

Town Of York Ordinances

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TOWN OF YORK
LIVINGSTON COUNTY
STATE OF NEW YORK
TOWN OF YORK ORDINANCES

TOWN ORDINANCE
BINGO

BE IT RESOLVED AND ORDAINED, by the Town Board of the Town of York, Livingston County, New York, after public hearing duly held, that it shall be lawful for any authorized organization, as defined in section 476 of Article 14-G of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of York, subject to the provisions of this Ordinance, Article 14-G of the General Municipal Law, and Article 19-B of the Executive Law, and the following restrictions:

1. No person, firm, association, corporation or organization other than an authorized organization licensed under the provision of this Article 14-G, shall be permitted to conduct such games.
2. The entire net proceeds of any game shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.
3. No single prize shall exceed the sum or value of \$250.00.
4. No series of prizes on any one occasion shall aggregate more than \$1,000.00.
5. No person except a bona fide member of any such organization shall participate in the management or operation of such game.
6. No person shall receive any remuneration for participating in the management or operation of any such game.
7. The unauthorized conduct of a bingo game and any willful violation of any provision of any such law or ordinance shall constitute and be punishable as a misdemeanor.

TOWN BOARD OF THE TOWN OF YORK

By Wiley D. Weller,
Town Clerk.

Dated, May 22, 1958.

To Liv. Rep. may 22
for
Publication in May 29th issue

ORDINANCE
SEWER RENT RATES
RETSOF SEWER DISTRICT

The Town Board of the Town of York, Livingston County, New York, after public hearing duly held, do ordain and enact as follows:

Section 1. Rate. The rate for each user be he owner or occupant in the Retsof Sewer District shall be \$9.00 per Quarter, payable within 15 days after the last day of each calendar Quarter, at the Town Clerk's office. There shall be no pro-ration of a quarter occupancy in any part of a calendar and any occupancy within a calendar quarter shall be deemed, for purposes of this charge, as if occupancy was for the entire quarter.

Section 2. Basis of Rate. The rate as set forth in section one is based upon each one family dwelling, place of business or other building or structure. Where the dwelling or other structure is occupied by more than one family, the rate is to be multiplied by the number of families occupying such dwelling or building.

Section 3. Penalty. The penalty for failure to pay the sewer rent within the prescribed 15 day period shall result in an additional charge of 10% per month until paid.

Section 4. District Described. The general description of the Retsof Sewer District to which the Ordinance applies is as follows: As per map, on file in Town Clerk's office, covering the Hamlet of Retsof and including the following Streets, Retsof Avenue, 10th Street, Evans Street, Caledonia Road.

Section 5. Effect. This Ordinance shall take effect immediately.

TOWN BOARD OF THE TOWN OF YORK

by Wiley D. Weller,
Town Clerk

Dated, May 22, 1958.

To Lw. Rep. May 22
for

Publication in May 29th issue

LEGAL NOTICE

The Town Board of the Town of York, Livingston County, New York, at a regular meeting held at the York Town Hall on the 10th day of July, 1958, all members of the Board being present and voting, after a public hearing duly advertised and held pursuant to section 130 of the Town Law does hereby enact and ordain as follows:

JUNK ORDINANCE TOWN OF YORK

Section 1 - No person shall engage in the business of a junk dealer in the Town of York, Livingston County, New York, except in a duly licensed junk yard.

Section 2 - A junk yard is defined as a lot, land or structure or part thereof used for the storage or sale of waste paper, bags scrap metal or discarded materials; or, for the collecting, dismantling, storage, salvaging of machinery and vehicles not in running condition and for the sale of parts thereof.

Section 3 - It shall be unlawful for any person, firm, or corporation to establish, maintain, operate or conduct within the Town of York any junk yard, unless duly licensed to do so as hereinafter provided.

Section 4 - An application for license provided for under Section 3 shall be made to the Town Clerk upon forms to be furnished by him; said application shall state the name and address of the applicant and the nature and extent of his interest in the business for which a license is desired the location of the proposed junk yard, the size of area intended to be used, and any other information required by the Town Clerk, pertaining to the licensee's business. Such application shall be accompanied by a fee of \$10.00 which shall offset the cost of the required investigation and whether or not a license is issued, such investigation fee shall be retained by the Town.

Section 5 - The Town Clerk shall refer such application to the Town Board and no license shall be issued without the approval of such Board. (The license fee shall be \$10.00).

Each license or renewal thereof shall expire on December 31 next following its issuance and may be renewed for a period of one year from the date of expiration after application and the payment of the fee required in this section.

Such license shall always be on display in the office of the junk yard.

Section 6 - There shall be maintained in each junk yard at least two approved fire extinguishers.

Section 7 - (a) Every junk yard shall be under the management of the licensee who must be good reputation and character and who shall manage such junk yard from an office located on the premises. There shall be maintained in such office a bound book containing a record of the names of all persons

from whom the licensee has purchased any material, their home addresses, the description of the material purchased and the price paid for such material. Such record shall at all times be available for inspection by any peace officer, a member of the Town Board or the Town Clerk.

(b) It shall be the duty of the licensee of any such junk yard:

1. Not to buy from nor sell to any minor actually or apparently, under the age of 18 years.

2. To operate and maintain the junk yard in such a manner as to prevent the creation of fire hazards of any kind.

3. To take such other measures as shall be deemed necessary by the Town Board to preserve the health, comfort and safety of all persons doing business at the junk yard and of the general public.

Section 8 - None of the provisions of this ordinance shall be applicable to the sale of used bicycles, motorcycles, motorscooters, and automobiles which are in running condition; however, the mere fact that a "junk yard" as herein designated also offers for sale the aforementioned second hand articles shall not take the same out of the classification of a junk yard if the premises are used for any one of the purposes enumerated in the definition of junk yard herein.

Section 9 - The Town Clerk must upon the order of the Town Board, revoke or suspend the license granted under authority of this ordinance, for failure to comply with any provisions of this ordinance or any laws or regulations relating to any such junk yard.

Section 10 - If any clause, sentence, paragraph, section or part of this ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence paragraph, section or part thereof, directly involved in the controversy in which such judgement shall have been rendered.

Section 11 - The owner or licensee of any such junk yard who commits any acts in violation of any of the provisions of this ordinance shall be liable for any such violation and for the penalty thereof. Each day such violation shall continue or be permitted to exist, shall constitute a separate violation.

Section 12 - Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Two Hundred (\$200) dollars or by imprisonment for not more than thirty (30) days or by both fine and imprisonment.

By Order Town Board
WILEY D. WELLER
Clerk

Dated: July 11, 1958.

At a regular meeting and public hearing of the Town Board of the Town of York, held at the Town offices on April 9th, 1964, and on motion duly made and seconded it was

RESOLVED and ORDAINED that pursuant to section 130 of the Town Law, and section 1682 of the Vehicle and Traffic Law of the State of New York, as follows:

TRUCK EXCLUSION ORDINANCE

ARTICLE I

Title and Definitions

Section 1 Title

This Ordinance shall be known and be cited as the "Truck Exclusion Ordinance" of the Town of York.

Section 2 Definitions

The words used in this Ordinance shall have the meaning commonly attributed to them.

ARTICLE II

General Provisions

Section 1

It shall be unlawful for any person, firm or corporation to operate or allow to be operated any motor vehicle with a gross weight of 5 tons during the period from March 15th to June 15th in each year on the following roads:

Simpson Road from Route 36 east to MacIntyre Road

Federal Road from Linwood Road north to the Caledonia
Town Line Road

Dow Road from Route 36 to the intersection of Federal
Road

Sixth and Salina Streets from Route 63 to the end of
the road

Section 2

It shall be unlawful for any person, firm or corporation to operate or allow to be operated any motor vehicle with a gross weight of 10 tons for the entire year on the following roads:

Chandler Road from Route 36 south to Route 63

Retsof Road from Chandler Road to the International
Salt Company exit road

Section 3

The Superintendent of Highways of the Town of York shall install and maintain traffic control devices when, as required, under the provisions of this Ordinance to make effective the provisions of said Ordinance and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the terms of this Ordinance, and under the terms of section 1682 of the Vehicle and Traffic Law.

Section 4

Emergency vehicles are excluded from the provisions of this Ordinance, as are vehicles delivering or picking-up with special permit of the Superintendent of Highways.

ARTICLE III

Section 1 Penalties

Any person, firm or corporation violating the provisions of this Ordinance, shall be charged as a violator of section 1110 (a) of the Vehicle and Traffic Law of the State of New York.

This Ordinance shall take effect immediately, as provided by the Town Law.

Betty L. Cook
Town Clerk, for the
Town Board
Town of York

NOTICE
OF
PUBLIC HEARING
SPECIAL MEETING

Motion by Wm Farr, seconded by Leon Walton, and all members of the Town Board of the Town of York being present, and on roll call all members voting "aye" it was

RESOLVED, that the Town Board deems it to be in the public interest to call a Public Hearing, to be held on the 9th day of August, 1965, at 8 P.M. in the afternoon of that day, at the Town Hall, York, New York, to hear all interested persons, who are invited to attend such Public Hearing, as to whether or not the following Resolution should be passed as an Ordinance of the Town of York:

REFUSE DISPOSAL ORDINANCE

TOWN OF YORK

SECTION 1 - Title and Definitions

a. This Ordinance shall be known and may be cited as the Refuse Disposal Ordinance, Town of York.

The word Person shall mean an individual, group of individuals, partnerships, corporations, association, or a county, city, town or village, or improvement district.

Refuse shall mean all putrescible and nonputrescible solid waste including garbage, rubbish, ashes, incinerator residue, street cleaning, dead animals, offal and solid commercial and industrial wastes.

Refuse disposal area shall mean land used for the depositing of refuse, except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm on which only animal wastes resulting from the operation of such farm are deposited. The word dump, or dumping ground shall be included within the meaning of refuse disposal area.

SECTION 2. Purpose. The purpose of this Ordinance is to prohibit and/or regulate the use of any lands within the Town of York, as a refuse disposal area, under the authority of section 130 (6) of the Town Law of the State of New York.

SECTION 3. License Required. It shall be unlawful, and a violation of this Ordinance, for any person to permit, or conduct, establish or hereafter operate a Refuse Disposal Area without being licensed therefore.

SECTION 4. Application Requirements.

To obtain such license, a person shall make application to the Town Clerk of the Town of York, upon his own letterhead or stationery, requesting such license.

A. Such request shall be accompanied by a payment of \$5.00 to help defray the expense of the examination and investigation as hereinafter envisioned.

B. Separately attached to such request, the person will attach an acknowledged statement in agreement form with the Town of York, that he will: (1) Strictly abide by all of the provisions of the State of New York Sanitary Code, relating to Refuse Disposal, as the same then exists, or is from time to time amended.

C. Separately attach to such request; the person will attach a surveyors map of the refuse disposal area intended to be used, locating thereon all building or other structures, and all water courses, springs, ponds and other bodies of water. On such survey map, the person will show all fences to be erected, according to scale, and all roadways and entrance gates.

SECTION 5. Action by the Town Board.

Based upon a person's application, and attachments, and not later than forty-five (45) days from the date of such application being received, and if the Board is satisfied that the matters required to be set forth are adequately and reasonably provided for, the Board shall:

A. Notify the person, either personally or by mail, addressed to

the address given on the application, that his application is approved or disapproved, giving its reasons therefore.

B. The person shall be given a reasonable time, from time to time to correct defects and to comply with the Board's recommendations.

C. The Board shall be given a reasonable opportunity to determine whether a person has so corrected his application, from time to time made.

D. Upon final approval, the Board shall cause the application and the plans submitted to be marked "approved" and these plans shall then ^{be} known as the "final plans" and it shall thereupon direct the Clerk to issue the person his license.

E. If required at any time by the Board, either prior to or after the license has been issued, a person may be required to give bond in an amount not exceeding \$5000.00, for the faithful performance of the work contemplated by the final plans, such bond to be approved by its attorney.

SECTION 6. PROHIBITIONS.

1. It shall be unlawful for any person to use or utilize his refuse disposal area, or permit same, for the disposing of refuse which originates outside the Town of York.

2. It shall be unlawful for any person to use any refuse area within 200 feet of a cemetery boundary line.

3. It shall be unlawful for any person, whether in the operation of a Refuse Disposal Area, or in the collecting or transporting of refuse to the Disposal Area, to allow, or permit any papers or refuse to be scattered on any highway or land in the transporting of such items.

SECTION 7. REVOCATION. Any license issued hereunder may be revoked by the Town Board, if the licensee violates any provisions of this Ordinance, for failure to comply with the State of New York Sanitary Code, or for failure to conform to the "final plans."

SECTION 8. PENALTIES. Any person who shall commit a violation of this Ordinance shall be guilty of an offense, and shall be sub-

ject to a penalty of not more than \$50.00 for each such violation, and each day a violation shall exist or be permitted shall be a separate violation. The Town Board may also maintain an action or proceeding in the name of the Town to compel compliance with, or to restrain by injunction the violation of any provisions of this Ordinance.

SECTION 9. SEPARABILITY. The determination by a court of competent jurisdiction that any section or provision of this Ordinance is invalid, shall not invalidate any other section or provision thereof.

SECTION 10. This Ordinance shall become effective according to the provisions of the Town Law of the State of New York.

1967


NOTICE

At a Regular Meeting of the Town Board of the Town of York, Livingston County, New York, and after public hearing duly held at 8:00 p.m. in the evening, at the Town Hall, York, New York, on the 8th day of June, 1967, the entire Board being present, it was on motion made and seconded,

RESOLVED AND ORDAINED, that the Truck Exclusion Ordinance of the Town of York, duly enacted by said Town on April 9, 1964, Article II, section 2 thereof, be and the same is hereby amended to add and include the following Town Roads within said section 2:

Anderson Road, from NYS Route 36 to Federal Road;
Craigs Road, from River Road to Stewart Road;
Wallace Road, from Leicester Town Line to Covington Town Line;
York Road, from NYS Route 36 to River Road;
River Road, from NYS Route 63 to Craigs Road; and
Casey Road, from Fowlerville Road to US Route 20.

I, Betty L. Cook, Town Clerk of the Town of York, do hereby certify that the foregoing is a full and true transcript of a resolution duly adopted at a regular meeting of the Town Board of the Town of York, Livingston County, New York, as held at the Town Hall on the 8th day of June, 1967, as it appears on the minutes of said meeting; and that said meeting was regularly called and duly constituted, and that a quorum was present. Witness my hand and the seal of said Town, this 12th day of June, 1967.


