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## Chapter 1

### GENERAL PROVISIONS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay; Art. I, 10-8-1991 by L.L. No. 4-1991; Art. III, as Ch. 1, Sec. 1-2, of the 1975 Code. Section 1-16 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### ARTICLE I

##### Adoption of Code

**[Adopted 10-8-1991 by L.L. No. 4-1991]**

##### **§ 1-1. Legislative intent.**

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Solvay shall be known collectively as the "Code of the Village of Solvay," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the Code of the Village of Solvay to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, Article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

##### **§ 1-2. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior local law, ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Trustees of the Village of Solvay, and it is the intention of said Board that each such provision contained within the Code is hereby reaffirmed as it appears in said Code. Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

##### **§ 1-3. Repeal of enactments not included in Code.**

All local laws and ordinances of a general and permanent nature of the Village of Solvay in force on the date of the adoption of this local law and not contained in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this local law.

##### **§ 1-4. Enactments saved from repeal; matters not affected.**

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the

following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal.

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Solvay prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Solvay or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of Solvay.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Solvay.
- E. Any local law or ordinance of the Village of Solvay providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Solvay or any portion thereof.
- F. Any local law or ordinance of the Village of Solvay appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Solvay or other instruments or evidence of the village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The dedication of property.
- J. Any legislation relating to salaries.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any legislation adopted subsequent to July 10, 1990.

**§ 1-5. Severability.**

If any clause, sentence, paragraph, section, Article, chapter or part of this local law or of any local law, ordinance or resolution included in this Code now or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, Article, chapter or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 1-6. Copy of Code on file.**

A copy of the Code, in loose-leaf form, has been filed in the office of the Village Clerk of the Village of Solvay and shall remain there for use and examination by the public until final action is taken on this local law; and, if this local law shall be adopted, such copy shall be certified to by the Village Clerk of the Village of Solvay by impressing thereon the Seal of the Village of Solvay, and such certified copy shall remain on file in the office of said Village Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. The enactment and publication of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Village of Solvay" or any new local laws or resolutions, when enacted or adopted in such form as to indicate the intention of the Board of Trustees to be a part thereof shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained herein, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

**§ 1-8. Code book to be kept up-to-date.**

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

**§ 1-9. Sale of Code book; supplementation.**

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

**§ 1-10. Penalties for tampering with Code.**

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Solvay or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of

Solvay to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

**§ 1-11. Changes in previously adopted legislation.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Solvay, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)<sup>1</sup>

**§ 1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Village of Solvay, such local law to be entitled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-13, inclusive.

**§ 1-13. When effective.**

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

**§ 1-14. (Reserved)**

**ARTICLE II**

**Legislation Enacted During Codification**

**[During the process of codification, certain amendments to existing legislation were approved by the Board of Trustees for inclusion in the Code of the Village of Solvay. Such amendments are noted in the histories of individual chapters as ". . .amended during codification; see Ch. 1, General Provisions, Art. II." These amendments will be adopted separately and are presently proposed before the Board of Trustees for that purpose. Upon final enactment, a complete enumeration of all**

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1. Editor's Note: Pursuant to § 1-11B, the following Code sections, Articles and chapters were amended or added: §§ 1-16, 21-1B, 26-1, 40-3, 40-6, 40-7, 48-14, 52-7, 56-2, 59-2, 59-3, 59-4, 59-6, 59-7, 59-8, 66-1, 66-9 and 66-21, Ch. 72, § 82-1, Ch. 84, §§ 89-1, 89-2, 89-3, 89-4, 89-6, 89-7, 89-8, 89-9A and C, 89-15, 89-17A, 89-18A and C, 89-19, 89-20, 89-22A, 89-24, 89-44A, 96-3, 96-5, 109-1A, B, E, G, H and I, 109-13, 136-7A, 136-14 and 136-22, Art. IV of Ch. 136, §§ 140-6E, 140-20, 144-1 and 144-6, Art. IV of Ch. 144, §§ 147-2A, C and D, 147-3, 147-5, 147-6, 147-7, 147-8, 147-9, 147-10, 153-3 and 153-9, Ch. 157, §§ 160-9, 160-51B, 160-60, 165-4, 165-8, 165-10, 165-11, 165-12, 165-14A, 165-16, 165-18, 165-19, 165-22, 165-23, 165-27, 165-34A, 165-35A, 165-37 and 165-39; and the Schedule of Area and Dimension Controls (located at the end of Ch. 165; see § 165-28). In addition, the following sections have been amended or added to provide that an offense against any provision shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both: §§ 45-5, 48-6, 48-31, 56-7, 66-8, 108-4, 109-11, 109-24, 122-10, 126-2, 136-3, 136-21, 136-30, 140-20, 147-11, 153-4 and 160-8. In addition, the following sections and Article of the 1975 Code were deleted: Secs. 4-25, 4-26, 7-16, 7-17, 14-1, 14-5, and 14-6 and Art. III of Ch. 14 (Secs. 14-49 through 14-80); and Sec. 15-31 of L.L. No. 2-1983 was deleted.

**such enactments will be included in this Article, along with specific dates of adoption.]**

**ARTICLE III**  
**Definitions and Word Usage**  
**[Adopted as Ch. 1, Sec. 1-2, of the 1975 Code]**

**§ 1-15. Rules of construction.**

In the construction of this Code and of all legislation, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board of Trustees.

**§ 1-16. Definitions.**

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

**BOARD** — The Board of Trustees of the Village of Solvay.

**BOARD OF TRUSTEES** — The Board of Trustees of the Village of Solvay.

**CODE ENFORCEMENT OFFICER** — The Code Enforcement Officer of the village. [Amended 10-8-1991 by L.L. No. 4-1991]

**CORPORATE LIMITS, CORPORATION LIMITS OR VILLAGE LIMITS** — The legal boundary of the Village of Solvay.

**COUNTY** — The County of Onondaga in the State of New York.

**KEEPER; PROPRIETOR** — Includes persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

**MAYOR** — The Mayor of the Village of Solvay, and where an ordinance or section shall direct that an act be performed or decision be made by the "Mayor," such expression shall be deemed to include not only the Mayor, but the Acting Mayor in the absence of the Mayor or any member of the Board designated by the Board or the Mayor to perform the act or exercise the discretion referred to; but this provision shall not be construed to authorize the Mayor or the Board to delegate any power or duty on the part of the Mayor to any other person except a member of the Board of Trustees of the village or except as otherwise provided by law.

**MONTH** — A calendar month.

**OATH** — Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**OWNER** — As applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

**PERSON** — Extends and is applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**PERSONAL PROPERTY** — Includes every species of property except real property, as herein described.

**POLICE COMMISSIONER** — The member or members of the Board designated by the Mayor to act as Police Commissioners or on the Police Committee.

**PRECEDING; FOLLOWING** — Next before and next after, respectively.

**PREMISES** — Place or places.

**PROPERTY** — Includes real and personal property.

**PUBLIC HIGHWAY; PUBLIC STREET** — Includes any public highway, road, street, avenue, alley, public place, public driveway or any other public way within the village.

**PUBLIC PLACE** — Any park, cemetery, school yard or open space adjacent thereto, all streets and parking fields and all waterways.

**REAL PROPERTY** — Includes lands, tenements and hereditaments.

**RESIDENCE** — The place adopted by a person as his place of habitation and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his "residence."

**SEAL** — The Village or Corporate Seal.

**SIDEWALK** — Any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

**STATE** — The State of New York.

**STREET** — Embraces streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the village and shall refer to that part of a public highway intended for pedestrians.

**SUPERINTENDENT OF PUBLIC WORKS** — The Superintendent of Public Works of the village.<sup>2</sup>

**SUPERINTENDENT OF WATER DEPARTMENT; SUPERINTENDENT OF LIGHT DEPARTMENT** — The persons appointed to said offices by the Board of Trustees.

**TENANT; OCCUPANT** — As applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

**TRUSTEE** — Any person elected to that office and shall include those persons who hold offices who are ex officio.

**VEHICLE** — Except where otherwise defined, an automobile, motorcycle, cart, wagon, buggy, bicycle, sled, sleigh or airplane and shall include any device of any kind or character used or designed to be used for the purpose of transporting persons or things.

**VILLAGE BOARD OF TRUSTEES** — The Board of Trustees of the Village of Solvay.

**VILLAGE ENGINEER** — That officer of the village.

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

WEEK — Seven days.

**§ 1-17. Construal of provisions; word usage.**

- A. Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.
- B. Delegation of authority. Whenever a provision appears requiring the head of a department of the village to do some act or make certain inspections, it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection, unless the terms of the provision or section designate otherwise.
- C. Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- D. Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provisions imposing the greater restriction or regulation shall be deemed to be controlling.
- E. Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- F. Name of officer. Whenever the name of an officer is given, it shall be construed as though the words "of the Village of Solvay" were added.
- G. Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- H. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.
- I. Or; and. "Or" may be read "and" and "and" may be read "or" if the sense requires it.
- J. Signature; subscription. The signature or subscription of a person shall include a mark when the person cannot write.
- K. Time. Words used in the past or present tense include the future as well as the past and present.
- L. Village; corporation. Whenever the words "the village," "this village," "the corporation" or "this corporation" are used, they shall be construed as if the words "of Solvay, New York" followed them.
- M. Written; in writing. The words "written" or "in writing" shall be construed to include any

representation of words, letters or figures, whether by printing or otherwise.

## Chapter 3

### ASSESSOR, ABOLISHMENT OF

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 8-27-1996 by L.L. No. 5-1996. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Taxation — See Ch. 144.

#### **§ 3-1. Intent.**

The intent of the Board of Trustees of the Village of Solvay is to implement § 1402, Subdivision 3, of the Real Property Tax Law providing for the voluntary termination of the village's status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the position of Assessor and/or Board of Assessors and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Solvay.

#### **§ 3-2. Assessing unit ceased.**

On or after the effective date of this chapter, the Village of Solvay shall cease to be an assessing unit.

#### **§ 3-3. Assessor abolished.**

The position of Assessor in the Village of Solvay is hereby abolished.

#### **§ 3-4. Board abolished.**

The Board of Assessment Review in the Village of Solvay is hereby abolished.

#### **§ 3-5. Village taxes to be levied by town.**

On or after the effective date of this chapter, taxes in the Village of Solvay shall be levied on a copy of the applicable part of the assessment roll of the Town of Geddes with the taxable status date of such town controlling for village purposes.

#### **§ 3-6. Filing with town and state.**

Within five days of the effective date of this chapter, the Board of Trustees of the Village of Solvay shall file a copy of such chapter with the Clerk and Assessor of the Town of Geddes and with the State Board of Real Property Services.

**§ 3-7. Referendum.**

This chapter shall take effect immediately upon filing with the Secretary of State; provided, however, that such chapter is subject to a permissive referendum and the Village Clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.<sup>1</sup>

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**1. Editor's Note: This chapter was subject to permissive referendum, and no valid petition requesting such referendum was filed as of 9-26-1996 in accordance with the applicable provisions of law.**

## Chapter 7

### DEFENSE AND INDEMNIFICATION

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 6-25-1991 by L.L. No. 2-1991.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Code of Ethics — See Ch. 15.

Officers and employees — See Ch. 26.

#### § 7-1. Legislative intent.

The purpose of this chapter is to provide legal and financial protection for those individuals serving the Village of Solvay from losses which may be brought against them in their individual capacity for actions taken while in the performance of their official duties and responsibilities. In enacting this chapter, the Board of Trustees finds that the State of New York has enacted similar provisions for the legal and financial security of its officers and employees and further finds that such security is also required for local personnel. By enactment of this chapter the Board of Trustees does not intend to limit or otherwise abrogate any existing right or responsibility of the village or its employees with regard to indemnification or legal defense. It is solely the intent of this chapter to provide similar coverage for local employees as is presently provided for state employees, so as to continue to attract qualified individuals to local government services, pursuant to § 18 of the Public Officers Law, Defense and indemnification of officers and employees of public entities.

#### § 7-2. Definitions.

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

**EMPLOYEE** — Any commissioner, member of a public board or commission, trustee, director, officer, employee, volunteer expressly authorized to participate in a publicly sponsored volunteer program or any other person holding a position by election, appointment or employment in the service of a public entity, whether or not compensated, but shall not include the sheriff of any county or an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

**GOVERNING BODY** — The board or body in which the general legislative, governmental or public boards of the public entity are vested and by authority of which the business of the public entity is conducted.

