation is not corrected within the time specified in said notice, the Village may institute any and all appropriate actions or proceedings to assess the penalty and/or: prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; restrain, correct or abate such violation; prevent the occupancy of said building, structure or land; or prevent any illegal act, conduct, business or use in or about the premises.
- B. Any person, firm, or corporation violating any of the provisions of this Local Law, in addition to the above-described remedies, shall be subject to a fine, not to exceed \$100.00, or imprisonment of not more than 15 days, or both, for each violation. Each week, or part of a week, the violation continues, shall constitute

a separate offense. In addition to penalties set forth herein, a violation of this Local Law, shall constitute disorderly conduct and the person violating the same shall be a disorderly person."

- C. In addition to the penalties provided above, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 8.5 Amendments

- A. The Village Board may from time to time amend, supplement, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes shall be referred to the Lewis County Planning Board for their recommendation and for a report thereon prior to final action. The Village Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:
 - 1. By publishing a notice at least ten days prior to the time of such hearing in the Village's official newspaper.
 - 2. By referring the proposed amendments to the Clerk of the County Legislature and the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten (10) days prior to the public hearing.
- B. In case of a protest against such change signed by the owners of twenty per cent (20%) or more of the area of land included in such proposed change or of an adverse recommendation by the County Planning Board, the vote of the Village Board must have a majority plus one in favor to adopt the amendments.

Section 8.6 Interpretation and Separability

- A. Interpretation: Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.
- B. Separability: Should any section or provisions of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 8.7 Effective Date

The provisions of this law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19.87.
County _____
City of Harrisville Village Board of Trustees
of the Town of _____ was duly passed by the _____
Village _____ (Name of Legislative Body)
on _____ 19.87. in accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19._____
County _____
City of _____ was duly passed by the _____
Town _____ (Name of Legislative Body)
Village _____
on _____ 19._____. and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19._____, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19._____
County _____
City of _____ was duly passed by the _____
Town _____ (Name of Legislative Body)
Village _____
on _____ 19._____. and was approved _____ by the _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19._____. Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general _____
thereat at the special election held on _____ 19._____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19._____
County _____
City of _____ was duly passed by the _____ on _____
Town _____ (Name of Legislative Body)
Village _____
on _____ 19._____. and was approved _____ by the _____ on _____
not disapproved _____
repassed after disapproval _____ Elective Chief Executive Officer *
on _____ 19._____. Such local law being subject to a permissive referendum and no valid petition requesting such referendum having been filed, said local law was deemed duly adopted on _____ 19._____. in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

~~I hereby certify that the local law annexed hereto, designated as local law No. of 19~~
~~of the City of~~ having been submitted to referendum pursuant to the
~~provisions of § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority~~
~~of the qualified electors of such city voting thereat at the special election held on~~
~~..... 19~~ became operative ~~general~~

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the
County of, State of New York, having been submitted to the Electors at the
General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Muni-
cipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the
cities of said county as a unit and of a majority of the qualified electors of the towns of said county
considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate
certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office
and that the same is a correct transcript therefrom and of the whole of such original local law, and was
finally adopted in the manner indicated in paragraph one above.

Clerk of the County legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney
or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF LEWIS

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all
proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....
Signature

.....
Title

Date:

County
City of

Town
Village