Betty L. Cook, Town Clerk
Town of York, New York

At a Regular Meeting of the Town Board of the Town of York, held at the Town Offices on September 5th, 1968, and after Public Hearing thereon, on motion duly made and seconded, four-fifths of the Board members being present and voting aye, it was

RETSEW SEWER ORDINANCE

RESOLVED and ENACTED by the Town Board of the Town of York, that:

1. Name of Ordinance. This Ordinance shall be known and cited as the Retsew Sewer Ordinance.
2. Application. The terms of this Ordinance shall apply only to those persons and properties within the special district known as the Retsew Sewer District.
3. Definitions. Persons; The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.
4. Use Required. All persons within, or who come into, the Retsew Sewer District are required to connect to the main sewer trunk line.
5. Upkeep. All persons are required to keep their connection and line to the main line in a proper state of repair.
6. Connection. No person shall tap or connect to the main trunk line without first having paid the established fee to the Town Clerk, and such installation shall be under the direction and approval of the Sewer District Superintendent.
7. Rates for Use. The rates to be charged per user shall be \$15.00 per quarter, unless a higher rate shall be established with a user by agreement. A penalty of 5% shall be added to all sewer users' bills in arrears in excess of 30 days. A charge of \$50.00 shall be made for a main connection on and after the effective date of this Ordinance.

8. Prohibitions. a) No person shall connect any storm water drainage line, or any water run-off downspout to his sewer system connection line, or to any part of his system.

b) No person shall excavate within 5 feet of the main sewer trunk line, without the permission of the Sewer District Superintendent.

c) No person shall place any chemical contaminate into his sewer system which may affect the bacterial decomposing action of the system.

d) No person shall place any article within the system which may plug or jam the operation thereof, or which may be inflammable or explosive.

9. Penalties. Any person violating the provisions of this Ordinance shall be subject to a charge of an offense, and upon conviction therefore shall be subject to a fine of not less than \$5.00 per day for each day's violation; and, the Town may enforce compliance herewith by any other equitable remedy, by injunction, or otherwise.

10. Effective Date. This Ordinance shall become effective according to the terms of the Town Law.

.....
Betty L. Cook, Clerk
For the Town Board

Enact: Mac Intyre 2^d Hulbert

At a Regular Meeting of the Town Board of the Town of York, held at the Town Hall on the 3th day of August, 1968, and on motion duly made and seconded, it was

RESOLVED that the Town Clerk publish the Notice required by section 130 of the Town Law in the ^{official} newspaper calling a Public Hearing to be held at the Town Hall on the 5th day of ~~August~~ ^{SEPTEMBER}, 1968, at 8:00 p.m., on the following proposed Ordinance.

RETSOF SEWER ORDINANCE

BE IT RESOLVED and ENACTED by the Town Board of the Town of York, as follows:

1. Name of Ordinance. This Ordinance shall be known and cited as the Retsof Sewer Ordinance.
2. Application. The terms of this Ordinance shall apply only to those persons and properties within the special district known as the Retsof Sewer District.
3. Definitions. Persons; The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.
4. Use Required. All persons within, or who come into, the Retsof Sewer District are required to connect to the main sewer trunk line.
5. Upkeep. All persons are required to keep their connection and line to the main line in a proper state of repair.
6. Connection. No person shall tap or connect to the main trunk line without first having paid the established fee to the Town Clerk, and such installation shall be under the direction and approval of the Sewer District SUPERINTENDENT.

7. Rates for Use. The rates to be charged per user shall be \$15.00 per quarter, unless a higher rate shall be established with a user by agreement. A penalty of ~~10%~~^{5%} shall be added to all sewer users' bills in arrears in excess of 30 days. A charge of \$50.00 shall be made for a main connection on and after the effective date of this Ordinance.

8. Prohibitions. a) No person shall connect any storm water drainage line, or any water run-off downspout to his sewer system connection line, or to any part of his system.

b) No person shall excavate within 5 feet of the main sewer trunk line, *WITHOUT THE PERMISSION OF THE SEWER DISTRICT SUPERINTENDENT.*

c) No person shall place any chemical contaminate into his sewer system which may affect the bacterial decomposing action of the system.

d) No person shall place any article within the system which may plug or jam the operation thereof, or which may be inflammable or explosive.

9. Penalties. Any person violating the provisions of this Ordinance shall be subject to a charge of an offense, and upon conviction therefore shall be subject to a fine of not less than \$5.00 per day for each day's violation; and, the Town may enforce compliance herewith by any other equitable remedy, by injunction, or otherwise.

10. Effective Date. This Ordinance shall become effective according to the terms of the Town Law.

At a Regular Meeting of the Town Board of the Town of York, held at the Town Offices on September 5th, 1968, and after Public Hearing thereon, on motion duly made and seconded, four-fifths of the Board members being present and voting aye, it was

UNSAFE BUILDINGS ORDINANCE

RESOLVED and ENACTED By the Town Board of the Town of York, that:

1. Name. This Ordinance shall be known and cited as the York Unsafe Buildings Ordinance.

2. Definitions. a) Unsafe Buildings. Buildings or other construction, or structures which are in such a state of disrepair as to be dangerous or unsafe to the public.

b) Persons. The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.

3. Inspector. An inspector or inspectors shall be appointed by the Town Board and an inspectors duty shall be to physically examine and report on each building complained of, or, as requested by the Town Board.

4. Notice. That if the Inspector's report shall indicate the existence of an unsafe building, the Town Clerk shall serve Notice on the Owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk.

Such Notice to contain: a) a description of the premises,
b) a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such Notice to be posted on the premises,

c) a statement that the time within which the person served therewith may commence the securing or removal of the unsafe building, shall be not later than 5 days after the receipt thereof, and that it be completed within 30 days thereof,

d) a provision that in the event of neglect or refusal of the person served to comply with the same, that a survey will be made by an inspector and architect to be named by the Town Board, and by a practical builder, an engineer or an architect named by the person so notified, and, in the event of the refusal or neglect of such person so notified to appoint such person, or after such appointment, his refusal to act within 10 days thereafter, the two persons named shall make the survey and report,

e) that in the event the building or other structure shall be reported unsafe or dangerous after such survey, that an application will be made at a special term of the Supreme Court in the Judicial District in which the property is located for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

5. Posting. The Town Clerk shall cause a signed copy of the report of survey to be posted on the building alleged to be unsafe.

6. **Costs and expenses.** The costs of all expenses incurred by the Town in connection with the proceedings to remove or secure, including all survey reports and expenses, all architects and surveyors charges, and including the cost of actually removing or securing said unsafe building, shall be assessed against the land on which said unsafe building is located.

7. **Effective Date.** This Ordinance shall take effect according to the provisions of the Town Law.

.....
Betty L. Cook, Clerk
For the Town Board

book

Enact:
Rainer 2^d by Walton

At a Regular Meeting of the Town Board of the Town of York, held at the Town Hall on the 8th day of August, 1968, and on motion duly made and seconded, it was

RESOLVED that the Town Clerk publish the Notice required by section 130 of the Town Law in the office newspaper calling a Public Hearing to be held at the Town Hall on the 5th of ~~August~~ ^{SEPTEMBER}, 1968, at 8:00 p.m., on the following proposed Ordinance.

UNSAFE BUILDINGS ORDINANCE

BE IT RESOLVED AND ENACTED by the Town Board of the Town of York, as follows:

1. Name. This Ordinance shall be known and cited as the York Unsafe Buildings Ordinance.
2. Definitions. a) Unsafe Buildings. Buildings or other construction, or structures which are in such a state of disrepair ^{AS TO BE} ~~which are~~ dangerous or unsafe to the public.
 - b) Persons. The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.
3. Inspector. An inspector or inspectors shall be appointed by the Town Board and an inspectors duty shall be to physically examine and report on each building complained of, or, as requested by the Town Board.
4. Notice. That if the Inspector's report shall indicate the existance of an unsafe building, the Town Clerk shall serve Notice on the Owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk.

Such Notice to contain: a) a description of the premises,
b) a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service be made by registered mail, for a copy of such Notice to be posted on the premises,

c) a statement that the time within which the person served therewith may commence the securing or removal of the unsafe building, shall be not later than 5 days after the receipt thereof, and that it be completed within 30 days thereof,

d) a provision that in the event of neglect or refusal of the person served to comply with the same, that a survey will be made by an inspector and architect to be named by the Town Board, and by a practical builder, an engineer or an architect named by the person so notified, and, in the event of the refusal or neglect of such person so notified to appoint such person, or after such appointment, his refusal to act within 10 days thereafter, the two persons named shall make the survey and report,

e) that in the event the building or other structure shall be reported unsafe or dangerous after such survey, that an application will be made at a special term of the Supreme Court in the Judicial District in which the property is located for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

5. Posting. The Town Clerk shall cause a signed copy of the report of survey to be posted on the building alleged to be unsafe.

6. Costs and expenses. The costs of all expenses incurred by the Town in connection with the proceedings to remove or secure, including all survey reports and expenses, all architects and sur-

veyors charges, and including the cost of actually removing or securing said unsafe building, shall be assessed against the land on which said unsafe building is located.

7. Effective Date. This Ordinance shall take effect according to the provisions of the Town Law.

TOWN OF YORK

UNSAFE BUILDINGS ORDINANCE

WHEREAS the Town of York Unsafe Buildings Ordinance, adopted in September 15, 1968, has been found to be in need of revision to comply with current State statutes, §130 (16) of the Town Law,

NOW THEREFORE:

BE IT RESOLVED that the Town Board of the Town of York does hereby enact and ordain that the Unsafe Buildings Ordinance be amended as follows:

§1., "Name", shall remain unchanged.

§2., "Definitions": shall be amended to read:

"(a) Unsafe Buildings: Buildings or other construction, or structures which are in such a state of disrepair as to be dangerous or unsafe to the public".

"(b) Person: The term person as used in this Ordinance shall include any natural person, individual, society, club, firm, partnership, corporation or association of persons, and the singular shall include the plural number".

§3., "Inspector", shall be amended to read:

"The Zoning Enforcement Officer of the Town of York is hereby appointed as the Inspector to act pursuant to this Ordinance to personally examine each building complained of as being unsafe either by a member of the public, or by the Town Board, or as observed by him or her to possibly be unsafe, and to report the results of such examination to the Town Board".

§4., "Notice", shall be amended to read:

"If a report by the Inspector indicates the existence of an unsafe building the Town Clerk shall cause to be served a Notice thereof on the owner of such building, or upon the said owner's executor, administrator, legal representative, or duly constituted agent, lessee, or other person having a vested or contingent interest in the same, as shown by records of the receiver of taxes and/or in the office of the county clerk. If there be more than one owner thereof, proper notice to one, shall be deemed legal and sufficient notice to all, and if said owner or owners have more than one executor, administrator, legal

representative or agent, proper service upon one, shall be deemed legal and sufficient notice to all, for purposes of this Ordinance. If no such owner or representative can be found, notice shall be given as a court of competent jurisdiction shall direct.

"Such Notice shall contain:

- (a) The name or names of the last known owner or owners of such building;
- (b) The address of the property on which said building is located;
- (c) A brief description of said property;
- (d) A statement of the particulars in which the building or structure is deemed to be dangerous or unsafe to the public;
- (e) An Order signed by the Town Clerk, Town Supervisor or Zoning Enforcement Officer/Inspector requiring the said building to be made safe and secure, or removed;
- (f) A statement of the amount of time within which the person so served must commence the securing or removal of such buildings or structures, and the date for the completion thereof.
- (g) The date, after the expiration of said time, when the Town Board will hold a hearing for the owner and/or other parties to report the Board what work has or has not been accomplished. The Inspector may report at such hearing any work which has not been accomplished as directed by this notice.

"Service of such Notice may be made upon such owner either personally, or by registered mail, return receipt requested addressed to the last known address, if any, of the owner, or any of his executors, administrators, legal representative, agents, lessees or other person having a vested or contingent interest in the same, and by the posting of such Notice conspicuously upon such building.

"A copy of such notice shall be filed in the office of the County Clerk of Livingston County, pursuant to §130 (16) d) of the Town Law".

A new §5., "Enforcement", shall be added, as follows:

"If the owner, after Notice and after the expiration of the time set therein for the completion of the securing and repairs or removal, has not accomplished such securing and repairs or removal in a manner satisfactory to the Inspector, then the Inspector shall promptly report the same to the Town Board; whereupon the Town Board shall hold the hearing before the Town Board for the owner.

"If after such hearing the Town Board determines such building to be unsafe or dangerous to the public, the Town Board may direct the removal of such building or structure by the Town, if such owner fails or refuses to repair or remove the same within a reasonable time set by the Town Board to do so.

"All costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including any engineers, architects or surveyors fees, and legal fees, costs or disbursements, and any cost incurred in actually removing said building or structure, may be assessed against the land upon which said building or structure is located, if so directed by the Town Board.

A new §6, "Effective Date", shall be added as follows:

"The date upon which this ordinance as amended shall take effect is _____, 1991.

LEGAL NOTICE

WHEREAS, a Zoning Commission has heretofore been appointed by the Town Board of the Town of York and submitted its Report pursuant to Section 266 of the Town Law, and

WHEREAS several Public Hearings and Information Hearings have heretofore been held,

NOW THEREFORE:

BE IT RESOLVED that this Board of the Town of York does hereby enact and ordain on June 16th, 1969 at Special Meeting and after Public Hearing held this date, as follows:

ZONING ORDINANCE OF THE TOWN OF YORK, NEW YORK

ARTICLE I - PURPOSES

For the purpose of promoting the health, safety, and 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 16 of the Town Law, the size of buildings and other structures, the percentage of lot area that may be occupied, the size of yards, the density of population, and the use of buildings, structures and land for trade, industry, residence or other purpose, are hereby restricted and regulated as hereinafter provided.

100.01 This Ordinance shall be known and may be cited by the Short Form Title of "York Zoning Ordinance."

ARTICLE II - DEFINITIONS

200.01 Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. The present tense includes the future, the singular includes the plural; the word lot includes the word plot; the word building includes the word struc-

200.04 ALTERATIONS: As applied to a building or structure is a reduction or enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

200.05 AREA, FLOOR: The sum of the gross horizontal areas of the several floors of a building, excluding the garage area.

200.06 BILLBOARDS: A sign with an area exceeding twelve (12) square feet.

200.07 BUILDINGS: Any structure having a roof supported by columns or walls and intended for the shelter, housing or inclosure of persons, animals or chattels.

200.08 BUILDING; HEIGHT OF A BUILDING: The vertical distance measured from an average elevation of the proposed grade line of the ground about the building to the mean height between eaves and ridge for pitch roofs, and to the highest part of flat roofs. Towers, steeples, cupolas, chimneys and similar structures are exempted in height computations.

200.09 BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the main or principal use of the lot on which it is located.