**PUBLIC ENTITY** — A county, city, town, village or any other political subdivision or civil division of the state; a school district, Board of Cooperative Educational Services or any other

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1. Editor's Note: This local law also superseded former Ch. 7, Defense and Indemnification, adopted 5-13-1980 by L.L. No. 1-1980.

governmental entity or combination or association of governmental entities operating a public school, college, community college or university; a public improvement or special district; a public authority, commission, agency or public benefit corporation; or any other separate corporate instrumentality or unit of government; but shall not include the State of New York or any other public entity, the officers and employees of which are covered by § 17 of the Public Officers Law or by defense and indemnification provisions of any other state statute taking effect after January 1, 1979.

**§ 7-3. Applicability.**

The provisions of this chapter shall apply to any public entity:

- A. Whose governing body has agreed, by adoption of a local law, bylaw, resolution, rule or regulation, to confer the benefits of this chapter upon its employees and to be held liable for the costs incurred under these provisions; or
- B. Where the governing body of a municipality, for whose benefit the public entity has been established, has agreed, by the adoption of a local law or resolution, to confer the benefits of this chapter upon the employees of such public entity and to be held liable for the costs incurred under these provisions.

**§ 7-4. Defense to be provided.**

- A. Upon compliance by the employee with the provisions of § 7-6 of this chapter, the public entity shall provide for the defense of the employee in any civil action or proceeding, state or federal, arising out of any alleged act or omission which occurred or allegedly occurred while the employee was acting within the scope of his public employment or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or at the behest of the public entity employing such employee.
- B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by private counsel of his choice in any civil action or proceeding whenever the chief legal officer of the public entity or other counsel designated by the public entity determines that a conflict of interest exists or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by counsel of his choice; provided, however, that the chief legal officer or other counsel designated by the public entity may require, as a condition to payment of fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. Reasonable attorneys' fees and litigation expenses shall be paid by the public entity to such private counsel from time to time during the pendency of the civil action or proceeding, with the approval of the governing body of the public entity.
- C. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.
- D. Where the employee delivers process and a written request for a defense to the public entity under § 7-6 of this chapter, the public entity shall take the necessary steps on behalf

of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

**§ 7-5. Duty to indemnify; submission of judgment to village.**

- A. The public entity shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in a state or federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his public employment or duties; provided, further, that in the case of a settlement the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement by the governing body of the public entity.
- B. Except as otherwise provided by law, the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- C. Nothing in this section shall authorize a public entity to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to § 51 of the General Municipal Law; provided, however, that the public entity shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.
- D. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the chief administrative officer of the public entity, and if not inconsistent with the provisions of this chapter, the amount of such judgment or settlement shall be paid by the public entity.

**§ 7-6. Conditions.**

The duty to defend or indemnify and save harmless prescribed by this chapter shall be conditioned upon delivery by the employee to the chief legal officer of the public entity or to its chief administrative officer of a written request to provide for his defense together with the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the public entity based upon the same act or omission and in the prosecution of any appeal.

**§ 7-7. Scope.**

The benefits of this chapter shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

**§ 7-8. Obligation to give notice.**

This chapter shall not in any way affect the obligation of any claimant to give notice to the public entity under Section 10 of the Court of Claims Act, § 51 of the General Municipal Law or any other provision of law.

**§ 7-9. Purchase of insurance.**

Any public entity is hereby authorized and empowered to purchase insurance from any insurance company created by or under the laws of this state or authorized by law to transact business in this state against any liability imposed by the provisions of this chapter or to act as a self-insurer with respect thereto.

**§ 7-10. Payments.**

All payments made under the terms of this chapter, whether for insurance or otherwise, shall be deemed to be for a public purpose and shall be audited and paid in the same manner as other public charges.

**§ 7-11. Effect on insurers.**

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

**§ 7-12. Effect on other provisions.**

Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity to liability available to or conferred upon any unit, entity, officer or employee of any public entity by, in accordance with or by reason of any other provision of state or federal statutory or common law.

**§ 7-13. Comparable benefits conferred by similar enactments.**

Except as otherwise provided in this chapter, benefits accorded to employees under this chapter shall be in lieu of and take the place of defense or indemnification protections accorded the same employees by another enactment, unless the governing body of the public entity shall have provided that these benefits shall supplement and be available to defense or indemnification protection conferred by another enactment.

**§ 7-14. Applicability to public library.**

The provisions of this chapter shall also be applicable to any public library supported, in whole or in part, by a public entity whose governing body has determined, by adoption of a local law, ordinance, bylaw, resolution, rule or regulation, to confer the benefits of this chapter upon the employees of such public library and to be held liable for the cost incurred under these provisions.

## **Chapter 12**

### **ELECTIONS**

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 2, Sec. 2-7, of the 1975 Code. Amendments noted where applicable.]**

#### **§ 12-1. Applicability of State Election Law.**

Village election inspectors shall be governed by and comply with the New York State Election Law in all municipal elections, and the police shall enforce said regulations.



## Chapter 15

### ETHICS, CODE OF

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 2-9-1971 by resolution. Sections 15-2 and 15-3 amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Defense and indemnification — See Ch. 7.

Officers and employees — See Ch. 26.

#### § 15-1. Purpose; construal of provisions.

This chapter, applicable to village officers and employees of the Village of Solvay, is adopted as a supplement to the provisions of Article 18 of the General Municipal Law of the State of New York for the purposes described in such Article, and it shall be construed to give effect thereto.

#### § 15-2. Definitions.

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

AGENCY — Includes any board, commission, authority, office, committee, department, branch, bureau or other administrative subdivision of the Village of Solvay or the Village Trustees.

OFFICER or EMPLOYEE — Any officer or employee, elected or appointed, of the Village of Solvay, and any member of any agency of the village or anyone acting as advisor, consultant, counselor or counsel to such agency, paid or unpaid. No person shall be deemed to be an "officer" or "employee" of the village solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.<sup>1</sup>

VILLAGE — The Village of Solvay.

#### § 15-3. Prohibited activities.<sup>2</sup>

No officer or employee of the Village of Solvay shall:

- A. Directly or indirectly solicit any gift or accept or receive any gift having a value of \$25 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

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1. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

2. Editor's Note: Amended during codification; see Ch. 1, General Provisions, Art. II.

- B. Disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- C. Receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.
- D. Receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this action shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

**§ 15-4. Standards of conduct.**

- A. There is hereby established and adopted a Code of Ethics containing standards of conduct for officers and employees of the Village of Solvay.
- B. Every officer or employee of the Village of Solvay shall adhere to the following standards:
  - (1) No officer or employee shall accept other employment or engage in any business transactions, directly or indirectly, which might tend to affect his judgment in any official act or create a conflict with his official duties.
  - (2) No officer or employee shall knowingly invest or hold any investment or interest, legal or beneficial, directly or indirectly, in any property, real or personal, in conflict with his official duties.
  - (3) No person who has served as an officer or employee of the Village of Solvay shall, after the termination of such service or employment, appear before any board or agency of the village nor render services on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such officer or employee was directly concerned or in which he personally participated during the period of his service or employment or which was under his active consideration, until such case, proceeding or application has been finally disposed of, nor shall said officer or employee receive or agree to receive any compensation with respect to such matter.
  - (4) To the extent that he knows thereof, a member of the Village Board of Trustees and any officer or employee of the Village of Solvay who participates in the discussion of or gives any official opinion to the Village Board of Trustees on any legislation before the Village Board of Trustees shall disclose the nature and extent of any direct financial or other private interest he has in such legislation.

**§ 15-5. Effect on civil service employees.**

This chapter shall not be deemed in any way to conflict with or modify any Act of the Legislature of the State of New York relating to the civil service rights, privileges or status of any employees of the village, and the provisions hereof shall not apply wherever and to the

extent that the effect thereof would be to repeal or modify any such act or portion thereof.

**§ 15-6. Board of Ethics.**

- A. There is hereby created and established a Board of Ethics consisting of three members, all of whom shall reside in the village and who shall serve without compensation.
- B. All members of such Board shall be appointed by the Board of Trustees. Members shall be appointed for a period of two years.
- C. At least one member of such Board shall be an officer or employee of the Village of Solvay, but a majority of such members may not be officers or employees of the village.
- D. The Board shall render advisory opinions to officers and employees of the village.
- E. The Board shall render advisory opinions, in writing, to officers and employees who are subject to this chapter with respect to the Code of Ethics. Such opinions shall be rendered only upon written request by the officer or employee concerned with the subject of the inquiry.
- F. The Board shall prescribe rules and regulations establishing its procedures and the rendering, filing and promulgation of its opinions.

**§ 15-7. Penalties for offenses.**

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



## Chapter 21

### LOCAL LAWS, ADOPTION OF

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay: Art. I, 3-7-1950 by L.L. No. 1-1950. Section 21-1B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

#### ARTICLE I

##### Public Hearings

[Adopted 3-7-1950 by L.L. No. 1-1950]

##### § 21-1. Hearing required; notice.

- A. Before voting upon a proposed enactment of a local law, the Board of Trustees shall fix a day, within 30 days after the presentation of a local law, for a public hearing thereon and, within 20 days after such local law shall have been presented, shall cause a notice of the time and place of such hearing to be given. Such public notice shall be given by the Village Clerk by causing the same to be published once in the official newspaper at least three days prior to the day fixed for such hearing. Such notice shall contain the title of the proposed local law and a brief explanatory statement thereof, and such hearing shall be held within the Village of Solvay at a place reasonable of access and at a reasonable hour.
- B. In case there is no official newspaper or in case of strike, insurrection, riot, conflagration or other necessity requiring immediate effectiveness, a local law enacted or adopted shall take effect upon proclamation thereof by the Mayor and the posting of such proclamation, together with the title or a brief description of said local law, in five conspicuous places in the village.<sup>1</sup>

##### § 21-2. Conduct of hearing.

The Board of Trustees shall attend at the time and place appointed for such hearing and shall afford an opportunity for a public hearing concerning such proposed local law.

##### § 21-3. Proof of publication.

Proof of publication of such notice of public hearing shall be file in the office of the Village Clerk.

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



## Chapter 26

### OFFICERS AND EMPLOYEES

[**HISTORY:** Adopted by the Board of Trustees of the Village of Selvay: Art. I, as Ch. 2, Secs. 2-1 - 2-3, of the 1975 Code; Art. II, 11-21-1977 by L.L. No. 4-1977; Art. III, 6-12-1990 by L.L. No. 1-1990, Section 26-1 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Defence and indemnification — See Ch. 7.  
Code of Ethics — See Ch. 15.  
Salaries and compensation — See Ch. 35.

#### ARTICLE I

##### Mayor and Board of Trustees

[Adopted as Ch. 2, Secs. 2-1 - 2-3, of the 1975 Code]

##### § 26-1. Terms of office.<sup>1</sup>

The Mayor and the six Trustees shall be elected for four-year terms; provided, however, that elections for said offices shall be held biennially.

##### § 26-2. Appointment of standing committees.

At the annual organizational meeting of the Mayor and Board of Trustees, the Mayor shall appoint all standing committees of said Board and shall prescribe the duties thereof.

##### § 26-3. Rules of procedure.

Robert's Rules of Order shall be applicable and shall govern all proceedings of the Mayor and Board of Trustees.

#### ARTICLE II

##### Comptroller

[Adopted 11-21-1977 by L.L. No. 4-1977]

##### § 26-4. Establishment of office.

In accordance with § 3-301, Subdivision 2c, of the Village Law, which provides that "any village may have such other officers, including deputies, as the Board of Trustees shall determine," the office of Comptroller is hereby established.

##### § 26-5. Powers and duties.

The powers and duties of the Comptroller shall be as follows:

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

- A. To act as chief accountant for all village funds and account groups, except those of the Village Justice.
- B. To manage the day-to-day financial details of the abovementioned funds, including cash receipts, cash disbursements and payroll.
- C. To render to the Board of Trustees periodic and timely internal financial statements of the above-mentioned funds.
- D. To review, approve and sign the annual financial statements of the village's Electric Fund to the Power Authority of the State of New York and the Federal Power Commission.
- E. To prepare and render to the New York State Department of Audit and Control an annual estimate of Electric Fund operations.
- F. To sign all village purchase orders, subject to limitation due to any and all state and local laws and dictates of the Village Board of Trustees.
- G. To sign any other documents which are not restricted to any other officer of the village and which fall under the purview of the other powers and duties of this office.
- H. To assist the Village Treasurer and budget officer in the preparation of the village's annual budget.
- I. To render financial advice and counsel to the Mayor, the Board of Trustees and other officers which would fall within the scope of the office.

### ARTICLE III

#### **Expenses Incurred on Village Business [Adopted 6-12-1990 by L.L. No. 1-1990]**

##### **§ 26-6. Legislative authority.**

Whereas the Village of Solvay has determined that it requires a policy establishing rules and regulations pertaining to expenses of certain public officials and employees attending conventions, conferences and schools and travel expenses incurred on village business, now, therefore, in accordance with General Municipal Law § 77-b, Expenses of certain public officers and employees attending conventions, conferences and schools, the following rules and regulations are hereby established.

##### **§ 26-7. Definitions.**

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

CONFERENCE — A convention, conference or school conducted for the betterment of the Village of Solvay.

##### **§ 26-8. Prior authorization.**

The Village of Solvay Board of Trustees shall, by majority vote, authorize any of its members or any officer or employee or other person who has been elected, pursuant to law, to public office of the Village of Solvay, for which the term of office has not commenced, to attend a conference

or incur travel expenses in connection with village business. Such authorization must be by resolution adopted prior to such attendance or travel, duly entered into the minutes of the Village of Solvay Board of Trustees. However, the Village Board of Trustees may delegate the power to authorize attendance at such conference or incur travel expenses to the Mayor, in the event that the Board of Trustees' approval would be impractical. Such approval by the Mayor must be in writing.

**§ 26-9. Conditions.**

All actual and necessary fees, all actual and necessary expenses of travel, meals and lodging and all necessary tuition fees incurred in connection with attendance at a conference or travel expenses incurred in connection with Village business shall be a charge against the Village of Solvay, and the amount thereof shall be audited, allowed and paid in the same manner as are other claims against the Village of Solvay, subject to the following conditions:

- A. Transportation. The method of transportation shall be approved in advance (i.e., automobile, airplane, train, etc.). The mileage rate for automobile usage shall be set by the Board of Trustees at \$0.225 per mile.<sup>2</sup>
- B. Meals. Either a per diem amount shall be established or actual out-of-pocket expenses approved. Where actual expenses are approved, receipts shall be required to be submitted for each meal.
- C. Lodging. Lodging shall either be paid by voucher or based upon a receipted bill.
- D. Telephone calls. Reimbursement shall be made by submitting hotel or motel bills or telephone credit card bills and/or receipts for payment.
- E. Entertainment or other personal expenses. Entertainment or other personal expenses shall not be reimbursed, nor shall expenses for spouses or family members.
- F. Travel advances. When travel advances are necessary, requests shall be approved by the Board of Trustees in advance and recorded in the minutes.
- G. Outside organizations. In the event that an outside organization is to reimburse or pay for any Village officer's, employee's or Board member's expenses, the Board of Trustees and the Mayor shall be notified of that fact, in writing, and Village funds shall not be used as advances or reimbursement for expenses incurred.

**§ 26-10. Travel and conference expense summaries.**

Where authorization to attend a conference or incur travel expenses in connection with Village business shall be granted by the Board of Trustees or Mayor, no claim or expenses shall be audited, allowed or paid unless employees and Board members submit travel expense summaries, on a Village-approved form, for each trip. Each member of the Board of Trustees and each Village employee or officer shall be responsible for his respective conference and travel expenses. Receipts must be reviewed and approved by department heads and the Village Internal

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<sup>2</sup>. Editor's Note: The Board of Trustees increased the mileage rate for automobile usage to \$0.485 per mile by resolution of 9-27-2005, effective 9-1-2005.

Auditor. Travel and conference expense summaries for department heads shall be approved by the Mayor and standing committee chairmen.

**§ 26-11. Compensation for time attending conferences.**

No person shall be entitled to any compensation for time spent attending conferences, except that no deductions shall be made from the salary of a person so attending because of such attendance.

**§ 26-12. Advances.**

Advances of money for estimated expenditures, for registration fees, travel, meals, lodging and tuition fees may be made to a person authorized to attend a conference or incur travel expenses on Village business, provided that itemized vouchers showing actual expenditures are submitted after such attendance and moneys advanced in excess of such expenditures in excess of such estimate are audited and paid to the Village of Solvay. Where a Trustee, officer or employee fails to return such excess advance at the time of submitting his itemized voucher or upon demand after audit of such voucher, the Village of Solvay shall deduct the amount of such unreturned excess advance from the salary or other money owed the Trustee, officer or employee of the Village of Solvay.

## Chapter 29

### PROCUREMENT POLICY

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 1-28-1992. Amendments noted where applicable.]**

#### **§ 29-1. Determination if contract subject to bidding.**

- A. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good-faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to § 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under state and county contracts; and surplus and secondhand purchases from another governmental entity. [Amended 3-22-2011 by L.L. No. 2-2011]
- B. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase or any other written documentation that is appropriate.

#### **§ 29-2. General methods.** [Amended 3-22-2011 by L.L. No. 2-2011]

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to § 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to § 186 of the Correction Law; purchases under state contracts pursuant to § 104 of the General Municipal Law; purchases under county contracts pursuant to § 103, Subdivision 3, of the General Municipal Law; or purchases pursuant to § 29-6 of this policy.

#### **§ 29-3. Specific methods.**

- A. The following method of purchase will be used when required by this policy in order to achieve the highest savings: [Amended 3-22-2011 by L.L. No. 2-2011]

**Estimated Amount of Purchase Contract**

\$250 to \$2,999  
\$3,000 to \$19,999

**Method**

2 verbal quotations  
3 written/fax/electronic quotations based upon written request for proposal

**Estimated Amount of Public Works Contract**

\$250 to \$2,999  
\$3,000 to \$4,999  
\$5,000 to \$34,999

**Method**

2 verbal quotations  
2 written/fax/electronic proposals  
3 written/fax/electronic quotations based upon written request for proposal, including scope of work

- B. A good-faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

**§ 29-4. Documentation of action required.**

Documentation is required of each action taken in connection with each procurement.

**§ 29-5. Documentation and explanation for award to other than lowest bidder.**

Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

**§ 29-6. Conditions for nonsolicitation of alternative proposals.**

Pursuant to General Municipal Law § 104-b, Subdivision 2f, the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances, it may not be in the best interests of the Village of Solvay to solicit quotations or document the basis for not accepting the lowest bid:

- A. Professional services or services requiring special or technical skill, training or expertise.
  - (1) The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into a category, the Board of Trustees shall take into consideration the following guidelines:

- (a) Whether the services are subject to state licensing or testing requirements.
  - (b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.
  - (c) Whether the services require a personal relationship between the individual and municipal officials.
- (2) Professional or technical services shall include but not be limited to the following:
- (a) Services of an attorney.
  - (b) Services of a physician.
  - (c) Technical services of an engineer engaged to prepare plans, maps and estimates.
  - (d) Securing insurance coverage and/or services of an insurance broker.
  - (e) Services of a certified public accountant.
  - (f) Investment management services.
  - (g) Printing services involving extensive writing, editing or art work.
  - (h) Management of municipally owned property.
  - (i) Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
- B. Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately, and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- C. Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the village is precluded from purchasing surplus and secondhand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
- D. Goods or services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

**§ 29-7. Effective date; review of policy.**

This policy shall go into effect January 1, 1992, and will be reviewed annually.



## Chapter 35

### SALARIES AND COMPENSATION

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 3-9-1982 by L.L. No. 1-1982. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Officers and employees — See Ch. 26.

#### **§ 35-1. Establishment of salary levels.**

The Board of Trustees of the Village of Solvay shall fix, from time to time, the salaries of all officers and employees of the village.<sup>1</sup> The Board of Trustees shall not fix the salaries of the Mayor, the Board of Trustees or the Village Justice at an amount in excess of the amount respectively established and set forth in the schedule of wages set forth in the tentative budget.

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1. Editor's Note: The current salary levels for officers and employees of the village are on file in the office of the Village Clerk.



## Chapter 40

### TRAFFIC VIOLATIONS BUREAU

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 12, Art. II, of the 1975 Code. Sections 40-3, 40-6 and 40-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Vehicles and traffic — See Ch. 160.

#### **§ 40-1. Establishment; responsibility for operation.**

There shall be a Traffic Violations Bureau in the village, the responsibility for the operation thereof being in the Police Department under the supervision of the Chief of Police.

#### **§ 40-2. Personnel; hours of operation.**

The Traffic Violations Bureau shall be in charge of such person or persons and shall be open at such hours as the Chief of Police shall designate.

#### **§ 40-3. Jurisdiction; procedure.** <sup>1</sup>

The Traffic Violations Bureau shall dispose of violations of regulations and legislation affecting parking on public highways, including violations of legislation regulating parking in municipal parking fields, by permitting a person charged with an offense, within the limitation herein stated, to answer at any time prior to the return day at such Traffic Violations Bureau by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or authorizing the person in charge of the Bureau to make such plea and pay such fine in court.

#### **§ 40-4. Effect of acceptance of fine.**

Acceptance of the prescribed fine by the Traffic Violations Bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states.

#### **§ 40-5. Entry of complaint.**

If a person charged with a traffic violation does not answer as hereinbefore prescribed prior to the return day specified in the summons after the service of the summons upon him, the Traffic Violations Bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the court.

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

**§ 40-6. Preservation of rights to counsel and court appearance.** <sup>2</sup>

The Traffic Violations Bureau shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in court to answer to, explain or defend any charge of a violation of any traffic law, rule or regulation.

**§ 40-7. Designation of fines.** <sup>3</sup>

The Village Justice shall designate the fines to be paid for first and subsequent offenses, which may be satisfied at the Traffic Violations Bureau, provided that such fines are within the limits established as penalties for such offenses.

**§ 40-8. Court appearance required in certain cases.**

Any person who has been guilty of a number of parking violations in excess of such maximum number as may be designated by the court, within the preceding 12 months, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau but must appear in court at a time specified by the Bureau.

**§ 40-9. Records; additional duties.**

The Traffic Violations Bureau shall keep a record of all violations of which each person has been guilty, whether such guilt was established in court or in the Bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the court and/or the Board of Trustees.

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

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

## Chapter 45

### ALCOHOLIC BEVERAGES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 10-14-1980 by L.L. No. 2-1980. Section 45-5 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Parks and playgrounds — See Ch. 122.

#### **§ 45-1. Definitions.**

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

**ALCOHOLIC BEVERAGE** — Any liquid intended for human consumption containing more than 1/2 of 1% of alcohol by volume.

**PUBLIC PLACE** — A place to which the public or a substantial group of persons has access, including but not limited to any highway, street, road, sidewalk, parking area, place of amusement, playground or park located within the village, except that the definition of a "public place" shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within their own private property.

#### **§ 45-2. Consumption in public places restricted.**

No person shall drink or consume an alcoholic beverage or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place, except at a block party, feast or similar function for which a permit has been obtained.

#### **§ 45-3. Effect of possession of open container.**

Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this chapter.

#### **§ 45-4. Effect on licensed establishments.**

Nothing in this chapter shall be deemed to prohibit the consumption of an alcoholic beverage in any duly licensed establishment whose certificate of occupancy extends upon a street.

#### **§ 45-5. Penalties for offenses.** <sup>1</sup>

Any person who shall be found to have violated any of the provisions of this chapter shall be

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

punished by a fine of not more than \$250 or imprisonment of up to 15 days, or both.

## Chapter 48

### AMUSEMENTS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay: Art. I, as Ch. 3, Art. I, of the 1975 Code; Art. II, as Ch. 3, Art. II, of the 1975 Code. Sections 48-6 and 48-31 added and § 48-14 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Licensing — See Ch. 109.  
Zoning — See Ch. 165.  
Fees — See Ch. A171.

#### ARTICLE I

##### **General Requirements and Restrictions [Adopted as Ch. 3, Art. I, of the 1975 Code]**

##### **§ 48-1. License fees.**

The license fees for theaters and moving-picture houses, for bowling alleys, for shooting galleries, for opera houses and public places for dancing and for other forms of public exhibition, music, amusement and entertainment shall be the amounts fixed and prescribed therefor in § 109-1 of this Code.

##### **§ 48-2. Hours of operation for dance halls.**

All public dances and balls shall be discontinued at or before the hour of 1:00 a.m., and said dance halls or places shall not permit dancing before the hour of 8:00 a.m.