200.10 CAMP OR CAMPING GROUND: Any one or more of the following: Type 1: Any area of land or water on which are located two or more cabins, tents, trailers, shelters, houseboats or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise; or Type 2: Any land, including any building thereon, used for any assembly of persons for what is commonly known as Day Camp purposes; and any of the foregoing establishments whether or not conducted for profit and whether or not occupied by adults or by children, either as individuals, families or groups.

200.11 CELLAR OR BASEMENT: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining permissible number of stories.

modate one (1) family. A detached building containing only one (1) dwelling unit.

200.16 DWELLING, TWO FAMILY: A dwelling accommodating or designed to accommodate two (2) families with separate housekeeping and cooking facilities for each.

200.17 DWELLING MULTI-FAMILY: A dwelling accommodating or designed to accommodate three (3) or more families, with separate housekeeping and cooking facilities for each.

200.18 FAMILY: One or more persons living together as a single non-profit housekeeping unit.

200.19 FARM: Any parcel of land which is used or can be used in the raising of agricultural products, livestock, poultry and dairy products. A farm may include necessary farm structures within the prescribed limits for the storage of livestock and equipment used.

200.20 FILLING STATION: Any area of land including structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles, and which may include facilities as an accessory use, used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing vehicles.

200.21 HOME OCCUPATION: An occupation or profession for gain or support conducted by members of the family:

(a) Carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit;

(b) Carried on by a member of the family residing in the dwelling unit;

(c) Clearly incidental and secondary to the use of the dwelling unit for residential purposes;

(d) Conforming to the following additional conditions:

1. The occupation or profession shall be carried on within the principal building or within a building or other structure accessory thereto.

2. Not more than one (1) person outside the family shall be employed in the home occupation.

3. There shall be no exterior display or exterior sign.

gineer, surveyor, insurance agent, lawyer, musician, realtor, or member of any profession within a dwelling occupied by the same; but specifically excluding commercial stables, kennels, restaurants, and tea rooms, tourist homes, convalescent homes, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of a similar nature.

200.22 HOSPITAL: An establishment for temporary occupancy by the sick or injured for the purpose of medical diagnosis and treatment, including sanitarium and sanatoria, limited to the treatment or other care of humans.

200.23 HOTEL: A building where rooms are offered for hire, with or without meals.

200.24 INDUSTRIAL AGRICULTURAL ENTERPRISES: The intensive housing or feeding of animals or fowls, carried on as an industry on a limited area where less than ten percent (10%) by weight of the feed stuffs consumed by, and the litter used for the animals or fowls, is grown on the premises.

200.25 LABOR CAMP: Structures used for housing of transient labor employed in seasonal enterprises.

200.26 LOT: A parcel of land occupied or designed to be occupied by one (1) building and the accessory building or uses customarily incident thereto, including such open spaces as are used in connection with such building.

200.27 MOBILE HOME: see definition for trailer.

200.28 MOTEL: A hotel or rooming house intended primarily for transient motorists.

200.29 NON-CONFORMING USE: A building, structure, or use of land existing at the time of enactment of this Ordinance, or an amendment thereto, which does not conform to the regulations of the district in which it is situated.

200.30 NURSING HOME OR CONVALESCENT HOME: A dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

200.31 PARKING SPACE: An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred and fifty

story or other types of designs or structures.

200.35 ROOMING HOUSE: A dwelling where rooms for more than two (2) people are offered for hire, with or without meals, sometimes termed a boarding house or lodging house.

200.36 SIGN: A device or visual communication with an area not exceeding twelve (12) square feet.

200.37 STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground.

200.38 TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

200.39 TRAILER: A vehicle used for living or sleeping purposes, and standing on wheels or on rigid supports, designed for permanent occupancy.

200.40 TRAILER DWELLING: A trailer with a minimum of 600 sq. ft. of living area.

200.41 TRAILER PARK: A tract of land:
 (a) Where two (2) or more trailers are parked;
 (b) Which is used or held out for the purpose of supplying to the public a parking space for two (2) or more trailers;
 (c) Designed for occupancy for two (2) or more trailers in use for living space.

200.42 YARD: A space on a lot not occupied by a building:
 (a) Front Yard: A yard between the front lot line and the front line of the building extended to the side lot lines of the lot;
 (b) Rear Yard: A yard between the rear lot line and the rear line of the principal building extended to the side lot lines of the lot;
 (c) Side Yard: A yard between the principal building and side lot line and extending through from the front yard to the rear yard.

ARTICLE III ESTABLISHMENTS OF DISTRICTS

300.00 LIST OF DISTRICTS: For the purpose of this Ordinance the Town of York is hereby divided into the following types of districts:
 R-A Residential Districts
 R-AA Residential Districts

as shown on the official Zoning Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center lines of streets, highways or alleys, shall be construed to follow such center lines, and where the designation of the Zoning Map shows a boundary within fifteen (15) feet or less of a center or lot line existing at the time of this Ordinance, such center or lot line shall be construed to be the boundary.
 (b) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;
 (c) Boundaries indicated as following the center lines of water courses or railroads shall be construed to follow such center lines;
 (d) Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

ARTICLE IV - REGULATIONS

400.01 APPLICATION OF REGULATIONS: Except as hereinafter provided:
 (a) No building, structure or land shall be used or occupied;
 (b) No building, structure or part thereof shall be erected, moved or placed;
 (c) No excavation shall be made for such building or structure;
 (d) No use of land shall be altered unless in conformity with all regulations, requirements and/or restrictions specified in this Ordinance for the district in which it is located. The word structure shall include but not be limited to, roads, signs, dams, main pipelines, quarries, gravel pits, walls, bins, bridges, tanks, and silos.

400.02 USES AND LIMITS: Buildings or structures in all districts shall comply with the Zoning Schedule Summary.

400.03 ZONING SCHEDULE SUMMARY: such schedule is part of this Ordinance and may be amended in the same manner as any other part of this Ordinance.

R-A RESIDENTIAL

410.01 R-A RESIDENTIAL DISTRICT: In R-A Residential Districts,

- ground, athletic fields and field houses.
- 410.06 **BOARDING HOUSES:** lodging houses, rooming houses, tourist houses, but not hotels, motels, tourist camps or cabins, fraternity or sorority houses.
- 410.061 **MUNICIPAL OR PUBLIC UTILITY STRUCTURES:** facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the character of the neighborhood, in accordance with the Provisions of Planned Development Districts.
- 410.07 **ACCESSORY USES:** Customarily incidental to any of the foregoing uses, including home occupations.
- 410.071 **SIGNS:** (in connection with the above uses) one (1) institutional sign; or one (1) sign advertising the sale, hire, or lease only of the land or building on which it is located; provided that such sign shall not exceed twelve (12) square feet in total area; or one (1) Home Occupation sign not more than four (4) square feet in total area; such sign shall be in keeping with the character of the neighborhood.
- 410.08 **PARKING REQUIREMENTS:**
 (a) Residential Requirements: A parking space for each family unit.
 (b) Places of Public Assembly: With every structure used as an auditorium, including a school auditorium, stadium, church, or other place of public or private assembly which has facilities for seating people, there shall be provided and maintained accessible off-street parking space on the same lot therewith or within one thousand (1,000) feet thereof, to the number at least equal in space for one (1) automobile for every four (4) seats or fraction thereof in such place of assembly.

R-AA RESIDENTIAL

- 411.01 **R-AA RESIDENTIAL DISTRICT:** In R-AA Residential Districts no building or structure shall be erected or extended, and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:
- 411.02 **PERMITTED USES:** Any use permitted in R-A Residential Districts.
- 411.03 **MULTI-FAMILY DWELLINGS**

thousand (1,000) feet thereof to the number at least equal to a space for one (1) automobile for every four (4) seats or fraction thereof in such place of assembly.

B - BUSINESS

- 412.01 **BUSINESS DISTRICTS:** In B Business Districts, no structure shall be erected, or extended and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:
- 412.02 **BANKS, RESTAURANTS, OFFICES, HOTELS, MOTELS:** communication centers, parking lots, mortuaries, wholesale business, laundromats and personal services, laundries. (For shopping plazas - see Planned Development Districts.)
- 412.03 **FOOD PROCESSING:** When the products are for sale exclusively on the premises.
- 412.04 **THEATRES, BOWLING ALLEYS, BILLIARDS ROOMS, CLUBS, LODGES:** places of public assembly, and similar uses.
- 412.05 **STORES AND SHOPS:** retail or personal service businesses.
- 412.06 **ACCESSORY USES:** customarily incidental to any of the above uses.
- 412.07 **PERMITTED USES CONDITIONAL:** The Town Board upon application and after approval of the Planning Board and after public hearing, under such conditions as the Town Board deems essential for the health, safety, and general welfare of the people of the Town of York may authorize the issuance of a Building Permit and/or of a Certificate of Compliance for any use similar in character to those enumerated; and for the following uses:
- 412.08 **BILLBOARDS, MOTOR VEHICLE AND AGRICULTURAL EQUIPMENT SALES AND REPAIRS:** dry cleaning establishment, gasoline sales stations and/or garages for storage, adjustment, or repair of motor vehicles, and other similar uses, where specific attention and consideration must be given to traffic flow as well as to danger to the general public due to hazards of fire and explosion.
- 412.09 **PARKING REQUIREMENTS:** For every business or commer-

I - INDUSTRIAL

- 413.01 **I-INDUSTRIAL DISTRICT:** In I-Industrial Districts no building or structure shall be erected or extended, and no land, building, structure, or part thereof shall be used for other than one or more of the following:
- 413.02 **MANUFACTURING:** including but not limited to, the fabrication and/or assembly of machinery, equipment, optical, scientific and other instruments and parts thereof; the forming and processing of ceramic products and materials; underground mining and extraction of natural resources.
- 413.03 **BUILDING AND CONSTRUCTION MATERIALS:** supplies, solid fuels, sales, storage and warehousing.
- 413.031 **BULK FUELS:** Storage, Distribution and Sales; liquid or gaseous, when storage is in underground tanks.
- 413.04 **FOOD PROCESSING AND PACKING PLANTS:**
- 413.05 **MOTOR VEHICLES AND EQUIPMENT SALES, SERVICE, STORAGE AND REPAIR:** animal sales and auction lots.
- 413.07 **TERMINAL FACILITIES:** for transportation and communication services, including railroad, pipelines, and electrical transmission.
- 413.08 **WHOLESALE BUSINESS:**
- 413.09 **ACCESSORY USES:** Customarily incidental to any of the above uses.
- 413.10 **PERMITTED USES CONDITIONAL.** The Town Board upon application and after approval of the Planning Board and public hearing, and after such conditions as the Town Board deems essential for the health, safety, and general welfare of the people of the Town of York, may authorize the issuance of a Building Permit and/or of a Certificate of Compliance for any use similar in character to those enumerated and for the following uses:
 (a) Any industrial use which is not by reason of emission of noise, dirt, dust, odors, vibrations, glare, or radioactive rays or materials, noxious or dangerous to the health, safety, or general welfare of the public.
 (b) Storage and distribution of liquid or gaseous fuels when in above-ground storage tanks.

avoid undue interference with the public use of streets, alleys, walks, or other public ways.

P - PLANNED DEVELOPMENT

- 4.01 PLANNED DEVELOPMENT DISTRICTS.** In order to maintain the character of the Town of York, and further its prosperity, Planned Development Districts may be established for motels, shopping plazas, drive-in theaters, housing or industrial centers, or for the conservation of natural resources. Such districts shall not create traffic problems or nuisances, or destroy natural drainage or scenery. Any housing development or multi-family dwelling of five (5) or more dwelling units; any trailer park; any development for business or industry of five (5) acres or over in area; any area to be set aside as a park or for conservation of scenery or natural resources; or any municipal or public utility structure or facility, shall be considered a Planned Development District. In such Planned Development Districts, land and buildings may be used for any lawful purpose as authorized by the Planning Board in accordance with the provisions set forth below:
- (a) Application for establishment of a Planned Development District shall be made to the Planning Board through the Town Clerk.
- (b) The Planning Board may require the applicant to furnish such preliminary plans, drawings and specifications as may be required for an understanding of the proposed development. In reaching its decision on the proposed development, the Planning Board shall consider, among other things, the need for the proposed use in the proposed location, the existing character of the neighborhood in which the use would be located to minimize possible detrimental effects of the proposed use on adjacent property.
- (c) The Planning Board shall approve, with modifications or disapprove such application, and shall report its decision to the Town Board, with proper explanation for its recommendations.
- (d) The Town Board shall

- buildings or structure shall be erected or extended, and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:
- 415.01 AGRICULTURAL OPERATIONS AND USES:** usual buildings or structures. No building in which farm animals are kept and no storage of manure or odor-producing substance will be permitted within one hundred (100) feet of any property line.
- 415.02 OTHER PERMITTED USES:** Any use permitted in R-A Residential districts, including accessory uses.
- 415.03 FARM PONDS:** For conservation and fire protection, shall not be closer than two hundred (200) feet to any property line; on recommendation of the Livingston County Soil and Water Conservation District, this distance may be reduced with the consent of the neighbor affected.
- 415.05 GOLF COURSES:**
- 415.06 PERMITTED USES CONDITIONAL.** The Town Board upon application and after approval of the Planning Board, and after public hearing under such conditions as the Town Board deems essential for the health, safety, and general welfare of the people of the Town of York, may authorize the issuance of a Building Permit and/or a Certificate of Compliance in this district or Planned Development District for any use similar in character to those enumerated and for the following uses:
- 415.07 ANIMAL HOSPITALS:** dog kennels, boarding stables, raising of fur-bearing animals and similar facilities, provided that such shall not be established and maintained within two hundred (200) feet of any property boundary line, or neighboring dwelling.
- 415.08 BANK EARTH PRODUCTS EXCAVATIONS:** The surface slope of any cut shall not exceed one (1) foot of vertical rise for each one and one-half (1½) feet of horizontal distance. The finished floor shall conform with the surfaces of adjacent lands and be free of holes, water pools and mounds of debris, and the finished excavation shall be surfaced with a minimum of 3" of top soil, graded and seeded.
- 415.09 BULKHEADS:** Bulkheads shall be constructed in accordance with the following uses:

- ENTERPRISES:** no such enterprise shall be established or maintained within two hundred (200) feet of any property line or neighboring dwelling.
- 415.13 TRAILER PARKS:** in accordance with the provisions of Planned Development Districts.
- 415.14 GREENHOUSES:**
- 415.16 PARKING REQUIREMENTS:** Places of public assembly are the same as in R-A Districts.

SUPPLEMENTARY REGULATIONS

- 430.01 SUPPLEMENTARY REGULATIONS OR EXCEPTIONS AND MODIFICATIONS** are detailed in the following:
- 430.02 ABUTTING LOTS:** Where a lot in a Business District or in an Industrial District abuts a lot in a Residential District there shall be provided along such abutting lot a yard or open space abutting the residential lot of not less than fifty (50) feet, in a business area, and two hundred (200) feet in an Industrial District.
- 430.04 BASEMENT OR CELLAR DWELLING:** In any residential or agricultural district it shall be lawful to occupy for sleeping purposes all or any part of a basement or cellar, the floor of which is below the required yard elevation, on issuance by the Enforcement Officer of a temporary certificate of compliance renewable for one year periods, not to exceed five years.
- 430.05 CORNER VISIBILITY:** In any district no structure, fence or shrubbery over three (3) feet in height shall be maintained in any corner lot within a triangular area formed by the lot line, along the streets to the points on such lines a distance of fifty (50) feet from their intersection, and a line connecting such points.
- 430.06 DUMPS:** Piles of discarded materials and debris resulting from manufacturing or from the operation of an unlicensed or unauthorized junk yard or motor vehicle wrecking yard, not suitable for salvage or for resale and use as usable parts, when permitted to remain on premises not specifically authorized by the Town Board, for periods in excess of six (6) months, shall constitute a private dump and as such shall be a violation of this Ordinance.
- 430.07 FRONT YARD EXCEPTIONS:**

- yards, porches or carports open at the sides but roofed, and all attached garages shall be considered to be a principal building, but not considered as living space.
- 430.10 **PARKING OF COMMERCIAL VEHICLES:** In R-A Residential Districts permanent parking, as opposed to temporary visits, of more than one commercial or Industrial vehicle of a size exceeding one ton manufacturers carrying capacity, on premises where the building is used as a dwelling, is prohibited.
- 430.11 **PUBLIC PROPERTIES AND UTILITIES:** Nothing in this Ordinance shall prevent the construction, use or maintenance of public buildings, structures or facilities, parks or other public owned properties, nor the installation and maintenance of such public utilities as may be required to service any district.
- 430.12 **REAR YARD STRUCTURES:** Accessory buildings and structures entirely within a rear yard shall be placed not less than ten (10) feet from a side or rear lot line, except that they may be closer to the rear line with the consent of the neighbor. Variances are proper for existing structures.
- 430.13 **SIDE YARD STRUCTURES:** Accessory structures to a residential use located in a side yard shall meet the same front and side yard requirements as established for the principal building. Variances are proper for existing structures.
- 430.14 **SMALL LOTS:** Where a lot exists at the time of the enactment of this Ordinance in ownership separate from that of any adjacent lot and has dimensions or areas less than required for the district in which it is located, the Zoning Enforcement Officer may approve the application and issue a Building Permit for the establishment and use of a conforming type of building provided the minimum required side yard and depths of yard, front and rear, are met.
- 430.15 **TEMPORARY DWELLING DURING CONSTRUCTION:** When a Building Permit is issued, the Enforcement Officer may issue a Certificate of Temporary Occupancy for a trailer appearing elsewhere in this Ordinance, all corner lots are to measure one hundred and fifty (150) feet by one hundred and fifty (150) feet as a minimum.
- 430.19 **NON-CONFORMING USES:** Within the Districts established by this Ordinance, or Amendments which may later be adopted, there exist lots, structures and uses of land and structures, which were lawful before this Ordinance was passed or amended, but which would be prohibited or restricted under the terms of this Ordinance, or future Amendments, it is the intent of this Ordinance to permit these non-conforming uses to continue except as provided below.
- 430.20 **ABANDONMENT OF USES:** Any non-conforming use may be continued except that when a non-conforming use has been discontinued or abandoned for a period of not less than six (6) months, it shall not thereafter be re-established, and the future use shall be in conformity with the provisions of this Ordinance.
- 430.21 **CHANGES IN NON-CONFORMING USE:** No non-conforming use shall be changed to other than a conforming use for the district in which it is situated.
- 430.22 **DUMPS, JUNK YARDS AND BILLBOARDS:** Notwithstanding any other provision of this Ordinance, any dump or automobile or unlicensed junk yard, or any billboard in existence in any Residential District at the time of the adoption of this Ordinance (or an amendment hereto), shall be discontinued within three (3) years from the date of such adoption or amendment.
- 430.23 **ALTERATION OR MOVING OF NON-CONFORMING USE:** Except as provided in 430.24 below, no building which houses a non-conforming use shall be: (a) Structurally altered or enlarged. (b) Moved to another location where such use would be non-conforming.
- 430.24 **RESTORATION:** Nothing herein shall prevent the restoration, within one year, and continued use of a non-conforming building or structure damaged by fire, flood, earthquake, or building or structure be extended, nor shall any land be used, except pursuant to a Building Permit issued by the Enforcement Officer. The Enforcement Officer shall in no case, except under written order of the Board of Appeals, grant any Building Permit for any building or structure where the proposed construction or use thereof would be in violation of any provision of this Ordinance.
- (b) Any Building Permit issued in violation of the provisions of this Ordinance shall be null and void and of no effect without the necessity for any proceedings for revocations or nullification thereof; and any work undertaken or use established pursuant to any such Building Permit shall be unlawful.
- (c) Every application for a Building Permit shall be made to the Enforcement Officer, and issuance shall be without charge.
- (d) The Building Permit application shall be presented to the Enforcement Officer together with a Plot Plan as described in 500.04 for the signature of the Enforcement Officer.
- (e) The signed Building Permit shall be securely posted on the building or structure being constructed or extended.
- (f) A Building Permit shall become void after a period of six (6) months from the date of issuance unless actual construction has been started pursuant to such Building Permit, in which case the Building Permit shall become void after a period of twelve (12) months from the actual date of the time of start of construction. When the time of starting construction or the time of completion of construction exceeds the above periods, application may be made for a new Permit.
- 500.03 **CERTIFICATE OF COMPLIANCE:** The Enforcement Officer shall in no case grant any Certificate of Compliance where the use of any building, structure, or land would be in violation of the terms and provisions of this Ordinance. A Certificate of Compliance shall be issued without charge.
- 500.04 **PLOT PLAN OR DEVELOPMENT**

lished in accordance with the provisions of Article 16, Section 267 of the Town Law; The Board of Appeals shall, consistent with the Town Law determine its own rules and procedures and shall have the power and duties granted to it in the Town Law and as specified in this Ordinance.

500.07 **APPEALS.** The Board of Appeals shall hear and determine appeals from an order, requirement, decision or determination made by the enforcement officer; or shall act on request by any official, board or agency in the Town of York; and shall decide any of the following questions:

(a) Determination of the meaning of any portion of the text of this Ordinance or of any condition or requirement specified or made under the provisions of this Ordinance.

(b) Determination of the exact location of any District boundary shown on the Zoning Map.

500.08 **VARIANCES:** The Board of Appeals may authorize, upon appeal in a specific case, such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to exceptional or extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance, subject to terms and conditions to be fixed by the Board of Appeals: provided that no variance shall be granted by the Board of Appeals unless it finds that:

(a) Strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land or buildings for which such variance is sought and that the granting of the variance is necessary for the reasonable use of such property; also, that the variance granted by the Board of Appeals is the minimum variance that shall accomplish this purpose.

(b) Granting of the variance will be in harmony with the general purpose of this Ordinance, will not be injurious to the neighborhood, and will not alter the essential character of the locality.

500.09 **SAFEGUARDS:** In granting a variance the Board of Appeals

500.11 **LEGAL ACTION:** In addition to other remedies, the Town of York may institute any injunctive or other appropriate legal action or proceeding to prevent any unlawful erection, extension, conversion, maintenance or use, or, to correct or abate such violation or to prevent the occupancy of a building, a structure or land, or to prevent any illegal act, conduct, business or use.

ARTICLE VI - AMENDMENTS

600.01 **PROCEDURE FOR AMENDMENTS:** This Ordinance may be amended by the Town Board from time to time as provided by section 265 of the Town Law and after a report concerning such proposed amendment, by the Planning Board. A petition requesting a change in regulations, provisions or district boundaries, as set forth in this Ordinance, shall be typewritten and signed by the person presenting it, and shall be filed with the Town Clerk in duplicate. Each petition for a change of zone shall be accompanied by a fee of fifteen dollars (\$15.00); each request for a variance shall be accompanied by a fee of five dollars (\$5.00), both fees payable to the Town Clerk. The Planning Board or the Town Board may require a detailed map, plans and specifications of the proposed use of any area for which a change of Zone or variance is sought in order to assist them in their understanding of any proposed change.

600.02 **PERFORMANCE BOND:** In the case of a petition filed in accordance with the provisions of 414.01 with respect to a Planned Development or use, and where the Town Board approves such change, the Town Board may provide that such change shall not become effective until the petitioner has filed a performance bond in such amount and under such conditions as the Town Board may deem to be necessary to protect the interest of the public and to insure the Town of York that the proposed development of the area will be in compliance with the provisions of the accepted development and use plan.

**TOWN OF YORK, LIVINGSTON COUNTY, N. Y.
ZONING SCHEDULE (SUMMARY)**

2

4

Principal Uses	Permitted Accessory Uses	Permitted uses conditional: per Town Board.
and two (2) family dwellings, boarding and tourist houses, public buildings, parks and utilities, schools.	Incidental to principal uses; home occupations.	None.
located in R-A; Multi-family dwellings, row houses; wellings.	Incidental to principal uses; home occupations.	None.
stores, offices, restaurants, hotels, motels, lots, communication centers, mortuaries, wholesale stores, laundries, clubs, food processing, theaters.	Incidental to principal uses	Billboards, vehicle and equipment sales and repairs, gasoline sales, garages, dry cleaning.
mining, construction materials, solid and liquid processing, vehicle and equipment repair shops, terminal facilities, wholesale businesses, sales.	Incidental to principal uses	Billboards, non-toxic industries, liquid and gas fuels, industrial agricultural enterprises, laundries and dry-cleaning.
of Natural Resources; housing, business and development; trailer parks; public utility shops; shopping plazas, drive-in theaters; motels.	None	All listed in Column 2.
located in R-A; agricultural operations; farm ponds; Commercial Greenhouse.	Incidental to principal uses; home occupations.	Animal hospitals; excavations; billboards; cemeteries; camps; garbage dumps and landfills; trailer parks; industrial agricultural operations.

**TOWN OF YORK, LIVINGSTON COUNTY, N. Y.
ZONING SCHEDULE (SUMMARY)**

6 I. SIZE WIDTH IN FT.	7 MAXIMUM % OF LOT TO BE OCCUPIED		8 BY ACCESSORY BUILDINGS	9 MINIMUM First Floor area per family or business unit, in sq. ft.	10 MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS	
	BY PRINCIPAL BUILDINGS				IN STORIES	IN FT.
100	25		Within the 25% for principal buildings.	One (1) story: 860; One and one-half (1½) stories: 720; Two (2) stories: 575.	3	35
100	25		Within the 25% for principal buildings.	One (1) story: 750; One and one-half (1½) stories: 600; Two (2) stories: 575; One (1) trailer dwelling: 600.	3	35
None			Subject to parking and loading requirements.	300	3	35
None			Subject to parking and loading requirements.	Minimum industrial area per floor: 2500.	None	None
None			Set by Planning Board.	Family: 500; Business: 300.	None	None
100	25			One (1) story: 860; One and one-half (1½) stories: 720; Two (2) stories: 575;	3	35 Farm struct- ures unlimit- ed.

**TOWN OF YORK, LIVINGSTON COUNTY, N. Y.
ZONING SCHEDULE (SUMMARY)**

12 13 14 15 16 17 18 19

MINIMUM YARD (SET BACK) DIMENSION IN FT. FROM PROPERTY LINE		ACCESSORY BUILDINGS				
FRONT	EACH SIDE YARD	REAR	MAXIMUM HEIGHT IN FEET	MIN. DISTANCE IN FEET TO		
	ONE SIDE YARD	TWO SIDE YARDS		PRINCIPAL BUILDING	SIDE LOT LINE	REAR LOT LINE
60	15	30	50	35	15*	10
50	15	30	50	35	15*	10
50	Where lot abuts residential District: 50			35	10	10
125	Where lot abuts residential District: 200				10	10
Set by Planning Board						
50	15	30	50	35 Farm structures unlimited.	15	10

*See 430.16

**TOWN OF YORK, LIVINGSTON COUNTY, N. Y.
ZONING SCHEDULE (SUMMARY)**

20	21	22	23
MANDATORY PARKING SPACE	MINIMUM MANDATORY OFF-STREET LOADING SPACE	SIGNS PERMITTED PER DWELLING OR ENTERPRISE	OTHER PROVISIONS AND REQUIREMENTS
selling unit; (1) per 4 seats.	None	One (1) Institutional and/or One (1) sale or rent (12 sq. ft.); One (1) home occupation (4 sq. ft.)	Depth of lot in a Sewer District may be reduced to 150 feet (with minimum 100' frontage).
selling unit; (1) per 4 seats.	None	One (1) Institutional and/or One (1) sale or rent (12 sq. ft.); One (1) home occupation (4 sq. ft.)	Min. additional lot area for each family over 2: 4000 sq. ft.
sq. ft. of area	Loading space for maximum size vehicles used.	One (1) Institutional and/or One (1) sale or rent (12 sq. ft.)	No Residence.
employee on	Loading space for maximum size vehicles used.	One (1) Institutional and/or One (1) sale or rent (12 sq. ft.)	No Residence; no toxic industry; No open excavation.
g Board	Set by Planning Board.		A multiple dwelling shall have not less than 500 sq. ft. per family unit.
selling unit; (1) per 4 seats.	None	One (1) Institutional and/or One (1) sale or rent (12 sq. ft.); One (1) home occupation (4 sq. ft.)	No pond, animal hospital, kennel, industrial agricultural operation within 200 ft of property line. No unlicensed dumps. Conditional uses by Town Board.

LEGAL NOTICE

At a regular meeting of the Town Board of the Town of York, held at the Town Offices, York, N.Y. in May 7, 1970 and after a public hearing, duly noticed and held on April 30, 1970, on motion duly made and seconded, four members of the Board present voting in favor, it was RESOLVED, ENACTED AND ORDAINED, as follows:

MOBILE HOME PARK ORDINANCE

The Town Board of the Town of York does hereby enact and ordain as follows:

1. Title

This ordinance shall be known and may be cited as the "York Mobile Home Park Ordinance."

2. Purpose

It is the purpose of this ordinance to promote the health, safety, morals, and general welfare of the inhabitants of the Town of York by the proper regulation of mobile homes and mobile home parks.