##### **§ 48-3. Safety and sanitation requirements.**

No license shall be issued for any theater, moving-picture house or place for dancing unless such premises have suitable and safe means of ingress and egress in case of panic or fire and unless such premises comply with and conform to all the laws, ordinances and regulations for the protection of the public from fire, are properly ventilated and are supplied with sufficient toilet facilities. No dance hall or place for dancing shall be licensed unless suitable provisions shall be made for the furnishing of drinking water and facilities for the checking of wearing apparel in wardrobes or checkrooms.

##### **§ 48-4. Power to inspect premises; vacation.**

The Chief of Police, or any peace officer, or the Chief of the Fire Department, or his assistants, shall have the power to inspect any theater, moving-picture house or place for dancing and to vacate or cause such premises to be vacated whenever any provision of any law, ordinance or rule with regard to the same is being violated or whenever any indecent or immoral act is committed or whenever any disorder of a gross or violent character takes place therein.

**§ 48-5. Circuses, menageries and similar public exhibitions.**

Circuses, menageries and similar public exhibitions are hereby prohibited within the limits of the village.

**§ 48-6. Penalties for offenses.** <sup>1</sup>

An offense against the provisions of this Article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

ARTICLE II  
**Amusement Centers and Games**  
[Adopted as Ch. 3, Art. II, of the 1975 Code]

**§ 48-7. Definitions.**

As used in this Article, the following words shall have the meanings respectively ascribed herein:

AMUSEMENT CENTER — Any indoor place or enclosure in which is maintained or operated for amusement, patronage or recreation of the public any coin-controlled amusement device of any description, and particularly, but not by way of limitation, the type commonly known as iron-claw, bagatelle games, baseball, football and pinball amusement games, is hereby designated an "amusement center" and subject to all the provisions of this Article.

AMUSEMENT CENTER GAME — Any coin-controlled amusement device of any description, and particularly, but not by way of limitation, the type commonly known as iron-claw, bagatelle, baseball, football and pinball amusement games. The above enumeration shall not be deemed to be exclusive. Said definition, however, shall exclude any device, the possession or use of which is prohibited by law.

OWNER OR OPERATOR OF AN AMUSEMENT CENTER GAME — Any person who owns, places, distributes or locates an amusement center game in any place in which it is operated for the amusement, patronage or recreation of the public.

**§ 48-8. Compliance with other laws.**

No person shall maintain or operate in any amusement center in the village any amusement center game or device in violation of the laws of the state or the village.

**§ 48-9. Amusement center license.**

No person shall maintain or operate an amusement center without first having obtained a license to do so.

**§ 48-10. Responsibility of amusement center licensee.**

A person licensed to operate or maintain an amusement center shall be of good moral character

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

and shall maintain good order in the premises under his control.

**§ 48-11. Issuance of amusement center license.**

The Mayor shall be authorized to issue a license for the maintenance and operation of amusement centers. Every such license shall be countersigned by the Clerk of the village, and upon presentation of such license to the Treasurer of the village, so signed and counter-signed, and the payment to the Treasurer of the license fee therefor, the Treasurer shall endorse thereon his receipt of such license fee. Such license shall not take effect until the receipt of the Treasurer shall have been endorsed thereon.

**§ 48-12. Appeal from denial of amusement center license.**

Any applicant who shall have been refused an amusement center license hereunder by the Mayor may apply to the Board of Trustees at a meeting thereof for such license, and such license may be granted or refused by the Board.

**§ 48-13. Suspension or revocation of amusement center license.**

The Mayor may suspend any license to operate or maintain an amusement center until the next meeting of the Board of Trustees, and thereupon said license may be revoked or continued by said Board.

**§ 48-14. Amusement center license fee.<sup>2</sup>**

The fee for the license of an amusement center shall be \$25 per year or fraction thereof.

**§ 48-15. Expiration of amusement center license.**

A license to operate or maintain an amusement center shall expire on the 31st day of December next succeeding the date of issuance thereof.

**§ 48-16. Amusement center game license required.**

Every owner or operator of an amusement center game shall first be required to obtain the license required herein.

**§ 48-17. Character of amusement center game owner or operator.**

A person obtaining a license as an owner or operator of an amusement center game shall be of good moral character.

**§ 48-18. Issuance of amusement center game license.**

The Mayor shall be authorized to issue a license for owners or operators of amusement center games. Every such license shall be countersigned by the Clerk of the village, and upon presentation of such license to the Treasurer of the village, so signed and counter-signed, and the

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

payment to the Treasurer of the license fee prescribed therefor, the Treasurer shall endorse thereon his receipt of such license fee. Such license shall not take effect until the receipt of the Treasurer shall have been endorsed thereon.

**§ 48-19. Appeal from denial of amusement center game license.**

Any applicant who shall be refused a license for an amusement center game may apply to the Board of Trustees at a meeting thereof for such license, and such license may be granted or refused by said Board.

**§ 48-20. Suspension or revocation of amusement center game license.**

The Mayor may suspend any license for an amusement center game until the next meeting of the Board of Trustees, and thereupon said license may be revoked or continued by a Board.

**§ 48-21. Amusement center game license fee.**

The license fee for owners or operators of amusement center games shall be \$25 per year or fraction thereof for each such machine, payable in advance.

**§ 48-22. Expiration of amusement center game license.**

Each license for an amusement center game shall expire on the 31st day of December following its issuance.

**§ 48-23. License applications; investigations.**

Application for the licenses required herein shall be made in the first instance to the Village Clerk, who may require from the applicant information, in writing and verified upon blanks to be furnished by him, as to the name and address of the manufacturer of the device, a detailed description of the mechanical features of the device, the method of its operation, the name and address of the person having responsible charge of the premises upon which the device is proposed to be located for use and the location of said premises by street and number and such other information as the Village Clerk shall deem reasonably necessary. The Village Clerk shall then have a reasonable time in which to make inquiry and investigation in regard to the character of the applicant and the availability of the proposed device for a license hereunder, prior to the issuing of any license hereunder.

**§ 48-24. Effect of felony conviction.**

No license shall be issued under this Article to any person of ill repute or who has been convicted of a felony; and in the event of any such conviction subsequent to the issuance of such license, the same shall be immediately revoked.

**§ 48-25. Game tags or seals; fee.**

A. Owners or operators licensed hereunder shall be required to purchase a tag or seal for each game in operation in any amusement center and shall pay the sum of \$1 for each tag or seal purchased. Said tag or seal shall be affixed to the game in a prominent place and shall bear

a serial number and the owner's or operator's name or license number.

- B. All tags and seals issued as a part of any license provided for herein shall expire on the same date as said license.

**§ 48-26. Report of placement of game in amusement center.**

Every owner or operator of an amusement center game, within 24 hours of the placement of any such game in the village, shall notify the Village Clerk of said placement and shall give the serial number of the tag or seal attached to said game, as well as the serial number and name of the game, and the name of the holder of the license for the amusement center in which said game is placed.

**§ 48-27. Transfer of license, tag or seal.**

- A. Generally. No license, tag or seal shall be transferred from one location to another. When any owner or operator has obtained and paid for a license on any amusement center game required by § 48-21 and the same is in force, such license and the tag or seal issued and paid for in connection therewith, as provided in § 48-25, may be transferred to another amusement center game authorized to be licensed hereunder in substitution for the game bearing each license, tag or seal, without payment of any additional fee required for an original license, tag or seal, and such license, tag or seal may be subsequently transferred, from time to time, during the life of said license to a game authorized to be licensed hereunder in substitution for the substituted game then bearing such license, tag or seal, without payment of any additional fee, provided, however, that no substitution and no such transfer shall be made to a substituted machine at any location other than the location of the machine first licensed, as provided in § 48-25.
- B. Information to be furnished. No such transfer shall be made to any substituted machines and no substitution shall be made unless 24 hours prior to such substitution and transfer the owner or operator of the machine bearing the license, tag or seal shall furnish to the Village Clerk, in writing and verified upon blanks to be furnished by him, information as to the name and address of said owner or operator, the number of the license tag to be transferred, the name and address of the manufacturer of the device or game proposed to be substituted, a detailed description of its mechanical features, the method of its operation, the name and address of the person having responsible charge of the premises where the substitution is to be made, the location of said premises by street and number, the time substitution is to be made and such other information as the Village Clerk shall deem reasonably necessary.
- C. Prohibited transfer. Substitution or transfer of a license, tag or seal to any game not authorized by the provisions of the Article is prohibited.
- D. Effect of transfer. After substitution and transfer of a license, tag or seal as herein provided, the game from which the license, tag or seal has been transferred shall no longer be operated unless again licensed and paid for as a new game or substituted for a duly licensed game without additional fee, as herein authorized. Transfer of any license, tag or seal pursuant to the provisions of this section shall not operate or be construed to extend the expiration date thereof, namely, December 31 after issue, and such license shall continue to be subject to all the terms of this Article and shall be revocable for violation of any of the

terms thereof.

**§ 48-28. Restrictions on minors.** [Amended 12-8-1981 by L.L. No. 2-1981]

No minor under 18 years of age shall be allowed to operate any device covered by this Article unless such minor shall be accompanied by his parent or guardian or, in the alternative, said parent or guardian has filed with the owner of said establishment written permission, subscribed and acknowledged in the form entitling a deed to be recorded, for said minor to operate any device covered by this Article. The written permission set forth in this Article shall not be acceptable to waive the age restriction in any amusement center which is also licensed by the State of New York Alcoholic Beverage Control Board for the on-premises consumption of alcoholic beverages.

**§ 48-29. Prohibition of awards.**

No cash award or awards of merchandise, credit or other thing of value shall be made in any contest, tournament, league or individual play on any game maintained or operated in any amusement center, and no device shall be permitted to operate if said device delivers to the player coins, slugs or tokens on certain scores or if said device may be readily converted to deliver to the player such coins, slugs or tokens.

**§ 48-30. Seizure of coin-controlled amusement devices.**

Any coin-controlled amusement device operated or maintained in violation of the terms of this Article may be seized in compliance with the terms and provisions of the statutes of the state and the legislation of the village.

**§ 48-31. Penalties for offenses.** <sup>3</sup>

An offense against the provisions of this Article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

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

## Chapter 52

### BICYCLES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 12, Art. VI, of the 1975 Code. Section 52-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Streets and sidewalks — See Ch. 136.

Vehicles and traffic — See Ch. 160.

#### § 52-1. Definitions.

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

**BICYCLE** — Any vehicle consisting of an arrangement or combination of two wheels, one following the other, supported by a frame, propelled by the feet acting upon pedals.

#### § 52-2. Required equipment.

Every bicycle operated or driven upon any of the streets, alleys or public highways of the village shall be provided with adequate brakes and a steering mechanism in good order and sufficient to control such bicycle at all times when the same is in use; a suitable and adequate horn, bell or other device, which shall produce a sound sufficiently loud to serve as a danger warning but which shall not be used other than as such warning or be unnecessarily loud or harsh; and a front reflector and rear reflector, each of a type approved by the Commissioner of Motor Vehicles of the state, to be applied and adjusted to the bicycle in such manner as to be visible for at least 200 feet when opposed by a motor vehicle displaying lawful dimmed headlights at night and on an unlighted highway. Every bicycle which is operated or driven on any of the streets, alleys or public highways of the village during a period from 1/2 hour after sunset to 1/2 hour before sunrise shall display a lighted lamp on the front, which shall be visible from a point 500 feet ahead of such bicycles and which shall provide either a white or yellow light.

#### § 52-3. Carrying passengers.

The operator or driver of a bicycle shall not carry another person thereon.

#### § 52-4. Operation on sidewalks.

The operator or driver of a bicycle shall not operate the same on any sidewalk in the village.

#### § 52-5. Operation on right side of street.

The operator or driver of a bicycle shall operate the same only on the extreme right-hand side of any street, alley or public highway of the village.