3. Definitions

A. **Mobile Homes** - As used in this ordinance mobile homes shall be defined as any vehicle or combination thereof, used, designed for use, or capable of being used as permanent sleeping or living quarters, or any such vehicle after the wheels are removed. Any addition attached to such mobile home shall, for the purpose of this ordinance, be deemed to be a part of such mobile home.

B. **Mobile Home Park** - As used in this ordinance mobile home park shall be defined as any lot, piece, or parcel of ground whereon more than two (2) mobile homes are placed, are designed for such placement, and whether a charge is or is not made for such use.

C. **Park Unit** - As used in this ordinance a park unit shall be defined as the lot or space in any mobile home park which shall be assigned to, or used and occupied by, any one mobile home.

4. Permit required for mobile home park.

No person, firm, or corporation being the owner or occupant of any land or premises within the Town of York shall use, or permit the use of, said land or premises as a mobile home park without obtaining a permit therefor, as hereinafter provided.

5. Issuance of permit fees for mobile home park.

A. **Application for permit.**

(1) The application for

each mobile home park permit shall be in writing and signed by the applicant. It shall state:

- (a) The name and address of the applicant.
- (b) The name and address of each partner if the applicant be a partnership.
- (c) The name and address of each officer and director, if the applicant be a corporation.
- (d) A complete description of the premises upon which the proposed park is to be located.
- (e) The name and address of the owner or owners of such premises.
- (f) The number of park units to be provided in the proposed park.
- (g) A schedule for development of the mobile home park, with the number of mobile homes to be added each year.

(2) The application shall be accompanied by two (2) sets of plans and specifications, drawn to scale, showing the layout of the park, the location, size, and arrangement of each park unit, location of streets, location of water services, and location of sewage disposal system or detail of septic system and leach fields to be provided. Each park unit shall be separately numbered upon such plans. One (1) set of plans shall be retained by the Town Zoning Enforcement Officer, and the second set retained with the application. Where the applicant is not the owner of the premises, the application shall also be accompanied by a certified or photostatic copy of the lease of the premises.

(3) The application shall also be accompanied by a certificate of the Zoning Enforcement Officer of the Town of York that the location or proposed location is not within an established district restricted against such uses or otherwise contrary to the pro-

hibitions of such zoning ordinance.

B. **Filing Procedure.** Each application shall be filed with the Town Clerk of the Town of York, who shall thereupon transmit the same to the Town Zoning Enforcement Officer. The Zoning Enforcement Officer shall, after investigation, transmit the application to the Town Board of the Town of York, together with his or her written report with recommendations pertaining thereto. All such applications after investigation, shall be approved or rejected by the Town Board, after which applications should be filed with the Town Clerk and the applicant notified in writing by the Town Clerk of the action taken thereon. If said application be rejected, the applicant shall have the right to appear before the Town Board for a hearing.

C. **Issuance of License.** The Town Clerk of the Town of York, upon the written application and upon the approval of the same by the Town Board, and upon receipt of the fee hereinafter provided, shall issue a license to become effective from the date thereof and to continue in force through the thirty first (31) day of December next succeeding for the use of the premises therein specified as a mobile home park, which permit shall specify the number of park units which may be used in said park. No license issued pursuant to this ordinance is transferable or assignable.

D. **Fees.** The applicant for a mobile home license shall, at the time of issuance of any such license or renewal of any such license, pay to the Town Clerk a fee of Five (\$5.00) Dollars per park unit, based upon the number of park units authorized by such license. The minimum fee for such license or renewal thereof shall be Fifty (\$50.00) Dollars.

6. Regulations for mobile home park.

A. Drainage and grading.

All lands used as a mobile home park shall be well drained, and free from heavy or dense growth of brush or woods. The land shall be properly graded to insure proper drainage during and following rainfall, and, shall at all times be so well

drained as to be free from stagnant water.

B. **Subdivision.** Each mobile home park shall be subdivided and marked off into park units, each of which park unit shall contain at least seven thousand (7,000) square feet. The shortest dimension of said park unit shall be at least seventy (70) feet. No more than one (1) mobile home shall be permitted to occupy any one (1) park unit. Mobile homes shall be so placed on each park unit so that there shall be a distance of at least fifteen (15) feet from any lot line.

C. **Water supply.** A sufficient supply of pure drinking water shall be provided with proper water connection on each park unit.

D. **Facilities.** No mobile home shall be parked or located within a mobile home park that does not contain a water closet, a lavatory, and a shower or bathtub.

E. **Disposal of sewage and other water-carried wastes.** All sewage and other water-carried wastes shall be disposed of into a municipal sewage system whenever available; a suitable connection to that system shall be provided at each park unit.

F. **Electric service and connections.** Each mobile home park shall provide weather-proof electric service and outlets for each park unit. All such connections and outlets are to be of a type approved by the New York State Board of Fire Underwriter, or the equivalent.

G. **Streets within mobile home park.** All streets and thoroughfares within each mobile home park shall have a travelable surface of at least 20 feet in width. The travel surface shall be capable of supporting fire equipment weighing fifteen (15) tons. All streets shall be maintained by the mobile home park and it is the responsibility of the park operator to plow snow and keep the streets passable at all times, and all turns and curves shall be such as to allow the maneuverability of fire fighting equipment. There shall be no 'dead end' streets.

H. **Lighting.** There shall be a light source of one hundred (100) lumen each three hundred (300) feet of roadway, at a minimum.

I. **Sanitation.** Each mobile

home park shall be kept in a clean and sanitary condition free of all accumulations of rubbish, garbage, and refuse.

I. Numbering. Each park unit shall be numbered according to the plan or layout submitted with the license application, and the number of each park unit shall be conspicuously displayed on such park unit so as to be readily visible from the street or highway on which the park unit faces.

K. Fire Protection. Where a mobile home park is not accessible to a municipal water supply, for purposes of fire protection there shall be provided a cistern, tank or pond or other source with a minimum of ten thousand (10,000) gallons of water, useable under all weather conditions, and, a fire extinguisher of five (5) pounds capacity for each trailer.

L. Utility Buildings and other accessories. The park operator shall provide a central storage area, or, each unit can so provide; a side addition is permissible, with a permit, where it will not violate line set backs.

M. Recreation Area. Ten (10) percent of the park unit area shall be set aside and developed for recreation purposes, and in any event a lot of two hundred (200) feet by two hundred (200) feet shall be provided.

N. Parking. Off street parking shall be provided for two (2) cars at each mobile home site.

P. Set Back. The individual park units shall be set back a distance of sixty feet (60) feet from any public highway right of way line. This area shall be seeded to lawn, landscaped, and maintained as a lawn, to eliminate any fire hazard.

R. Sales. The sale of and display of mobile homes for sale will be allowed as part of a mobile home park, so long as each mobile home occupies an individual park unit.

Mobile home park administration.

The license holder of every mobile home park shall be directly responsible for the care of every such park.

A. Registration. The license holder for a mobile home park shall maintain a permanent record in writing of all persons occupying or

using the facilities of such mobile home park, which record shall include the following:

(1) Name and address of the owner of each mobile home.

(2) Number of the park unit upon which the mobile home is located.

(3) Date of arrival at, and departure from, said park of each mobile home.

Such record shall be a matter of public record and shall at all times be available for inspection by any law enforcement officer or authorized town officer.

B. Duties. It shall be the duty of the license holder of every mobile home park to:

(1) Provide for the collection of garbage and all other waste materials.

(2) Prohibit the placing or storage of waste materials or unlicensed vehicles of any kind.

8. Revocation of license.

If a police officer, Zoning Enforcement Officer, Health Officer, or any representative of the Town of York finds that any mobile home park is not being conducted in accordance with the provisions of this ordinance, such facts shall thereupon be reported to the Town Board and said Town Board may direct the Town Clerk to serve an order in writing upon the holder of the license or the person in charge of said park, directing that the conditions therein specified be remedied within ten (10) days after date of the service of the order. If such conditions are not corrected after the expiration of said ten (10) day period, the Town Board may cause a notice in writing to be served upon the holder of said license or the person in charge of such mobile home park, requiring the holder of the license to appear before the Town Board of the Town of York at a time to be specified in such notice, and to show cause why such mobile home park license should not be revoked. The Town Board may, after such a hearing at which testimony of witnesses may be taken and the holder of the license shall be heard, revoke such permit if said Town Board shall find that said park is not being maintained according to

the provisions of this ordinance.

9. Renewal

Application for the renewal of any mobile home park license issued pursuant to this ordinance must be filed with the Town Clerk on or before the first day of December next preceding the expiration of said license. The application shall set forth in detail any fact or facts in variation with any fact or facts set forth in the original application. The application shall state that all facts not set forth in the renewal application remain unchanged. The procedure for obtaining a renewal license shall, in all other respects, be the same as set forth above for obtaining an original license. Upon approval of said application for renewal of the license by the Town Board and upon the payment of the license fee provided for in Section 5 (D), the Town Clerk shall issue a renewal permit, which shall become effective upon the expiration of the prior license and continue for a period of one year. Such renewal license shall not be transferred or assigned.

10. Application to existing mobile home park.

This ordinance shall apply to all existing mobile home parks located in the Town of York on the effective date of said ordinance and such existing mobile home parks shall henceforth be maintained and operated in compliance with all provisions of this ordinance except that the provisions of Section 6 (B) shall not apply to mobile home parks in existence on the effective date of said ordinance. In regards to park units where mobile homes are located and being occupied, any addition, extension, or enlargements of existing parks made after the effective date of this ordinance shall be made in accordance with all of the provisions of this ordinance. The owner or operator of any existing park shall have ninety (90) days after this ordinance becomes effective to make application pursuant to section 5 for a license to operate such park. The owner or operator of any existing park shall have one year after this ordinance becomes effective to comply with the provisions of Sec. 6 (G). This ordinance shall also apply to any approved planned development district.

11. Penalties.

Any person who violates any provision of this ordinance or who fails to comply therewith, shall be

guilty of an offense against such ordinance punishable by a fine of not more than two hundred and fifty (\$250.00) Dollars and not more than fifteen (15) days' imprisonment, and such offense for the purpose of conferring jurisdiction upon courts and judicial officers generally shall be deemed a misdemeanor, and for such purposes only all provisions of law relating to misdemeanors shall apply to such violation. In addition, the violation of the ordinance, or any of the provisions thereof, or the failure to comply therewith, shall subject the person, firm, or corporation violating the same to a civil penalty in the sum of Fifty (\$50.00) Dollars, and when a violation of this ordinance, or a failure to comply therewith, is continuous, each twenty-four (24) hour period shall constitute a separate and distinct violation, said penalty to be recovered by the Town of York in a civil action. The application of the above penalty or penalties, or the prosecution for the violation of the provisions of this ordinance, shall not be deemed to prevent the revocation of any license issued pursuant thereto or the enforced removal of conditions prohibited by this ordinance by other legal or injunctive means.

12. Issuance of permit not to waive compliance with other statutes of ordinances.

The issuance of a license pursuant to the provisions of this ordinance shall not be deemed to waive compliance by the holder thereof, by the property owner, or by any occupant of any mobile home, with any statute or regulation of the State of New York, or any other governing agency or any other ordinance of the Town of York.

13. Validity.

If any section, paragraph, subdivision or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or, any part or provision thereof other than the part so decided to be invalid or unconstitutional.

14. Effective date.

This ordinance shall take effect ten (10) days after posting and publication thereof and immediately as against any person personally served with a certified copy thereof in accordance with the Town law of the State of New York.

MARTHA CURRY, Clerk
For the Town Board

Finance Passed - MAY 3, 1970

**LEGAL NOTICE
NOTICE OF
PUBLIC HEARING ON
A PROPOSED ORDINANCE
OF THE TOWN OF YORK:**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to Section 130 of the Town Law of the State of New York, and pursuant to a Resolution of the Town Board, adopted on April 9th, 1970, the said Town Board will hold a public hearing at the Town Hall, York, N.Y., on the 30th day of April, 1970, at 7:30 in the evening, to hear all interested persons for or against the adoption of a proposed Ordinance, to read as follows:

**MOBILE HOME PARK
ORDINANCE**

The Town Board of the Town of York does hereby enact and ordain as follows:

- 1. **Title**
This ordinance shall be known and may be cited as the "York Mobile Home Park Ordinance."
- 2. **Purpose**
It is the purpose of this ordinance to promote the health, safety, morals, and general welfare of the inhabitants of the Town of York by the proper regulation of mobile homes and mobile home parks.
- 3. **Definitions**
 - A. **Mobile Homes** - As used in this ordinance mobile homes shall be defined as any vehicle or combination thereof, used, designed for use, or capable of being used as permanent sleeping or living quarters, or any such vehicle after the wheels are removed. Any addition attached to such mobile home shall, for the purpose of this ordinance, be deemed to be a part of such mobile home.
 - B. **Mobile Home Park** - As used in this ordinance mobile home park shall be defined as any lot, piece, or parcel of ground whereon more than two (2) mobile homes are placed, are designed for such placement, and whether a charge is or is not made for such use.
 - C. **Park Unit** - As used in this ordinance a park unit shall be defined as the lot or space in any mobile home park which shall be assigned to, or used and occupied by, any one mobile home.
- 4. **Permit required for mobile home park.**
No person, firm, or corporation being the owner or occupant of any land or premises within the Town of York shall use, or permit the use of, said land or premises as a mobile home park without obtaining a permit therefor, as hereinafter provided.
- 5. **Issuance of permit fees for mobile home park.**
 - A. **Application for permit.**
 - (1) The application for

- each mobile home park permit shall be in writing and signed by the applicant. It shall state:
 - (a) The name and address of the applicant.
 - (b) The name and address of each partner if the applicant be a partnership.
 - (c) The name and address of each officer and director, if the applicant be a corporation.
 - (d) A complete description of the premises upon which the proposed park is to be located.
 - (e) The name and address of the owner or owners of such premises.
 - (f) The number of park units to be provided in the proposed park.
 - (g) A schedule for development of the mobile home park, with the number of mobile homes to be added each year.
- (2) The application shall be accompanied by two (2) sets of plans and specifications, drawn to scale, showing the layout of the park, the location, size, and arrangement of each park unit, location of streets, location of water services, and location of sewage disposal system or detail of septic system and leach fields to be provided. Each park unit shall be separately numbered upon such plans. One (1) set of plans shall be retained by the Town Zoning Enforcement Officer, and the second set retained with the application. Where the applicant is not the owner of the premises, the application shall also be accompanied by a certified or photostatic copy of the lease of the premises.
- (3) The application shall also be accompanied by a certificate of the Zoning Enforcement Officer of the Town of York that the location or proposed location is not within an established district restricted against such uses or otherwise contrary to the prohibitions of such zoning ordinance.
- B. **Filing Procedure.** Each application shall be fil-

- ed with the Town Clerk of the Town of York, who shall thereupon transmit the same to the Town Zoning Enforcement Officer. The Zoning Enforcement Officer shall, after investigation, transmit the application to the Town Board of the Town of York, together with his or her written report with recommendations pertaining thereto. All such applications after investigation, shall be approved or rejected by the Town Board, after which applications should be filed with the Town Clerk and the applicant notified in writing by the Town Clerk of the action taken thereon. If said application be rejected, the applicant shall have the right to appear before the Town Board for a hearing.
- C. **Issuance of License.** The Town Clerk of the Town of York, upon the written application and upon the approval of the same by the Town Board, and upon receipt of the fee hereinafter provided, shall issue a license to become effective from the date thereof and to continue in force through the thirty first (31) day of December next succeeding for the use of the premises therein specified as a mobile home park, which permit shall specify the number of park units which may be used in said park. No license issued pursuant to this ordinance is transferable or assignable.
- D. **Fees.** The applicant for a mobile home license shall, at the time of issuance of any such license or renewal of any such license, pay to the Town Clerk a fee of Five (\$5.00) Dollars per park unit, based upon the number of park units authorized by such license. The minimum fee for such license or renewal thereof shall be Fifty (\$50.00) Dollars.
- 6. **Regulations for mobile home park.**
 - A. **Drainage and grading.** All lands used as a mobile home park shall be well drained, and free from heavy or dense growth of brush or woods. The land shall be properly graded to insure proper drainage during and following rainfall, and, shall at all times be so well drained as to be free from stagnant water.
 - B. **Subdivision.** Each mobile home park shall be subdivided and marked off into park units, each of which park unit shall contain at least

- seven thousand (7,000) square feet. The shortest demension of said park unit shall be at least seventy (70) feet. No more than one (1) mobile home shall be permitted to occupy any one (1) park unit. Mobile homes shall be so placed on each park unit so that there shall be a distance of at least fifteen (15) feet from any lot line.
- C. **Water supply.** A sufficient supply of pure drinking water shall be provided with proper water connection on each park unit.
- D. **Facilities.** No mobile home shall be parked or located within a mobile home park that does not contain a water closet, a lavatory, and a shower or bathtub.
- E. **Disposal of sewage and other water-carried wastes.** All sewage and other water-carried wastes shall be disposed of into a municipal sewage system whenever available; a suitable connection to that system shall be provided at each park unit.
- F. **Electric service and connections.** Each mobile home park shall provide weather-proof electric service and outlets for each park unit. All such connections and outlets are to be of a type approved by the New York State Board of Fire Underwriter, or the equivalent.
- G. **Streets within mobile home park.** All streets and thoroughfares within each mobile home park shall have a travelable surface of at least 20 feet in width. The travel surface shall be capable of supporting fire equipment weighing fifteen (15) tons. All streets shall be maintained by the mobile home park and it is the responsibility of the park operator to plow snow and keep the streets passable at all times, and all turns and curves shall be such as to allow the maneuverability of fire fighting equipment. There shall be no 'dead end' streets.
- H. **Lighting.** There shall be a light source of one hundred (100) lumen each three hundred (300) feet of roadway, at a minimum.
- I. **Sanitation.** Each mobile home park shall be kept in a clean and sanitary condition free of all accumulations of rubbish, garbage, and refuse.
- J. **Numbering.** Each park unit shall be numbered according to the plan or layout submitted with the license application, and the number of each park unit shall be

conspicuously displayed on such park unit so as to be readily visible from the street or highway on which the park unit faces.

K. Fire Protection. Where a mobile home park is not accessible to a municipal water supply, for purposes of fire protection there shall be provided a cistern, tank or pond or other source with a minimum of ten thousand (10,000) gallons of water, useable under all weather conditions, and, a fire extinguisher of five (5) pounds capacity for each trailer.

L. Utility Buildings and other accessories. The park operator shall provide a central storage area, or, each unit can so provide; a side addition is permissible, with a permit, where it will not violate line set backs.

M. Recreation Area. Ten (10) percent of the park unit area shall be set aside and developed for recreation purposes, and in any event a lot of two hundred (200) feet by two hundred (200) feet shall be provided.

N. Parking. Off street parking shall be provided for two (2) cars at each mobile home site.

P. Set Back. The individual park units shall be set back a distance of sixty feet (60) feet from any public highway right of way line. This area shall be seeded to lawn, landscaped, and maintained as a lawn, to eliminate any fire hazard.

R. Sales. The sale of and display of mobile homes for sale will be allowed as part of a mobile home park, so long as each mobile home occupies an individual park unit.

7. Mobile home park administration.

The license holder of every mobile home park shall be directly responsible for the care of every such park.

A. Registration. The license holder for a mobile home park shall maintain a permanent record in writing of all persons occupying or using the facilities of such mobile home park, which record shall include the following:

- (1) Name and address of the owner of each mobile home.
- (2) Number of the park unit upon which the mobile home is located.
- (3) Date of arrival at, and departure from, said park of each mobile home.

Such record shall be a matter of public record and shall at all times be available for inspection by any law enforcement officer or authorized town officer.

B. Duties. It shall be the duty of the license holder of every mobile home park to:

- (1) Provide for the collection of garbage and all other waste materials.
- (2) Prohibit the placing or storage of waste materials or unlicensed vehicles of any kind.

8. Revocation of license.

If a police officer, Zoning Enforcement Officer, Health Officer, or any representative of the Town of York finds that any mobile home park is not being conducted in accordance with the provisions of this ordinance, such facts shall thereupon be reported to the Town Board and said Town Board may direct the Town Clerk to serve an order in writing upon the holder of the license or the person in charge of said park, directing that the conditions therein specified be remedied within ten (10) days after date of the service of the order. If such conditions are not corrected after the expiration of said ten (10) day period, the Town Board may cause a notice in writing to be served upon the holder of said license or the person in charge of such mobile home park, requiring the holder of the license to appear before the Town Board of the Town of York at a time to be specified in such notice, and to show cause why such mobile home park license should not be revoked. The Town Board may, after such a hearing at which testimony of witnesses may be taken and the holder of the license shall be heard, revoke such permit if said Town Board shall find that said park is not being maintained according to the provisions of this ordinance.

9. Renewal

Application for the renewal of any mobile home park license issued pursuant to this ordinance must be filed with the Town Clerk on or before the first day of December next preceding the expiration of said license. The application shall set forth in detail any fact or facts in variation with any fact or facts set forth in the original application. The application shall state that

all facts not set forth in the renewal application remain unchanged. The procedure for obtaining a renewal license shall, in all other respects, be the same as set forth above for obtaining an original license. Upon approval of said application for renewal of the license by the Town Board and upon the payment of the license fee provided for in Section 5 (D), the Town Clerk shall issue a renewal permit, which shall become effective upon the expiration of the prior license and continue for a period of one year. Such renewal license shall not be transferred or assigned.

10. Application to existing mobile home park.

This ordinance shall apply to all existing mobile home parks located in the Town of York on the effective date of said ordinance and such existing mobile home parks shall henceforth be maintained and operated in compliance with all provisions of this ordinance except that the provisions of Section 6 (B) shall not apply to mobile home parks in existence on the effective date of said ordinance. In regards to park units where mobile homes are located and being occupied, any addition, extension, or enlargements of existing parks made after the effective date of this ordinance shall be made in accordance with all of the provisions of this ordinance. The owner or operator of any existing park shall have ninety (90) days after this ordinance becomes effective to make application pursuant to section 5 for a license to operate such park. The owner or operator of any existing park shall have one year after this ordinance becomes effective to comply with the provisions of Sec. 6 (G). This ordinance shall also apply to any approved planned development district.

11. Penalties.

Any person who violates any provision of this ordinance or who fails to comply therewith, shall be guilty of an offense against such ordinance punishable by a fine of not more than two hundred and fifty (\$250.00) Dollars and not more than fifteen (15) days' imprisonment, and such offense for the purpose of conferring jurisdiction upon courts and judicial officers generally shall be deemed a misdemeanor, and for such purposes only all provisions of law relating to misdemeanors shall apply to such violation. In addition, the violation of the ordinance, or any of the provisions thereof, or the failure to comply therewith, shall subject the

person, firm, or corporation violating the same to a civil penalty in the sum of Fifty (\$50.00) Dollars, and when a violation of this ordinance, or a failure to comply therewith, is continuous, each twenty-four (24) hour period shall constitute a separate and distinct violation, said penalty to be recovered by the Town of York in a civil action. The application of the above penalty or penalties, or the prosecution for the violation of the provisions of this ordinance, shall not be deemed to prevent the revocation of any license issued pursuant thereto or the enforced removal of conditions prohibited by this ordinance by other legal or injunctive means.

12. Issuance of permit not to waive compliance with other statutes of ordinances.

The issuance of a license pursuant to the provisions of this ordinance shall not be deemed to waive compliance by the holder thereof, or by any occupant of any mobile home, with any statute or regulation of the State of New York, or any other governing agency or any other ordinance of the Town of York.

13. Validity.

If any section, paragraph, subdivision or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or, any part or provision thereof other than the part so decided to be invalid or unconstitutional.

14. Effective date.

This ordinance shall take effect ten (10) days after posting and publication thereof and immediately as against any person personally served with a certified copy thereof in accordance with the Town law of the State of New York.

MARTHA CURRY, Clerk
For the Town Board

R89adv1

Whereas it is necessary to regulate the use of the newly opened land fill area on River Road, be it

RESOLVED that a public hearing on a proposed Ordinance to regulate the use of the Town of York's River Road landfill site be held on the 28th day of January, 1971, at the Town Hall, York, New York, at 7:00 p.m., and that the Clerk publish and post proper notice thereof in the official paper and setting forth the proposed Ordinance, as follows:

YORK LANDFILL ORDINANCE

The Town Board of the Town of York, Livingston County, do enact and ordain as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the "York Landfill Ordinance".

Section 2. Definitions.

Person: The term person as used in this ordinance shall include an individual, society, club, firm, partnership, corporation or group or association of persons, and the singular may also mean the plural, where appropriate.

Rubbish: As used in this ordinance rubbish shall mean only: waste food and liquids, papers, cardboard, vegetable matter or similar organic matter which will, when deposited, ferment, decay or decompose.

Garbage :As used in this ordinance garbage shall mean only waste foods and liquids, papers, cardboard, vegetable matter or similar organic matter which will when deposited, ferment, decay or decompose.

Town Landfill site: The area operated by the Town, as approved by the New York State Department of Health, on River Road, or any subsequently Town-acquired and approved lands.

It is the intention of the Town Board that the words used in this Ordinance be given the meaning commonly attributed to them.

Section 3. Unlawful Use. It shall be unlawful for any person to use any other premises, except the Town Landfill site, within the Town of York, for the placing, disposal or deposit of any rubbish or garbage, except that it shall be lawful for a person to so use premises owned, rented or controlled by such person, for such person's use.

Section 4. Lawful Use. It shall be lawful for any person to carry-on and place, dispose of and deposit of rubbish and garbage at the Town Landfill site, provided always:

- a. The placing of any garbage or rubbish shall be made only at the location directed by the operator, and not otherwise.
- b. All newspapers, magazines, cardboard or other type of paper must be either bundled or boxed and tied.

Section 5. Lawful Use with Permission. Any person may, in addition to any other lawful use, carry on and deposit at the Town Landfill site, with the permission of the operator only, the following items: stumps, logs or sticks; steel banding or strips; refrigerators, stoves or similar items, if dismantled.

The permission of the operator shall be granted or withheld solely on the basis that at the time of request, the deposit of a requested item would not, or would, be injurious to efficient operation.

Section 6. Prohibited Uses. No person shall carry on or deposit on the Town Landfill site:

- a. Any item which will contaminate or pollute the ground, at the Town Landfill site, such as but not limited to acids, corrosive salts, flammable petroleum products, industrial or chemical waste products. The burden of proving an item will not contaminate or pollute is upon the person making request.
- b. Any dead animal, animal manure, or bulk crop waste (such as grainhouse spoils).
- c. Any abandoned or inoperable motor vehicle, farm machinery, or similar items of equipment, industrial or otherwise.

Section 7. Who May Use. No person who is not either a resident, a property owner or a person who conducts an established business within the Town of York, shall use the Town Landfill site, in any manner, except as provided in section 9.

Section 8. Stickers. Prior to using such Town Landfill site, every person entitled thereto shall apply and receive a sticker or stickers, from the Town Clerk, paying the Clerk only the actual cost thereof, and apply

the same upon his vehicle where it will be visible to the operator. No person shall be admitted to the site without such a visible sticker and all persons who enter without a sticker will be deemed to be trespassing. Stickers carried on the person are not valid to allow admittance.

Section 9. Commercial Use. It shall be lawful for persons whether resident or non-resident, in a commercial garbage pick-up service or business to use the Town Landfill site only upon complying with the following conditions:

- a. Such commercial user shall make affidavit to the Town Board of the Town of York, that he will use such site only for garbage pick-up made within the Town of York; any other use shall constitute a violation of this Ordinance.
- b. There must be a prior, written agreement with the Town of York as to the conditions and time of use for an agreed sum and method of payment.
- c. Any such commercial user must apply for and display a sticker, the same as all other users.

Section 10. Penalty. Any person who violates or assists in the violation of any of the provisions of this Ordinance, or who refuses to obey the lawful directions or instructions of the operator of the Town Landfill site, shall be guilty of an offense, and upon conviction therefore shall be subject to a fine not exceeding \$250.00, or imprisonment for a period not exceeding fifteen (15) days, or both. Upon a second conviction a person's sticker may, in addition, be required to be returned to the Town Clerk.

Section 11. Validity. If any provision of this Ordinance shall be held to be invalid by a Court of competent jurisdiction, such declaration shall not affect the validity of any other portion.

Section 12. Effective Date. This law shall become effective pursuant to the provisions of the Town Law as to publication and posting.

EDWIN J. HULBURT
Supervisor

RAYMOND MACINTYRE
Supt. of Highways

ROBERT P. RAINER
LEON WALTON
Councilmen

BRUCE MACINTYRE
FREDERICK NAGEL
Town Justices

TOWN OF YORK

MARTHA E. CURRY, TOWN CLERK

YORK, NEW YORK 14592

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Martha E. Curry, Town Clerk of the Town of York, N.Y., Livingston County, do hereby certify that section 413.09 of the Town of York Zoning Ordinance was amended, at a meeting of the York Town Board held on March 11, 1971, following a public hearing. Said amendment to the Ordinance was published in the Livingston Republican, Inc., newspaper, the official publication of the Town of York, and printed copy thereof posted on the Town Clerk sign board at the York Town Hall, York, N.Y. on Mar. 18, 1971.