**§ 52-6. Registration.**

- A. Required. Every person in the village owning a bicycle operated in the village shall register the bicycle with the Chief of Police at his office or such other convenient place or places in the village as he shall provide, giving the type, manufacturer's name, name and address of owner, type and number of lights and equipment showing compliance with state laws and such other identifying data as the Chief of Police shall reasonably require. This registration shall be without expense to the registrant.
- B. Time limit in register. Every person in the village who acquires or becomes the owner of a bicycle operated or to be operated in the village, whether as donee, assignee, transferee, purchaser or otherwise, shall, within 10 days thereafter register the same with the Chief of Police, as above provided, without expense to the registrant.
- C. Evidence of registration. The Chief of Police shall issue to every such registrant at the time of registering, without charge, a registration tag or plate bearing the registration number of the bicycle and such other identifying data as the Chief of Police shall reasonably deem advisable, and the registrant shall affix such tag or plate to the bicycle so registered in a conspicuous place and keep the same affixed thereto at all times. The Chief shall also issue to every such registrant at the time of registry, without charge, a registration card showing proper registration in such form as the Chief of Police shall determine, and such card shall be shown to any police officer of the village on demand.
- D. Exceptions to provisions. This provision shall not apply to manufacturers or merchants in the business of selling bicycles with reference to unregistered bicycles owned and held by them for sale as a part of their bona fide stock in trade.

**§ 52-7. Penalties for offenses. <sup>1</sup>**

Any person committing an offense against this chapter shall be punishable as set forth in § 1800 of the New York State Vehicle and Traffic Law.

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

## Chapter 56

### BRUSH, GRASS AND WEEDS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 7, Art. III, of the 1975 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 96.

Trees and shrubs — See Ch. 147.

#### **§ 56-1. Declaration of policy.**

It is hereby declared to be the policy of the Village Board to provide for the proper use of land to prevent unhealthful, hazardous or dangerous conditions due to accumulations of brush, grass, weeds or other like matter. By this chapter, the Village Board seeks to remove such dangers to health, life and property by requiring owners of land to cut, trim or remove brush, grass, weeds or other like matter and, upon default, to cause the same to be done and assess the cost against the real properties on which such brush, grass, weeds or other like matter is found.

#### **§ 56-2. Notice to remedy conditions.** [Amended 10-8-1991 by L.L. No. 4-1991; 8-25-2009 by L.L. No. 2-2009]

Whenever the Code Enforcement Officer shall find any accumulation of brush, grass, weeds or other like vegetative matter in excess of 10 inches (254 millimeters), said Code Enforcement Officer shall give notice to remedy such alleged violation to the owner, its agent or person or persons responsible therefor, as hereinafter provided.

#### **§ 56-3. Duty to abate conditions.** [Amended 8-25-2009 by L.L. No. 2-2009]

Any person, being the owner of real property in the Village, shall be required to cut, trim or remove brush, grass, weeds or other like matter upon his or her lands when directed to do so by notification of the Code Enforcement Officer.

#### **§ 56-4. Time for compliance.** [Amended 8-25-2009 by L.L. No. 2-2009]

Whenever the Code Enforcement Officer shall issue a notice requiring the owner of land within the Village to cut, trim or remove brush, grass, weeds or other like vegetative matter upon his or her lands, such notice shall be in writing, shall include a statement of the reasons why it is being issued and shall be served upon the owner or occupant of the premises or the agent of either of them. Notice shall be deemed to be properly served if a copy thereof is served upon the owner or occupant personally and is sent by certified or registered mail to the last known address of the owner, as listed and maintained in the tax records of the Village, or is posted in a conspicuous place in or about the premises affected by the notice. Such notice shall specify that within five days from the receipt of notice, the owner or its agent must have either undertaken such necessary corrective action so as to abate the violation or have submitted a written request to the

Code Enforcement Officer for a hearing before the Village Board of Trustees. At the expiration of the five-day period, the notice shall be deemed an order to cease and desist from and to abate the described violation. Such notice shall contain an outline of the remedial action, which, if taken, will effect compliance with the provisions of this chapter.

**§ 56-5. Abatement of conditions by Village.** [Amended 8-25-2009 by L.L. No. 2-2009]

Whenever a notice referred to in § 56-4 hereof has been served upon the owner, occupant or agent of a lot or parcel of land to cut, trim or remove brush, grass, weeds or other like vegetative matter, and such owner shall neglect or fail to comply with the requirements of such notice within the time provided therein, the Village Board may, by resolution, cause the work to be done and pay the cost thereof.

**§ 56-6. Reimbursement of costs.**

The Village shall be reimbursed for the cost of work performed or services rendered by direction of the Village Board as provided in § 56-5, by assessment and levy upon the lots or parcels of land whereon such work was performed or services rendered of the actual and complete cost of such work, whether such work shall have been done by employees of the Village or others, which charges shall be assessed and collected in the same manner and at the same time as provided, by law, for the collection of delinquent taxes.

**§ 56-7. Emergency provisions.** [Added 8-25-2009 by L.L. No. 2-2009<sup>1</sup>]

Whenever the Code Enforcement Officer shall determine that an emergency exists which requires immediate attention to protect the public health or safety, the Code Enforcement Officer may, without notice or hearing, issue an order to the owner or occupant, or the agent of either, reciting the existence of such an emergency and requiring that such action be taken as the Code Enforcement Office deems necessary to abate the emergency. Any person to whom an order is directed must comply therewith immediately but upon written petition may be afforded a hearing by the Village Board. After the hearing, the Code Enforcement Officer must continue the order or modify or withdraw it.

**§ 56-8. Penalties for offenses.** [Added 10-8-1991 by L.L. No. 4-1991]

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

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1. Editor's Note: This local law also provided for the redesignation of former § 56-7 as § 56-8.

## Chapter 59

### BUILDINGS, UNSAFE

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 5, Art. III, of the 1975 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Electrical standards — See Ch. 72.

Fire prevention and building construction — See Ch. 89.

#### **§ 59-1. Designation of unsafe buildings; prohibition.**

All buildings or structures which are structurally unsafe, insanitary or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this chapter, designated unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures in this chapter.

#### **§ 59-2. Examination of reported unsafe buildings.** [Amended 10-8-1991 by L.L. No. 4-1991]

The Code Enforcement Officer shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written record of such examination.

#### **§ 59-3. Notice to abate defects.** [Amended 10-8-1991 by L.L. No. 4-1991; 11-26-2002 by L.L. No. 2-2002]

- A. Whenever the Code Enforcement Officer shall find any building or structure or portion thereof to be an unsafe building as defined in this chapter, he shall, in the same manner as provided for the service of stop orders, § 89-7 of the Code, give to the owner or one of the owner's executors, legal representatives, agents, lessees or other persons having a vested or continued interest in the same, written notice stating the defects thereof.
- B. Such notice shall contain the following:
- (1) A description of the premises;
  - (2) A statement of the particulars in which said building is unsafe;
  - (3) An order requiring the same to be made safe and secure by repair or otherwise to be demolished and removed within a specified period of time and including a date within which said work shall be commenced;
  - (4) Notice of the time and place for a hearing on the matter before the Village Board; and
  - (5) A statement that, in the event that said building is determined by the Village Board to

be unsafe, said building shall be made safe and secure by such repairs or other measures which may reasonably be necessary or shall be demolished and removed by the Village of Solvay, and all costs and expenses incurred by the Village, including an administrative charge in the amount of 20%, which shall incorporate, among other expenses, legal fees and insurance costs incurred, shall be charged against the owner of said building or assessed against the land on which said building is located. [Amended 3-24-2009 by L.L. No. 1-2009]

**§ 59-4. Imminent danger of failure or collapse.** [Amended 10-8-1991 by L.L. No. 4-1991]

- A. Vacation. If the Code Enforcement Officer finds that there is actual and immediate danger of failure or collapse so as to endanger life, the notice provided for in § 59-3 shall also require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the building official.
- B. Placarding. The Code Enforcement Officer shall cause to be posted at each entrance to such building a notice, reading as follows: "This Building Is Unsafe, And Its Use Or Occupancy Has Been Prohibited By The Building Department." Such notice shall remain posted until the required repairs are made or demolition is completed.
- C. Violations. It shall be unlawful for any person or his agents or other servants to remove such notice without written permission of the Code Enforcement Officer or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

**§ 59-5. Hearing; performance of work by Village.** [Amended 11-26-2002 by L.L. No. 2-2002]

In the event that the owner of the unsafe building or, as the case may be, the owner's executor, legal representative, agent, lessee or other person having a vested or contingent interest in the same fails, neglects or refuses to comply with a written notice, the Village Board shall conduct the hearing at the time and place specified in said notice. At said hearing, the Village Board shall receive testimony and other such evidence as may be presented to it on the issue of whether the building in question is unsafe as described in § 59-1 of this chapter. The owner or other person having interest in the building shall be given full opportunity to be heard at said hearing, but failure of such person to appear shall not prevent the Village Board from conducting the hearing or taking action as a result of said hearing. If, after hearing the evidence, the Village Board determines that said building is unsafe, it may direct the Code Enforcement Officer to cause said building to be made safe and secure by such repairs or other measures which may reasonably be necessary, or to be demolished and removed and the land upon which it is located cleared of debris and all excavations filled and graded.

**§ 59-6. Authority of Code Enforcement Officer in emergencies.** [Amended 10-8-1991 by L.L. No. 4-1991]

In cases of emergency which, in the opinion of the Code Enforcement Officer, involve imminent danger to human life or health, he shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose, he may at once enter such structure or land

on which it stands, or abutting land or structures, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary and, for this purpose, may close a public or private way.

**§ 59-7. Payment of costs incurred by Village.** [Amended 10-8-1991 by L.L. No. 4-1991; 11-26-2002 by L.L. No. 2-2002; 3-24-2009 by L.L. No. 1-2009]

All costs and expenses, including an administrative charge in the amount of 20%, which shall incorporate, among other expenses, legal fees and insurance costs incurred, under this chapter shall be initially paid out of Village funds and shall be charged to and reimbursed by the owner of the premises involved, and collected in the manner provided by law, or shall be assessed against the land on which said building is or was located, at the same time and in the same manner as general Village taxes. The remedy set forth in this chapter, including the collection of costs and expenses as provided for in this section, shall be in addition to the remedies and penalties set forth elsewhere in this chapter, the Building Code of New York State or otherwise available to the Village by law.

**§ 59-8. Penalties for offenses.** [Amended 10-8-1991 by L.L. No. 4-1991]

Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall knowingly violate any of the applicable provisions of this chapter or any lawful order, notice, directive or permit of the Code Enforcement Officer made thereunder shall be punishable by a maximum fine of \$1,000 or maximum imprisonment of a year, or both, and each day that a violation continues shall be a separate offense.

**§ 59-9. Abatement of violations.** [Added 11-26-2002 by L.L. No. 2-2002]

Appropriate actions and proceedings may be taken by law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises, and these remedies shall be in addition to the remedies set forth elsewhere in this chapter and the penalties prescribed in § 59-8, or those prescribed in the Building Code of New York State.

**§ 59-10. Transfer of title.** [Added 11-26-2002 by L.L. No. 2-2002]

The transfer of title by the owner of the premises upon which an unsafe or dangerous building is located shall be no defense to any proceedings under this chapter.

**§ 59-11. Severability.** [Added 11-26-2002 by L.L. No. 2-2002]

If any paragraph, section, sentence, or a portion of a sentence of this chapter shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect until legally revoked, modified and/or amended.



## **Chapter 62**

### **CURFEW**

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 7-24-2007 by L.L. No. 5-2007. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Peace and good order — See Ch. 126.

#### **§ 62-1. Legislative intent; findings.**

The Village Board of Trustees of the Village of Solvay makes the following findings:

- A. There have been numerous complaints directed to the Mayor and Trustees and other local officials from residents concerning the incidence of harm realized, and caused, by juveniles in the Village during nocturnal hours. Investigation into these complaints has resulted in the finding that the unsupervised nocturnal presence of minors encourages acts of mischief, damage to private and public property and personal injury to other juveniles, as well as to members of the community.
- B. The complaints received and the investigations show that the protection of the health, safety and welfare of minors and the community requires action undertaken by the Village in the public interest to regulate the nocturnal presence of minors. The Village acknowledges that the attributes particular to juveniles whose immaturity, inexperience and lack of judgment may serve to impair their ability to exercise their rights wisely necessarily increases the importance of protecting the public welfare.
- C. In recognition of the special traits, vulnerabilities and needs of minors and the Village's interest and responsibility to protect its citizens from harm, the purpose of the juvenile curfew is to protect minors from each other and from other persons on the streets and in public areas during nocturnal hours. In addition, the curfew is intended to protect the general public from nocturnal mischief and crime committed by minors.

#### **§ 62-2. Definitions.**

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

**CURFEW HOURS** — Curfew hours begin at 10:00 p.m. and end at 5:00 a.m.

**MINOR** — Any person under the age of 16 years.

**PARENT** — Any natural or adoptive parent or legal guardian or custodian of any minor.

#### **§ 62-3. Prohibited conduct.**

- A. It shall be unlawful for any minor to be at, on or in a public place or a place open to the

public during curfew hours, except as provided for in § 62-4.

- B. It shall be unlawful for any parent to allow any minor to be at, on or in a public place or a place open to the public during curfew hours, except as provided for in § 62-4.

**§ 62-4. Exceptions.**

- A. Nothing herein shall apply to any minor accompanied by a parent, an adult at least 21 years of age, or an immediate family member at least 18 years of age.
- B. Nothing herein shall apply to any minor who presents any police officer with a written statement, dated that day and signed by his or her parent, that the minor is on a lawful errand for the parent that necessitates being in public places during curfew hours.
- C. Nothing herein shall apply to any minor who presents any police officer with a written statement, dated that day and signed by his or her parent, that the minor has business or employment that necessitates being in public places during curfew hours.
- D. Nothing herein shall apply to any minor who is going to or returning directly home from any of the following authorized events:
  - (1) A school activity for instruction, education or training, including extracurricular activities or school events, regardless of the receipt of scholastic credit.
  - (2) A school district approved work/study education program.
  - (3) An event of instruction, education or training sponsored by a religious institution.
  - (4) A meeting or event sponsored by a municipal or service agency such as, but not limited to, police, fire, ambulance, parks department or other governmental agency, charity or service group whose goal is the moral, ethical and educational integrity of youth.
- E. The exceptions set forth above in Subsection D shall not apply to any minor who is playing or loitering in or upon any street or public place.

**§ 62-5. Procedures.**

- A. Any police officer may detain any minor apparently violating any of the provisions herein without warrant, for a reasonable period of time, while attempting to notify his or her parent of the violation.
- B. Any police officer detaining a minor shall, at the officer's discretion, take the minor home or require his or her parent to report to the site of the alleged violation.

**§ 62-6. Penalties for offenses.**

- A. It shall be unlawful for any minor to violate any of the provisions herein.
- B. Any minor violating any of the provisions of this chapter may be required to perform community service as determined by the court.
- C. Any parent convicted of violating any of the provisions of this chapter may be punished, by

the imposition of a fine not to exceed \$25 for a first offense and not to exceed \$250 for any subsequent offense.

- D. Any police officer witnessing a violation of this chapter may, as an alternative to making an arrest, issue to said violator a notice of violation or appearance ticket, which notice, in addition to such factors as shall be required by such form of notice as may be approved by the Village, shall specify the violation with which said violator is charged and shall set forth the hour, date and location that said violator is summoned to appear in the Justice Court for the Village of Solvay in Solvay, New York, to answer said charge.
- E. No person shall be charged with a violation of this chapter unless and until the arresting officer has first warned the person of the violation and such person has failed or refused to comply and stop such violation.

**§ 62-7. Severability.**

If any provision of this chapter shall be invalidated by any court, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

**§ 62-8. When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State.



## Chapter 64

### DEVELOPMENT FEES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 9-26-2000 by L.L. No. 3-2000. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Zoning — See Ch. 165.

#### § 64-1. Legislative findings, intent and purpose.

- A. The Village Board of Trustees hereby finds and determines that in order to protect and safeguard the the Village of Solvay, its residents and their property with respect to certain land developments and projects with the village, all buildings and related improvements, highways, drainage facilities, utilities and parks within developments and projects should be designed and constructed in a competent and worker-like manner and in conformity with all applicable governmental codes, rules and regulations and should be dedicated and conveyed to the village in a legally sufficient manner. To assure the foregoing, it is essential for the village to have and to retain competent engineers and other professional consultants to review and approve plans and designs, make recommendations to the Village Board of Trustees, Planning Commission and Zoning Board of Appeals, inspect the construction of highways, drainage facilities, utilities and parks to be dedicated to the village and to recommend their acceptance by the village and for the village to have and retain competent attorneys to assist in the application review process, to negotiate and draft appropriate agreements with developers, to obtain, review and approve necessary securities, insurance and other legal documents, to review proposed deeds and easements to assure that the village is obtaining good and proper title, to render legal opinions and to generally represent the village with respect to any legal disputes and issues which may arise regarding such developments and projects. The cost of retaining such competent engineers, attorneys and other professional consultants should ultimately be paid by those who seek to benefit from such developments and projects, including variances, site plan approvals, special permits, rather than by general village funds which are raised by assessments and/or general taxes paid by taxpayers of the village.
- B. This chapter is enacted under the authority of Municipal Home Rule Law § 10, Subdivision 1(ii)(a)(12) and (d)(3) and the Municipal Home Rule Law § 22. To the extent that Village Law §§ 7-712-a, 7-725-b; 7-728, 7-730 and 7-732 do not authorize the Village Board, Village Planning Commission and/or the Village Zoning Board of Appeals to require reimbursement to the village of legal, engineering and other professional consulting fees, expenses and costs incurred by the village in connection with the review and consideration of applications for subdivision approval, for the approval, amendment or extension of a district and for the review and consideration of applications for variances, site plans and special permits under the Code, it is the expressed intent of the Village Board to change and supersede such statutes. More particularly, to the extent that such statutes do not

authorize the deferral or withholding of such consideration, review, acceptance or approvals in the event that such fees, expenses and costs are not paid to the village, it is the expressed intent of the Village Board of Trustees to change and supersede said Village Law provisions and to empower the village to require such payment as a condition to such consideration, review, acceptance or approvals.

**§ 64-2. Definitions.**

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

**APPLICANT** — Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Village of Solvay Planning Commission, Zoning Board of Appeals or Village Board of Trustees to approve a subdivision and/or to grant an application for a variance, a site plan or a special permit.

**CODE** — The Code of the Village of Solvay.

**COMPTROLLER** — Comptroller of the Village of Solvay.

**DEVELOPER** — Any person, firm, partnership, association, corporation, company or organization of any kind who or which constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development with the intent to convey or dedicate the same to the village, or requests the village to create a district or requests the village to approve an application for a subdivision, variance, site plan or special permit.

**DEVELOPMENT** — Includes, but is not limited to, a subdivision or a district.

**DISTRICT** — Any special district under the Village Law.

**DRAINAGE FACILITY** — All surface water drainage facilities, including but not limited to detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches and easements through or over which such facilities may be constructed or installed within or in conjunction with a development.

**HIGHWAY** — Includes, but is not limited to, a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, driveway, overpass or underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks, within or in conjunction with a development.

**PARK** — An area of land located within a development which is open to the public and devoted to active or passive recreation.

**PLANNING COMMISSION** — The Planning Commission of the Village of Solvay.

**SUBDIVISION** — A subdivision of land as defined in the code of the Village Law.

**UTILITIES** — All water, sanitary sewer, gas, electric, telephone and cable television facilities and any easements through or over which said facilities may be constructed or installed within or in conjunction with a development.

**VILLAGE** — The Village of Solvay.

VILLAGE BOARD — The Village Board of Trustees of the Village of Solvay.

ZONING BOARD OF APPEALS — The Zoning Board of Appeals of the Village of Solvay.

**§ 64-3. Reimbursement of fees and expenses.**

A. Subdivisions.

- (1) An applicant for approval of a subdivision in the village shall reimburse the village for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the village in connection with the review and consideration of such subdivision.
- (2) A developer who constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with an approved subdivision in the village shall reimburse the village for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the village in connection with the inspection and acceptance by the village of such highways, drainage facilities, utilities and parks and the dedication of the same to the village.

B. Districts.

- (1) An Applicant for approval, amendment or extension of a district in the village shall reimburse the village for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the village in connection with the review and consideration of said application.
- (2) A developer who constructs or proposes to construct one or more buildings, highways, drainage facilities, utilities or parks within or in conjunction with a district in the village shall reimburse the village for all reasonable and necessary legal, engineering and other professional consulting fees and expenses incurred by the village in connection with the granting of any building permit and in connection with the inspection and acceptance by the village.

C. Variances, site plans and special permits. An applicant or developer making applications for the approval of a site plan or a special permit or seeking approval of an application for a variance shall reimburse the village for all reasonable and necessary legal, engineering and other professional consulting fees, expenses and costs incurred by the village in connection with the review and consideration of such application.

**§ 64-4. Deposit of funds; payment of fees.**

- A. Simultaneously with the filing of an application for approval of a development or the filing of an application for approval of a variance, a site plan or a special permit, the applicant or developer, as the case may be, shall deposit with the Village Comptroller a sum of money, as determined in accordance with the schedule of deposits fixed by the Village Board pursuant to this chapter,<sup>1</sup> which sum shall be used to pay the reasonable and necessary

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1. Editor's Note: See Ch. A171, Fees.

fees, expenses and costs incurred by the village for legal, engineering and other professional consulting services as described in this chapter.

- B. Upon receipt of such sums, the Comptroller shall cause such moneys to be placed in a separate noninterest-bearing account in the name of the village and shall keep or cause to be kept a separate record of all such moneys so deposited and the name of the applicant or developer and the applicant and development for which such sums were deposited.
- C. Upon receipt and approval by the Comptroller of itemized vouchers from an attorney, engineer and/or other professional consultant for services rendered on behalf of the village pertaining to the development or the application for a variance, site plan or special permit, the Comptroller shall cause such vouchers to be paid out of the moneys so deposited and shall debit the separate record of such account accordingly. The Comptroller shall furnish copies of such vouchers to the applicant or developer immediately after such vouchers are submitted to the village.
- D. The Comptroller, on behalf of the village and subject to audit and review by the Village Board, shall review and audit all such vouchers and shall approve payment of only such legal, engineering and/or other professional consulting fees, expenses and costs as are reasonable in amount and necessarily incurred by the village in connection with the review, consideration and approval of developments, the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments, and the review, consideration and approval of applications for variances, site plans and special permits. In this regard the village may take into consideration the size, type, value and number of buildings to be constructed, the amount of time to complete the development or project, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations the village may deem relevant. For purposes of the foregoing, a fee, expense or cost or part thereof is necessarily incurred if it was charged by the attorney, engineer or other professional consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the village, protect public or private property from damage from uncontrolled surface water runoff and other factors, to assure the proper and timely construction of highways, drainage facilities, utilities and parks and otherwise to protect the legal interests of the village, including receipt by the village of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability and such other interests as the village may deem relevant or to assure the proper and timely review and consideration of an application for a variance, site plan or a special permit.
- E. If at any time during or after the processing of such application or the construction, inspection or acceptance of buildings, highways, drainage facilities, utilities or parks or during or after the processing of an application for a variance, site plan or special permit there shall be insufficient moneys on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Comptroller that such moneys will be insufficient to meet vouchers yet to be submitted, the Comptroller shall cause the applicant or developer to deposit additional sums as the Comptroller deems reasonably necessary or advisable in order to meet such fees, expenses and costs or anticipated fees, expenses and costs.

- F. In the event that the applicant or developer fails to deposit such funds or such additional funds, the Comptroller shall notify the Village Board and, as applicable, the Chair of the Planning Commission, the Chair of the Zoning Appeals Board and the Village's Codes Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy shall be withheld by the appropriate board, officer or employee of the village until such moneys are deposited.
- G. After final approval, acceptance and/or the issuance of a certificate of occupancy relating to any specific development, or any requested variance, site plan or special permit, and after payment of all approved vouchers submitted regarding such development or application, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.

**§ 64-5. Deposit amounts.**

The amount of the initial deposit for the various developments and/or applications covered by the chapter shall be as set forth in a schedule of deposits established from time to time by the resolution of the Village Board. The schedule shall remain in effect and shall apply to all applicants and developers until amended or revised by subsequent resolution of the Village Board.<sup>2</sup>

**§ 64-6. Application fees.**

The deposits required by this chapter shall be in addition to any application fees as may be required by other laws, rules, regulations or ordinances of the village, the County of Onondaga, the State of New York or of any other body having jurisdiction with respect to a development, drainage facility, highway, utility or park or to an application for a variance, site plan or special permit and shall not be used to defray either the village's general expenses for legal, engineering, or other professional consulting fees, expenses or costs for the several boards of the village or its general administration expenses.

**§ 64-7. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof but shall be limited in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the proceeding in which such judgment is rendered.

**§ 64-8. When effective.**

This chapter shall take effect immediately upon filing in the office of the Secretary of State.

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2. Editor's Note: See Ch. A171, Fees.



## Chapter 66

### DOGS AND OTHER ANIMALS

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Zoning — See Ch. 165.