Witness my hand and the seal of said Town of York, on the 18th day of March 1971.

THE LIVINGSTON REPUBLICAN, GENESEO, N.Y. — THURSDAY, MAR. 18, 1971

Legal Notice

ZONING ORDINANCE AMENDED

Please take notice, that after a public hearing held by the York Town Board on March 11, 1971, at 8:00 p.m. at the York Town Hall, the following was passed and enacted:

Resolved, that section 413.09 of the Town of York Zoning Ordinance be amended by adding thereto the wording "which shall include the erection of routing and safety, or safety-slogan, signs of a reasonable size," so that under Industrial, section 413.09, when amended, will read as follows:

413.09 ACCESSORY USES: Customarily incidental to any of the above uses, which shall include the erection of routing and safety, or safety-slogan, signs of a reasonable size.

TOWN BOARD
TOWN OF YORK

R35adv1

Martha E. Curry

Town Clerk of the Town of York
Livingston County, New York

ORD # 13

EDWIN J. HULBURT
Supervisor

RAYMOND MACINTYRE
Supt. of Highways

ROBERT P. RAI
LEON WALTON
Councilmen

BRUCE MACINTYRE
FREDERICK NAC
Town Justice

TOWN OF YORK

MARTHA E. CURRY, TOWN CLERK

YORK, NEW YORK 14592

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Martha E. Curry, Town Clerk of the Town of York, N.Y., Livingston County, do hereby certify that the Truck Exclusion Ordinance - Chestnut St., York, N.Y., - adopted on Aug. 19, 1971, at a regular Board Meeting of the Town Board of the Town of York, following a public hearing duly noticed and held that same evening, at York Town Hall, York, N.Y., said ordinance was published in the Livingston Republican Newspaper, the official publication of the Town of York and printed copy thereof posted on the Town Clerk sign board at the York Town Hall, York, N.Y., all on Sept. 2, 1971.

Witness my hand and the seal of said Town of York, on the 2nd day of Sept. 1971

Martha E. Curry

Town Clerk of the Town of York
Livingston County, N.Y.

On motion duly made, seconded and carried, it was RESOLVED that
8-19-71 8: P.M.
a public hearing be called to hear all interested persons, by inserting a notice thereof in the official paper of the Town, on a proposed Ordinance to read as follows:

TRUCK EXCLUSION ORDINANCE

Chestnut Street, York, N. Y.

The Town Board of the Town of York, does hereby enact and ordain as follows:

Section 1. Title. This Ordinance shall be known and may be cited as the Truck Exclusion Ordinance, Chestnut Street, York, New York.

Section 2. Definitions. The words used in this Ordinance shall have the meaning commonly attributed to them. The work "truck" for the purposes of this Ordinance shall mean and include all trucks, commercial or farm vehicles, tractors or tractor-trailer combination, but shall exclude school buses and such trucks making or picking-up a delivery along the Street.

Section 3. Prohibition. Any truck which weighs five (5) tons, or more, whether loaded or empty, is prohibited from operating along and over Chestnut Street in the Hamlet and Town of York, Livingston County, New York.

Section 4. Posting. The Superintendent of Highways of the Town shall give notice to the general public of the Ordinance by posting each end of Chestnut Street with a sign reading substantially: "Notice-Trucks Over 5 Tons Prohibited."

Section 5. Penalty. A violation of this Ordinance is hereby declared to be a traffic infraction, punishable under the provisions of the Vehicle and Traffic Law of the State of New York.

Section 6. Effective Date. This date shall take effect after publication and posting according to the provisions of the Town Law.

ORD. # 14

EDWIN J. HULBURT
Supervisor

ROBERT P. RAINER
LEON WALTON
Councilmen

~~XXXXXXXXXXXXXXXXXX~~

Supt. of Highways

BRUCE MACINTYRE
FREDERICK NAGEL
Town Justices

Ralph Flynn

TOWN OF YORK

MARTHA E. CURRY, TOWN CLERK

YORK, NEW YORK 14592

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Martha E. Curry, Town Clerk of the Town of York, N.Y. Livingston County do hereby certify that: At the York Town Board meeting of June 21, 1973, following a public hearing, the attached proposed amendments to the Town of York Zoning Ordinance were approved: Section 500.02 (g) and Summary Schedule No. 2.

The public hearing on the proposed amendments to the Town of York Zoning Ordinance was published in the Livingston Republican Newspaper, the official publication of the Town of York. The date of the public hearing was 6-7-73 at 7:30 P.M. and held at York Town Hall.

All published notices of this Ordinance - amendments, were posted on the Town Clerk's signboard.

Witness my hand and the seal of said Town of York, on the 22nd day of June 1973.

Martha E. Curry

Town Clerk of the Town of York
Livingston County, N.Y.



14 #

York

STATE OF NEW YORK }
County of Livingston } ss:

Legal Notice

At the York Town Board meeting of June 21, 1973, following a public hearing, the following proposed amendments to the Town of York Zoning Ordinance were approved:

Section 500.02 (g) Building Permit: No building permit will be needed for the re-erection of a structure that has been demolished and is re-built in the same dimensions within 6 months after demolition.

Summary Schedule No. 2: In box under minimum square footage allowed in R-A, R-AA and Agricultural zones: add to duplex - 860 per family - cellar area not considered in allowed min. sq. ft.

York Town Board
MARTHA E. CURRY
Clerk
R50adv1

Supervisor
Edwin J. Hulburt
Town Clerk
Martha E. Curry
Highway Supt. Kenneth Walton
~~XXXXXXXX~~
Tax Collector
Shirley Pascuzzo

TOWN OF YORK

YORK TOWN HALL
2668 MAIN STREET
YORK, N. Y. 14592

Councilmen
Robert P. Rain
Joseph Samar
William Lubans
Town Justice:
Bruce H. MacInt
Frederick Nag
Assessors
John Sinclair
Charles VanR
John Taylor

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Martha E. Curry, Town Clerk of the Town of York, N.Y., Livingston County do hereby certify that: At the York Town Board Meeting of September 6, 1979, following a public hearing, the attached Ordinance No. 1 - 1979 - DOG LICENSE FEE ORDINANCE, of the Town of York, N.Y. was approved.

The public hearing on the proposed proposed Ordinance No. 1 - 1979 Dog License Fee Ordinance was published in the Livingston Republican Newspaper of Genesee, N.Y. the official publication of the Town of York, N.Y.. The date of the public hearing was September 6, 1979, at 7:00 P.M. and held at York Town Hall, York, N.Y.

All published notices of this Ordinance were posted on the Town Clerk's sign board

Witness my hand and the seal of said Town of York, N.Y. on the 7th day of Septembe.

Martha E. Curry
Town Clerk of the Town of York, N.Y.
Livingston County, New York

YORK TOWN BOARD MEETING
SEPTEMBER 6, 1979

Resolution offered by Councilman Robert P. Rainer:

ORDINANCE NO. 1 - 1979 - DOG LICENSE FEE ORDINANCE

Being enacted by the Town Board of the Town of York as follows:

Section 1. This ordinance shall be known as the Town of York Dog License Fee Ordinance.

Section 2. The license fee for dogs in the Town of York shall be as follows: (a) \$5.50 for a spayed or neutered dog; (b) \$10.50 for an unspayed or unneutered dog.

Section 3. Section 2 of this ordinance shall take effect on October 1, 1979 and upon compliance with Town Law, Section 133.

Seconded by Town Justice Frederick Nagel. Voting: Yes-5 No-0

Ordinance passed: 9-6-79.

Discussion held. Re: Proposed Sewer Rent Ordinance.

Resolution offered by Councilman Howard Crawford and seconded by Councilman Andrew Schwan that we adopt the Sewer Rent Ordinance as follows:

SEWER RENT ORDINANCE

1. PURPOSE

Pursuant to the authority of the Sewer Rent Law, being Article 14-f of the General Municipal Law of the State of New York, and any and all amendments thereto, there are hereby established and imposed, sewer rents as a means of producing revenue for all sewer districts of the Town of York and all extensions thereof, said ordinance to be known as the "Sewer Rent Ordinance."

2. DEFINITIONS

The definitions contained in the Town of York Sanitary Sewer Use Local Law are incorporated herein by reference, and unless the context specifically indicates otherwise, the meaning of other terms used herein shall be as follows:

- 2.1 Sewer Rents - A scale of annual charges established and imposed on a unit method in the district on the basis of equivalent single house units (hereinafter referred to as "units") for the use of the sewage works or any part or parts thereof.
- 2.2 Equivalent Single House Units - shall be determined as follows:
 - a. Single family dwelling - Shall be charged one unit.
 - b. Other Dwellings: Premises occupied or designed to be occupied by 2 or more families, including two-family dwellings, multi-family dwellings, apartments, and apartment houses, shall be charged one unit for each apartment or separate living quarters contained in or on such premises, without regard as to whether the same are occupied on a seasonal or full year basis.
 - c. Rooming House/Hotel: Premises occupied or designed to be occupied as a rooming house or hotel shall be charged 1/4 unit per bedroom with a minimum charge of 1 unit per building, without regard as to whether the same are occupied on a seasonal or full-year basis. A rooming house or hotel is herein defined as a building occupied or designed to be occupied as a rental unit for (3) three or more unrelated people on a transient basis.

- d. Gasoline Station: Premises occupied or designed to be occupied as a gasoline station shall be charged 2 units, without regard as to whether the same are occupied on a seasonal or full year basis.
- e. Motel: Premises occupied or designed to be occupied as a motel shall be charged 1/2 unit for each motel rental unit. For example, a motel with 60 rental units, whether occupied or unoccupied, shall be charged 30 units.
- f. Restaurant, Bar/Grill, Cocktail Lounge: Premises occupied as a restaurant, bar/grill, cocktail lounge shall be charged one unit for every 500 square feet (or fraction thereof) of dining room, bar/grill room and/or cocktail lounge floor area.
- g. Retail Stores, Repair Garages, Business Offices, Office Buildings: Premises occupied as a retail store, repair garage, business office or office buildings shall be charged one unit for every 10 employees, or every 8 cold water faucets, or every 8 cold water plumbing connections (or fractions thereof) whichever group (employees, cold water faucets or cold water plumbing connections) constitutes the most number of units, with the minimum of one unit per building.
- h. Church Property: Premises designed or occupied to be utilized for religious purposes (church, parsonage) shall be charged one unit for each building served by the sewers.
- i. Laundromat: Premises occupied or designed to be occupied as a laundromat, whether self-service or otherwise, shall be charged 1-1/2 units for each 2 washing machines (or fraction thereof) without regard as to whether the same are occupied on a seasonal or year-round basis.
- j. Mobile Home Park: Any mobile home park shall be charged one unit for each approved mobile home stand that is served by the sewers, without regard as to whether each space is actually occupied by a mobile home on a seasonal or year-round basis.
- k. Educational Facility: Premises occupied or designed to be occupied as an educational facility shall be charged one unit per 20 full-time student/faculty/support personnel without regard as to whether the same are occupied on a seasonal or full-time basis.
- l. Combination Home & Business Dwelling: Where a business is being conducted from a home-owned property, there shall be a charge of one unit for the home and 1/2 unit for the business without regard as to whether the same are occupied on a seasonal or year-round basis.

- m. Non-Profit Public Services: Premises designed or occupied to be utilized for a non-profit public service (firehouse, ambulance center, New York State) shall be charged one unit for every 10 employees, or 8 cold water faucets, or every 8 cold water plumbing connections (or fractions thereof) whichever group (employees, cold water faucets or cold water plumbing connections) constitutes the most number of units for each building served by the sewers, with the minimum of one unit per building.
- n. Vacant Building Lots: Each building lot that is vacant of any premise or building (excepting sheds or barns) shall be charged one unit.

Any premises not within the above classification shall be charged the number of units determined by the Town Board. After a hearing held on not less than 5 days notice in writing of the proposed charge is mailed to the owner at his address as shown on the imposition of said proposed charge. Such charge shall be final ten days after the Town Board mails, by registered mail, to the owner a statement of its determination of the unit charge imposed after said hearing, unless the owner shall file in the office of the Town Clerk within such 10 days grace period a written Notice of Appeal containing a sworn statement of the grounds of his appeal. The Town Board shall hear such appeal within 30 days and amend, rescind, modify or affirm its prior decision based upon the evidence presented by the applicant.

- 2.3 **Sewers** - shall be all sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of wastewater and which are owned, operated or maintained by the sewer district in the Town, including sewage pumping stations and sewage treatment and disposal systems, if any.
- 2.4 **Wastewater** - shall be the water carrying human or animal wastes, ground garbage wastes, and permissible industrial wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface water as may be present.

3. SEWER RENTS ESTABLISHED

Sewer rents are hereby established and imposed for the sewer system in said sewer districts, or extensions thereof as now existing, and hereafter extended pursuant to law.

THE TOWN BOARD TO DETERMINE RENTS

The Town Board shall annually fix and determine the amount of the sewer rent to be charged for each sewer unit in said sewer districts with the adoption of the budget. The method used to determine the unit charge is to divide the total amount of the proposed budget for operation and maintenance of the sewers plus the annual debt service amount by the total number of sewer units in said sewer districts and extensions thereof.

Dischargers of toxic wastes which cause increased operation maintenance and replacement costs shall pay for such costs.

The costs of operation, maintenance and replacement for all extraneous flow treatment will be distributed among all users.

5. RENTS - WHEN DUE

There shall be quarterly billings for Sewer Rents on January 1, April 1, July 1, and October 1. Rents may be paid within thirty

(30) days without penalty. Rents paid past the thirty (30) day period shall incur a ten percent (10%) penalty.

Unpaid sewer rents, up to and including the July 1 billing, not collected by November 15th, of the same year, will be added to the County and Town Tax Bill of the following January labeled as "Unpaid Sewer Rents".

6. DISPOSITION OF REVENUES

Revenues derived from sewer rents shall be credited to a specific fund to be known as the "Sewer Rent Fund of each such District including extensions." Moneys in such fund shall be used only in the manner and for the purposes specified and in the order required by the Sewer Rent Law of the State of New York.

7. VALIDITY

Section 1: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 2: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any of the part of this Ordinance, which can be given effect without such invalid part or parts.

8. EFFECTIVE DATE

This Ordinance shall take effect in the manner provided in Section 133 of the Town Law.

The above Order becomes effective upon compliance with Town Law, Section 133.

Dated: December 9, 1983.

BY ORDER OF THE YORK TOWN BOARD
Martha E. Curry
Town Clerk

Passed and adopted by the Town Board of the Town of York, County of Livingston, State of New York on the 8th day of December, 1983.