#### ARTICLE I

##### General Provisions

[Adopted as Ch. 4, Art. I, of the 1975 Code]

§ 66-1. **Definitions.** [Added 10-9-1984 by L.L. No. 3-1984]

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them:

**ANIMAL** — Includes any live vertebrate creature, domestic or wild, not to include a dog or cat, goldfish or nonpoisonous tropical fish, or domesticated races of the species golden hamsters, guinea pigs and races of rats or mice (white or albino, trained, dancing or spinning, laboratory-reared), all captive-bred species of the family of parrots and parakeets, and all species of butterflies and moths, or other domestic animal as defined in § 108 of the Agriculture and Markets Law. [Amended 10-8-1991 by L.L. No. 4-1991]

**PET** — Any animal kept for pleasure rather than utility.

**VICIOUS ANIMAL** — Any animal or animals that constitute a physical threat to human beings or other animals, not to include guard dogs.

**WILD OR EXOTIC ANIMALS** — Any animal, including those animals that are captive-bred or raised, which can normally be found in the wild state, including but not limited to any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous and nonpoisonous snake or tarantula, any member of the crocodylian family, including but not limited to alligators, crocodiles, caimans and gavials.

§ 66-2. **Running at large of livestock or fowl.**

No person owning or possessing any livestock or fowl of any kind shall permit the same to run or be at large in any public place.

§ 66-3. **Possession of swine or roosters.**

No person shall own, possess or harbor any swine or roosters within the Village limits.

**§ 66-4. Hitching of animals.**

No person shall permit any horse, mule, donkey or other such animal owned by him or in his possession to stand in any of the public streets without being safely secured or anchored or in charge of some suitable person capable of restraining such animal; nor shall such person tie, anchor or secure any such horse, mule, donkey or other similar animal to any shade tree, pole, lamppost or hydrant or on any public street.

**§ 66-5. Leading or driving animals on sidewalks or crosswalks.**

No person shall lead or drive any horse, mule, donkey, cattle or any other such animal on or along any public sidewalk or crosswalk or permit the same to stand on any public sidewalk or crosswalk in any manner likely to break or damage such public sidewalk or crosswalk or interfere with the use thereof or travel thereon.

**§ 66-6. Trapping of birds or animals.**

No person shall at any time take with traps any birds or animals or engage in trapping any birds or animals.

**§ 66-7. Keeping of wild, exotic or vicious animals.** [Added 10-9-1984 by L.L. No. 3-1984]

No person shall keep or permit to be kept any wild, exotic or vicious animal as a pet.

**§ 66-8. Penalties for offenses.** [Added 10-9-1984 by L.L. No. 3-1984; amended 10-8-1991 by L.L. No. 4-1991]

Any person violating any provision of this article shall be guilty of a violation for each day said article is violated and may be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both, for each day of violation and will be required to surrender said animal.

ARTICLE II

**Dogs**

[Adopted as Ch. 4, Art. II, of the 1975 Code]

**§ 66-9. Definitions.**

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

AT LARGE — Any dog that is unleashed and on property open to the public or is on private property not owned or leased by the owner of the dog, unless permission for such presence has been obtained. No dog shall be deemed to be "at large" if it is: [Amended 10-8-1991 by L.L. No. 4-1991]

- A. Accompanied by and under the immediate supervision and control of the owner or other responsible person.

B. A police work dog in use for police work.<sup>1</sup>

**ATTACK** — Overt action by a dog as might cause a reasonable apprehension of harm or injury to a person, domestic animal, or service dog, guide dog, or hearing dog, as such terms are defined in § 108 of the Agriculture and Markets Law of the State of New York, together with apparent ability in the dog to inflict such harm. Actual biting is unnecessary to an attack. [Added 9-24-2002 by L.L. No. 1-2002]

**DOG** — Includes both the male and female of the species.

**DOG CONTROL OFFICER** — The Dog Control Officer of the Town of Geddes. [Added 9-24-2002 by L.L. No. 1-2002]

**DOMESTIC ANIMAL** — Any domesticated dog, cat, sheep, horse, cattle, or any fallow deer, red deer, sika deer, or whitetail deer which is raised under license from the Department of Environmental Conservation, or any llama, goat, swine, foal, duck, goose, swan, turkey, confined domestic hare or rabbit, or any pheasant or other bird which is raised under confinement under license from the Department of Environmental Conservation before release from captivity, except that varieties of fowl commonly used for cock fights shall not be considered domestic animals for purposes of this article. [Added 9-24-2002 by L.L. No. 1-2002]

**OWNER** — Any person owning, harboring or keeping a dog.

**§ 66-10. Purpose.**

The purpose of this article is to regulate and restrain the keeping and running at large of dogs within the limits of the Village. This article is enacted under the power of the Village Board to preserve good order and the health, safety and welfare of its inhabitants and to protect and secure their property. It is also intended that the rights and privileges of persons who own and harbor dogs be protected hereby, as well as the rights and privileges of other citizens of the Village.

**§ 66-11. License required.**

- A. No dog shall be permitted or allowed anywhere within the corporate limits of the Village unless such dog shall be wearing a valid and current tag as required by Article 7 of the Agriculture and Markets Law of the state. Such tag shall have been procured by the owner of said dog as provided in the Agriculture and Markets Law and shall have stamped thereon a number recorded in the office issuing said tag and shall have been issued during the current license year. [Amended 12-9-1975 by L.L. No. 7-1975]
- B. Any dog found anywhere within the Village limits without the tag required in Subsection A above or wearing a tag that has expired shall be seized by any police officer or other person lawfully authorized and shall be turned over to the Dog Control Officer. [Amended 12-9-1975 by L.L. No. 7-1975; 9-24-2002 by L.L. No. 1-2002]
- C. The fact that a dog is without an official license tag as required herein, or the fact that a dog is wearing a tag that has expired, shall be presumptive evidence that the dog is unlicensed.

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<sup>1</sup>. Editor's Note: The definition of "dangerous dogs," which immediately followed this definition, was repealed 9-24-2002 by L.L. No. 1-2002.

**§ 66-12. Action arising from injury to or destruction of unlicensed dog.**

No action shall be permitted to recover from the Village the value of or damages for injury to or destruction of any unlicensed dog.

**§ 66-13. Running at large.** [Amended 12-9-1975 by L.L. No. 7-1975]

It shall be unlawful for any dog to run at large, whether licensed or not, within the Village of Solvay, except as follows:

- A. Within the owner's property. Said dog must be contained within those limits by an adequate fence or chain attached to a fixed object.
- B. Upon premises owned or controlled by any other person, firm or corporation with the consent of such person, firm or corporation.

**§ 66-14. Dangerous dogs.** [Amended 9-24-2002 by L.L. No. 1-2002]

- A. Complaint procedure and remedies.
  - (1) In addition to any remedy or course of action available under any other law and for purposes of this section only, any person may make a complaint of an attack upon a person or of an attack, chasing or worrying of a domestic animal, or of an attack on a service dog, guide dog, or hearing dog, as defined in § 108 of the Agriculture and Markets Law of the State of New York, in writing to the Dog Control Officer. Such officer shall immediately inform the complainant of his right to commence a proceeding as provided in this section and, if there is reason to believe the dog is a dangerous dog, the officer shall forthwith commence such proceeding himself.
  - (2) Any person may and the Dog Control Officer shall, as provided above, make a complaint under oath or affirmation to any Village of Solvay Justice of such attack, chasing or worrying. Thereupon, the Justice shall immediately determine if there is probable cause to believe the dog is a dangerous dog and, if so, shall issue an order to the Dog Control Officer, a peace officer acting pursuant to his special duties, or a police officer directing such officer to immediately seize such dog and hold the same pending judicial determination as herein provided. Whether or not the Justice finds there is probable cause for such seizure, he shall, within five days and upon written notice of not less than two days to the owner of the dog by personal service or registered mail, hold a hearing on the complaint. If satisfied that the dog is a dangerous dog, the Justice shall then order the Dog Control Officer, a peace officer acting pursuant to his special duties, or a police officer to cause the dog to be euthanized immediately, or shall order the owner to confine securely such dog permanently, except as provided below. The owner shall confine the dog indoors or in an enclosed and locked pen or structure as provided for in the order. Such pen or enclosure shall have a secure top and sides and shall be designed to prevent an unauthorized entry of a person, the escape of the dog and to provide protection from the elements. If the owner fails to confine the dog as required by such order, the Dog Control Officer, peace officer acting pursuant to his special duties, or police officer shall destroy such dog on or off the premises of the owner.

- (3) A dog shall not be declared dangerous if the court determines that the conduct of the dog:
  - (a) Was justified because the threat, injury or damage was sustained by a person who at the time was committing a crime or offense upon the owner or upon the property of the owner of the dog; or
  - (b) Was justified because the injured person was tormenting, abusing or assaulting the dog or has in the past tormented, abused or assaulted the dog; or
  - (c) Was responding to pain or injury, or was protecting itself, its kennels or its offspring.
- (4) In addition to an order of confinement, issued pursuant to Subsection A(2) above, the Justice may order the owner to securely chain and muzzle the dog and require that the dog be under physical restraint of a responsible person when confined in the presence of persons other than the owner, and outside such enclosure for brief periods only when and for the period necessary to urinate, defecate or receive medical treatment. The muzzle shall be made and used in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. Penalties.

- (1) Penalties for violation of this section shall be provided for in § 121 of the Agriculture and Markets Law of the State of New York.
- (2) In addition to such penalties and for purposes of this section only, the owner of a dog who, through any act or omission, negligently permits his or her dog to cause physical injury to any domestic animal as defined herein shall be subject to a civil penalty not to exceed \$400 in addition to any other applicable penalties.
- (3) The owner of a dog who, through any act or omission, negligently permits his or her dog to cause the death of a domestic animal as defined herein shall be subject to a civil penalty not to exceed \$500 in addition to any other applicable penalties.
- (4) The owner of a dog who, through any act or omission, negligently permits his or her dog, which dog had been previously determined to be a dangerous dog pursuant to this section, to cause injury to or the death of a domestic animal defined herein shall be subject to a civil penalty not to exceed \$1,000 in addition to any other applicable penalties.
- (5) Nothing contained herein shall limit or abrogate any claim or cause of action which any person who is injured or whose domestic animal is injured by a dog with a vicious disposition or a vicious propensity may have under common law or by statute. The provisions of this section shall be in addition to such common law and statutory remedies.

C. Severability. If any paragraph, subdivision or clause of this section shall be adjudged invalid, such adjudication shall apply only to such paragraph, subdivision or clause, and the balance of this section remain valid and effective.

**§ 66-15. Female dogs in heat.** [Amended 12-9-1975 by L.L. No. 7-1975]

Female dogs in heat, when not in the presence and under the control of the owner or other person with the physical ability to control and restrain said dog, shall be isolated from other dogs. Isolation shall include but not be limited to being out of the sight, the sound and the smell of other dogs.<sup>2</sup>

**§ 66-16. Howling or barking dogs.** [Amended 3-23-2004 by L.L. No. 1-2004]

No owner shall keep or permit a dog to bark, whine or make other noise for a period of at least 15 minutes within any one-hour period, which barking, whining, or other noise can be heard from a location outside of the owner's premises and would disturb a reasonable person of normal sensitivities.

**§ 66-17. Damage or injury to property.**

No owner of a dog shall suffer, permit or allow such dog to damage or injure the property of the public or of another person.

**§ 66-18. Manner of housing or confinement.**

Any person owning or having the care, custody or charge of any dog when such dog is housed or confined shall so house and confine such dog in a place so constructed as to prevent the barking of such dog from disturbing the peace and quiet of persons residing in the surrounding neighborhood.

**§ 66-19. Seizure and impoundment of dogs running at large.**

- A. Any dog running at large within the corporate limits of the Village contrary to the provisions of this article shall be subject to seizure and impoundment by any public officer or by any other person or agency designated by the Village or authorized by law to seize and impound such dog.
- B. The Village shall be authorized to enter into a suitable contract or other arrangement for the impoundment and, in proper cases, for the destruction of dogs running at large within the Village in violation of the provisions of this article.
- C. The costs of confinement and care of an impounded dog shall be the responsibility of the person claiming said dog or of the person who owns, harbors or permits such dog to be or run at large within the Village, and such costs shall be paid before the impounded dog is released from confinement.
- D. If no claim is made for an impounded dog within seven days of the date of its impoundment, or within 10 days of such impoundment when a dog has bitten a person, said dog shall be delivered to the Society for the Prevention of Cruelty to Animals, or some other appropriate agency, for disposition.