Ayes 5 Namely: Floyd E. Anderson, Supervisor
Councilmen: Allen Galbraith, Howard Crawford,
John G. Pascuzzo and Andrew Schwan.

Nays 0

LEGAL NOTICE

At the York Town Board Meeting of 3-21-85, held at the York Town Office, and after a Public Hearing, and on a motion duly made and seconded, and four councilmen voting aye, it is hereby enacted and ordained by the Town Board, as follows:

MOBILE HOME ORDINANCE
FOR THE TOWN OF YORK

1. This Ordinance shall be known and may be cited by the short form title of "York Mobile Home Ordinance"
2. (a) Mobile Homes are permitted to be sited on lots not improved by other residential structures within Residential (R-A), Residential (R-AA) and Agricultural (A) Districts under the Zoning Ordinance of the Town of York.
 - (b) All lots and mobile homes sited thereon shall comply with the respective minimum lot size and minimum yard (set back) dimensions for said Districts.
 - (c) Only one mobile home is permitted to be sited on any such lot.
3. (a) A mobile home sited under the provisions of this Ordinance shall have a living area of not less than seven hundred fifty (750) square feet, shall be owned by the applicant for a siting permit, shall be located on a lot owned by the applicant for a siting permit and shall be used solely for residential occupancy by the applicant for a siting permit.
 - (b) Where required, an applicant must obtain approval of the Livingston County Health Department.
 - (c) If a mobile home is left vacant for a continuous period of one hundred twenty (120) days, it shall upon order of the Zoning Enforcement Officer of the Town of York, be removed from the site at the expense of and by the owner of the lot-mobile home. If the lot-mobile home owner, after having been given written notice as provided in Paragraph 7 (a), of this Ordinance, does not remove the mobile home, the mobile home shall be removed by the Zoning Enforcement Officer of the Town of York, at the expense of the lot and mobile home owner.
 - (d) If the siting of the mobile home is not completed within six (6) months from the date of the issuance of the siting permit, the siting permit is automatically terminated and voided, and is of no further force and effect.
4. (a) The owner of property whose principal business is farming may site one (1) mobile home for employee housing only for the entire farming operation of said owner, which siting must comply with all the applicable provisions of this ordinance.
 - (b) A permit for siting of a mobile home as provided in Paragraph 4(a) above shall be by special permit only issued by the Zoning Enforcement Officer of the Town of York.
 - (c) Upon any change of farm ownership, an application for a new siting permit must be submitted and a new siting permit and a new certificate of siting must be obtained for a mobile home previously sited under the provisions of this ordinance.

- 5.(a) A mobile home shall have metal, masonry, wood or vinyl extensions of its side walls, extending from the side walls to the surrounding ground level.
- (b) A mobile home shall be manufactured and installed to conform with provisions of the New York State Uniform Fire Prevention and Building Code.
- 6.(a) Application for a permit to site a mobile home shall be made to and said permit obtained from the Zoning Enforcement Officer of the Town of York before the commencement of any siting preparation on the lot set forth in the application.
- (b) Upon completion of the siting of the mobile home pursuant to the requirements of the siting permit, a certificate of siting approval must be obtained from the Zoning Enforcement Officer of the Town of York before the mobile home can be occupied.
- (c) A siting permit and a certificate of siting issued under this Ordinance cannot be transferred or assigned in any manner, and is for the personal benefit and use of the applicant to whom the siting permit and the certificate of siting is issued.
- 7.(a) Before invoking the provisions of Subdivisions (b) and (c) below, the Zoning Enforcement Officer of the Town of York shall provide a ten(10) day written notice of any violation of this ordinance directed to the address of the applicant set forth in the application for a siting permit.
- (b) VIOLATIONS: Any person, partnership, or corporation who violates permits, disobeys, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance, shall be guilty of an offense and upon conviction thereof shall be subject to a fine of not more than fifty dollars (\$50.00) or imprisonment for a period of not more than fifteen days, or both, for each offense. Each week a violation is willfully continued shall be deemed a separate offense.
- (c) LEGAL ACTION: In addition to other remedies, to enforce and carry out the provisions of this Ordinance, the Town of York may institute any injunctive or other appropriate legal action or proceeding to prevent any unlawful erection, extension, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of a building, a structure or land, or to prevent any illegal act, conduct, business or use.
- 8.(a) AMENDMENT PROCEDURE: This Ordinance may be amended by the Town Board from time to time, as provided by Town Law.
- 9.(a) SAVING CLAUSE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect its remaining portions.
- (b) EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its adoption, and the compliance with the appropriate Town Law and Law of the State of New York.

Dated: March 21, 1985

By Order of the York Town Board
York, New York
Martha E. Curry, Clerk

LEGAL NOTICE

At the York Town Board Meeting of 7-8-93, held at the York Town Hall, after a Public Hearing on 6-24-93, a motion was duly made and seconded by five (5) Councilmen voting aye, it is hereby enacted by the Town Board as follows:

TOWN OF YORK
LITTERING ORDINANCE

1. FINDINGS AND PURPOSE

By the adoption of this chapter the Town Board of the Town of York declares its intent to prohibit the dumping of, or littering with discarded garbage, refuse, rubbish or similar waste materials along the highways within the Town of York or upon any lands owned, leased or maintained by the Town of York, including all cemeteries within the said town whether or not they are maintained by the said town. Such waste materials are found to be unsightly, noxious and deleterious to the Town especially when strewn along its roadways. In some cases garbage dumped along roadsides may attract rodents or other wild animals which can be dangerous to the public health. Therefore, recognizing the above, and the need of the community to be protected from such activity, the Town Board of the Town of York does hereby enact the following chapter.

2. APPLICABILITY

This chapter shall apply to the dumping or littering upon the right way of any highway, whether it be a state, county or town road, within the Town of York or upon any lands owned, leased or maintained by the Town of York, including all cemeteries within the said town whether or not they are maintained by the said town.

3. PROHIBITION

No person shall litter, dump or dispose of any garbage, refuse, rubbish or other waste material on or within the right of way of any highway, road or street within the Town of York or upon any lands owned, leased or maintained by the Town of York, including all cemeteries within the said town whether or not they are maintained by the said town.

4. VIOLATION; PUNISHMENT

Any person who commits or permits to be committed any act which violates the prohibition or provisions of this chapter shall be guilty of a violation and, upon conviction thereof shall be subject to a fine of not more than two hundred fifty dollars (\$ 250) or required to perform community service of not more than fifty (50) hours or imprisonment for a period not exceeding fifteen (15) days, or by a combination of such fine, community service, and imprisonment.

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

DATED: July 16th, 1993

By Order of the York Town Board
York, New York
Christine M. Arrigenna, Clerk

ORD #19



TOWN OF YORK

2668 Main Street • York, New York 14592

Tel: (585) 243-3128 • Fax: (585) 243-4618 • TTY NY: (800) 662-1220

Supervisor
GERALD L. DEMING
Home (585) 243-5512

Town Board
DAVID B. SLIKER
LYNN M. PARNELL
WILLIAM J. HASLER
NORMAN R. GATES

Highway Superintendent
DAVID TEMPLETON

Senior Water/Sewer Oper.
NORMAN BARRETT
(585) 243-2092

Town Clerk/Tax Collector
CHRISTINE M. HARRIS

Town Justices
DAVID CLARK
WALTER PURTELL

Court Clerk
NORMA GEARY

Assessor
KEVIN QUINLAN

Zoning/Code Enforcer
JAMES MORGAN

September 24th, 2004

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Christine M. Harris, Town Clerk of the Town of York, New York, Livingston County, do hereby certify that: AT THE YORK TOWN BOARD MEETING OF 9-23-2004, following a Public Hearing held earlier in the evening, the attached Ordinance: SEWER DISTRICT NO. 1 SEWER ORDINANCE, was approved.

The Public Hearing on Sewer District No.1 Sewer Ordinance, as proposed, was published in the Livingston County News of Geneseo, New York, the official publication of the Town of York, New York. The date of the Public Hearing was 9-23-2004, at 7:00 p.m., and held at the York Town Hall, 2668 Main Street, York, New York.

All published notices of the Ordinance were posted on the York Town Clerk's signboard.

All York Town Board Members had notice of such meeting at least ten (10) days previous to the Public Hearing.

Witness my hand and the seal of said Town of York, New York on the 24th day of September, 2004.

Christine M. Harris, Town Clerk
Town of York
Livingston County, New York

At a Regular Meeting of the Town Board of the Town of York, held at the Town Hall on the 26th day of August 2004, and on motion duly made and seconded, it was

RESOLVED that the Town Clerk publish the Notice required by section 130 of the Town Law in the official newspaper calling a public hearing to be held at the Town Hall on the 23rd day of September, 2004, at 7 p.m. on the following proposed Ordinance.

Sewer District No. 1 Sewer Ordinance

BE IT RESOLVED and ENACTED by the Town Board of the Town of York as follows:

1. Name of Ordinance. This Ordinance shall be known and cited as the Sewer District No. 1 Sewer Ordinance.
2. Application. The terms of this Ordinance shall apply only to those persons and properties within the special district known as Sewer District No. 1.
3. Definitions. Persons; The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.
4. Use Required. All persons within, or who come into, Sewer District No. 1 are required to connect to the main sewer trunk line.
5. Upkeep. All persons are required to keep their connection and line to the main line in a proper state of repair.
6. Connection. No person shall tap or connect to the main trunk line without first having paid the established fee to the Town Clerk, and such installation shall be under the direction and approval of the Water & Sewer Superintendent.
7. Rates for Use. The rates to be charged per user shall be established by the Town on behalf of the District annually, unless a higher rate shall be established with a user agreement.

A penalty of 10% shall be added to all sewer users' bills in arrears in excess of 30 days. A charge of \$1,500.00 shall be made for a main connection on and after the effective date of this Ordinance.

8. Prohibitions. a) No person shall connect any storm water drainage line, or any water runoff downspout to his sewer system connection line, or to any part of his system.

b) No person shall excavate within 5 feet of the main sewer trunk line, without the permission of the Water & Sewer Superintendent.

c) No person shall place any chemical contaminate into his sewer system which may affect the bacterial decomposing action of the system.

d) No person shall place any article within the system which may plug or jam the operation thereof, or which may be inflammable or explosive.

9. Penalties. Any person violating the provisions of this Ordinance shall be subject to a charge of an offense, and upon conviction therefore shall be subject to a fine of not less than \$50.00 per day for each day's violation; and, the Town may enforce compliance herewith by any other equitable remedy, by injunction, or otherwise.

10. Effective Date. This Ordinance shall become effective according to the terms of the Town Law.

This Ordinance was duly adopted by the York Town Board at their September 23rd, 2004 Meeting.

The Ordinance shall become effective immediately.

Supervisor
GERALD L. DEMING
Home (585) 243-5512

Ord. #20



TOWN OF YORK

2668 Main Street • York, New York 14592

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Town Clerk/Tax Collector
CHRISTINE M. HARRIS

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Zoning/Code Enforcement
JAMES MORGAN

Highway Superintendent
DAVID TEMPLETON

Senior Water/Sewer Oper.
NORMAN BARRETT
(585) 243-2092

September 24th, 2004

STATE OF NEW YORK
County of Livingston
Town of York
Office of the Town Clerk

I, Christine M. Harris, Town Clerk of the Town of York, New York, Livingston County, do hereby certify that: AT THE YORK TOWN BOARD MEETING OF 9-23-2004, following a Public Hearing held earlier in the evening, the attached Ordinance: SEWER DISTRICT NO. 2 SEWER ORDINANCE, was approved.

The Public Hearing on Sewer District No.2 Sewer Ordinance, as proposed, was published in the Livingston County News of Geneseo, New York, the official publication of the Town of York, New York. The date of the Public Hearing was 9-23-2004, at 7:00 p.m., and held at the York Town Hall, 2668 Main Street, York, New York.

All published notices of the Ordinance were posted on the York Town Clerk's signboard.

All York Town Board Members had notice of such meeting at least ten (10) days previous to the Public Hearing.

Witness my hand and the seal of said Town of York, New York on the 24th day of September, 2004.



Christine M. Harris, Town Clerk
Town of York
Livingston County, New York

At a Regular Meeting of the Town Board of the Town of York, held at the Town Hall on the 26th day of August 2004, and on motion duly made and seconded, it was

RESOLVED that the Town Clerk publish the Notice required by section 130 of the Town Law in the official newspaper calling a public hearing to be held at the Town Hall on the 23rd day of September, 2004, at 7 p.m. on the following proposed Ordinance.

Sewer District No. 2 Sewer Ordinance

BE IT RESOLVED and ENACTED by the Town Board of the Town of York as follows:

1. Name of Ordinance. This Ordinance shall be known and cited as the Sewer District No. 2 Sewer Ordinance.
2. Application. The terms of this Ordinance shall apply only to those persons and properties within the special district known as Sewer District No. 2.
3. Definitions. Persons; The term "person" as used in this Ordinance shall include an individual, society, club, firm, partnership, corporation or association of persons, and the singular number shall include the plural number.
4. Use Required. All persons within, or who come into, Sewer District No. 2 are required to connect to the main sewer trunk line.
5. Upkeep. All persons are required to keep their connection and line to the main line in a proper state of repair.
6. Connection. No person shall tap or connect to the main trunk line without first having paid the established fee to the Town Clerk, and such installation shall be under the direction and approval of the Water & Sewer Superintendent.
7. Rates for Use. The rates to be charged per user shall be established by the Town on behalf of the District annually, unless a higher rate shall be established with a user agreement.

A penalty of 10% shall be added to all sewer users' bills in arrears in excess of 30 days. A charge of \$1,500.00 shall be made for a main connection on and after the effective date of this Ordinance.

8. Prohibitions. a) No person shall connect any storm water drainage line, or any water runoff downspout to his sewer system connection line, or to any part of his system.

b) No person shall excavate within 5 feet of the main sewer trunk line, without the permission of the Water & Sewer Superintendent.

c) No person shall place any chemical contaminate into his sewer system which may affect the bacterial decomposing action of the system.

d) No person shall place any article within the system which may plug or jam the operation thereof, or which may be inflammable or explosive.

9. Penalties. Any person violating the provisions of this Ordinance shall be subject to a charge of an offense, and upon conviction therefore shall be subject to a fine of not less than \$50.00 per day for each day's violation; and, the Town may enforce compliance herewith by any other equitable remedy, by injunction, or otherwise.

10. Effective Date. This Ordinance shall become effective according to the terms of the Town Law.

This Ordinance was duly adopted by the York Town Board at their September 23rd, 2004 Meeting.

The Ordinance shall become effective immediately.