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2. Editor's Note: Former Secs. 4-25, Packs of dogs prohibited, and 4-26, Confinement, restraint of dog that has bitten person, which immediately followed this section, were deleted 10-8-1991 by L.L. No. 4-1991.

**§ 66-20. Complaints.**

- A. Form; execution. Complaints of violation of any of the provisions of this article shall be made on forms provided for the purpose by the Village and executed by the complainant before a notary public of the state, if available, or before a witness.
- B. Notice required. Each owner who owns or harbors a dog in violation of any provision of this article shall be notified officially, in writing, by the Village Clerk, by the police or by a person authorized for the purpose by the Board of Trustees, of said complaint.
- C. Service of notice. Such notice shall be served personally upon the owner or harbinger of the dog in violation or by registered mail.
- D. Right of owner or harbinger. The owner or harbinger of such dog shall be allowed three days upon receipt of said notification in which to eliminate the alleged violation or, within said three-day period, to petition the Police Court of the Village for a hearing to determine whether or not said dog is in violation of this article.
- E. Dangerous dogs. The complaint and notice procedure, as well as the rights of the owner, regarding dangerous dogs shall be as set forth in § 66-14 of this article. [Added 9-24-2002 by L.L. No. 1-2002]

**§ 66-21. Penalties for offenses.** [Amended 10-8-1991 by L.L. No. 4-1991]

- A. With the exception of violations of § 66-14, the owner of a dog found to be in violation of this article following expiration of the time limit set forth in the official notification provided for in § 66-20 shall be subject to the penalties provided in Subsection B below, and each twenty-four-hour period of such violation following the expiration of the time limit specified in said notice shall constitute a separate violation and be punishable as such. [Amended 9-24-2002 by L.L. No. 1-2002]
- B. Each and every violation of this article shall be punishable by a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

**§ 66-22. Control of dog waste and damage caused by dogs.** [Added 11-24-1998 by L.L. No. 6-1998]

- A. The owner or person in control of a dog shall not permit said dog, even though it may be leashed, to do any of the following acts:
  - (1) Damage or destroy property not belonging to the owner or said person in control of the dog.
  - (2) Deposit waste (feces) on the property of another individual or entity without prior approval.
  - (3) Deposit waste (feces) on property of a municipality unless such waste is immediately removed for suitable and proper disposal.
- B. Penalties for offenses. A violation of this section shall constitute an offense punishable, upon conviction thereof, by a fine not to exceed \$50 for each violation. Each day that such dog waste deposited in violation of this section remains on the property of another, including the municipality, shall constitute a separate and distinct violation of this section.

ARTICLE III  
Cats  
[Adopted 11-24-1998 by L.L. No. 5-1998]

**§ 66-23. Definitions.**

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

CAT — A felis libyca domestica, kept as a pet and/or for rodent control.

OWNER — Any person owning, keeping, feeding, harboring or having custody of a cat or who allows a cat to reside or remain about his or her premises shall be considered a cat "owner."

**§ 66-24. Nuisances; responsibilities of owners.**

- A. It shall be unlawful for any owner to have any cat that becomes a nuisance or for an owner to allow his or her cat to become a nuisance in the Village. Acts of nuisance shall include but not be limited to the following:
- (1) The frequent raising of any disturbance between the hours of 10:00 p.m. and 7:00 a.m., prevailing time, or at extended intervals at any other time of the day, or both.
  - (2) Viciousness.
  - (3) Frequent digging into flower beds, lawns, children's sandboxes or gardens or the depositing of feces or urine and/or otherwise damaging shrubbery, trees or lawns on premises, personal property or other property not belonging to the owner of the cat.
- B. No owner shall permit a cat to enter upon any area designated for children's play in any publicly-owned park or playground.

**§ 66-25. Right of entry for enforcement.**

The Village Codes Enforcement Officer, any police officer or other authorized Village officer or agent authorized and empowered to perform any duty to enforce this article is hereby authorized to enter upon any premises to enforce the provisions thereof.

**§ 66-26. Violations and penalties.**

Any person found to violate the provisions of this article shall, upon conviction thereof, receive a fine not to exceed \$50.

## Chapter 72

### ELECTRICAL STANDARDS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 11-25-1969; amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Unsafe buildings — See Ch. 59.

Fire prevention and building construction — See Ch. 89.

Utilities — See Ch. 153.

#### **§ 72-1. Authorization to make inspections; costs not to be charge against village.**

The chief inspector and each of the duly appointed inspectors of the New York Board of Fire Underwriters or such other agency as authorized by the Board of Trustees are hereby authorized and deputized as agents of the Village of Solvay to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Village of Solvay.

#### **§ 72-2. Powers and duties of inspectors.**

- A. It shall be the duty of the inspector to report, in writing, to the Code Enforcement Officer, whose duty it shall be to enforce all provisions of this chapter and all violations or deviations from or omissions of the electrical provisions of the State Uniform Fire Prevention and Building Code and of all local laws, ordinances and the Building Code as referred to in this chapter insofar as any of the same apply to electrical wiring.
- B. The inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Solvay upon the written request of an authorized official of the Village of Solvay or as herein provided.
- C. The inspector is authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equipment in or on properties within the Village of Solvay where he deems it necessary for the protection of life and property.
- D. In the event of an emergency, it is the duty of the inspector to make electrical inspections upon the oral request of an official or officer of the Village of Solvay.
- E. It shall be the duty of the inspector to furnish written reports to the proper officials of the Village of Solvay and to owners and/or lessees of property where defective electrical installations and equipment are found upon inspection.
- F. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the

certificate of compliance be sent to the Village of Solvay, to the attention of the Code Enforcement Officer.

**§ 72-3. Violations.**

- A. It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Village of Solvay until an application for inspection has been filed with the New York Board of Fire Underwriters or such other agency as authorized by the Board of Trustees.
- B. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the New York Board of Fire Underwriters or such other agency as authorized by the Board of Trustees.

**§ 72-4. Penalties for offenses.**

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than 15 days, or both.

## Chapter 75

### ENVIRONMENTAL QUALITY REVIEW

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 8-9-1977 by L.L. No. 3-1977. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Zoning — See Ch. 165.

#### **§ 75-1. Definitions and word usage.**

- A. Unless the context shall otherwise require, the terms, phrases, words and their derivatives used in this chapter shall have the same meanings as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations.
- B. As used in this chapter, the following terms shall have the meanings indicated.

VILLAGE — The Village of Solvay.

VILLAGE BOARD — The Village Board of the Village of Solvay.

#### **§ 75-2. Compliance required.**

No decision to carry out or approve an action, other than an action listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action, shall be made by the Village Board or by any department, board, commission, officer or employee of the village until there has been full compliance with all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that nothing herein shall be construed as prohibiting:

- A. The conducting of contemporaneous environmental, engineering, economic feasibility or other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action which does not commit the village to approve, commence or engage in such action.
- B. The granting of any part of an application which relates only to technical specifications and requirements, provided that no such partial approval shall entitle or permit the applicant to commence the action until all requirements of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations have been fulfilled.

#### **§ 75-3. Type I and Type II actions.**

- A. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the actions listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type I actions are likely to have a significant effect on the

environment.

- B. Consistent with Part 617 of Title 6 of the New York Codes, Rules and Regulations and the criteria therein, the following actions, in addition to those listed in Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as Type II actions, are deemed not to have a significant effect on the environment:
- (1) Reconstruction, extension or alteration of existing roadways, waterlines, sewer lines and electrical utility facilities performed by, at the request of or under the direction of the Village of Solvay.
  - (2) Construction of new or additional electric transmission or distribution facilities performed by, at the request of or under the direction of the Village of Solvay Electric Department.
  - (3) Construction, reconstruction, extension or alteration of municipal buildings performed by, at the request of or under the direction of the Village of Solvay.
  - (4) Construction, reconstruction, extension or alteration of parks and recreational facilities performed by, at the request of or under the direction of the Village of Solvay.

**§ 75-4. Statement to be filed.**

For the purpose of assisting in the determination of whether an action may or will not have a significant effect on the environment, applicants for permits or other approvals shall file a written statement with the Village Engineer setting forth the name of the applicant, the location of the real property affected, if any, a description of the nature of the proposed action, and the effect it may have on the environment. In addition, applicants may include a detailed statement of the reasons why, in their view, a proposed action may or will not have a significant effect in the environment. Where the action involves an application, the statement shall be filed simultaneously with the application for the action. The statement provided herein shall be upon a form prescribed, by resolution, by the Village Board and shall contain such additional relevant information as shall be required in the prescribed form. Such statement shall be accompanied by drawings, sketches and maps, if any, together with any other relevant explanatory material required by the Village Engineer.

**§ 75-5. Notice of receipt of statement.**

Upon receipt of a complete application and a statement, the Village Engineer shall cause a notice thereof to be posted on the signboard, if any, of the village maintained by the village and may also cause such notice to be published in the official newspaper of the village, if any, or in a newspaper having general circulation within the village, describing the nature of the proposed action and stating that written views thereon of any person shall be received by the Village Engineer no later than a date specified in such notice.

**§ 75-6. Determination on application.**

- A. The Village Engineer shall render a written determination on such application within 15 days following receipt of a complete application and statement; provided, however, that

such period may be extended by mutual agreement of the applicant and to the Village Engineer. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Village Engineer may hold informal meetings with the applicant and may meet with and consult any other person for the purpose of aiding him in making a determination on the application.

- B. The time limitations provided in this chapter shall be coordinated with, to the extent practicable, other time limitations provided by statute or local law, ordinance or regulation of the village.

**§ 75-7. Fees.**

Every application for determination under this chapter shall be accompanied by a reasonable fee set forth in this section to defray the expenses incurred in rendering such determination. The fees shall be as set out by the Schedule of SEQR Application Fees adopted by resolution of the Village Board of the Village of Solvay and as amended.<sup>1</sup>

**§ 75-8. Preparation, filing and circulation of determination.**

If the Village Engineer determines that the proposed action is not an exempt action, not an action listed in § 75-3 B hereof or Section 617.12 of Title 6 of the New York Codes, Rules and Regulations as a Type II action and and that it will not have a significant effect on the environment, the Village Engineer shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action may be processed without further regard to this chapter. If the Village Engineer determines that the proposed action may have a significant effect on the environment, the Village Engineer shall prepare, file and circulate such determination as provided in Section 617.7(b) of Title 6 of the New York Codes, Rules and Regulations, and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

**§ 75-9. Draft environmental impact statement; fees.**

- A. Following a determination that a proposed action may have a significant effect on the environment, the Village Engineer shall, in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations.
  - (1) In the case of an action involving an applicant, immediately notify the applicant of the determination and request the applicant to prepare an environmental impact report in the form of a draft environmental impact statement.
  - (2) In the case of an action not involving an applicant, prepare a draft environmental impact statement.
- B. If the applicant decides not to submit an environmental impact report, the Village Engineer shall prepare or cause to be prepared the draft environmental impact statement or, in his discretion, shall notify the applicant that the processing of the application will cease and

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1. Editor's Note: The current fees are on file in the office of the Village Clerk.

that the approval will be issued. The Village Board may require an applicant to submit a fee to defray the expense to it of preparing a draft environmental impact statement or reviewing the same if it is prepared by the applicant. Such fees shall be determined in accordance with Section 617.11 of Title 6 of the New York Codes, Rules and Regulations.

**§ 75-10. Notice of completion of draft environmental impact statement.**

Upon completion of a draft environmental impact statement prepared by or at the request of the village, a notice of completion containing the information specified in Section 617.7(d) of Title 6 of the New York Codes, Rules and Regulations shall be prepared, filed and circulated as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations. In addition, it shall be published in the official newspaper, if any, of the village or, if none, in a newspaper having general circulation within the village, and a copy thereof shall also be posted on a signboard of the village. Copies of the draft environmental impact statement and the notice of completion shall be filed, sent and made available as provided in Section 617.7(e) and (f) of Title 6 of the New York Codes, Rules and Regulations.

**§ 75-11. Public hearing.**

If the Village Board determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the official newspaper of the village, if any, or, if none, in a newspaper having general circulation within the village at least 10 days prior to each public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence no less than 15 calendar days nor more than 60 calendar days after the filing of the draft environmental impact statement, except as otherwise provided where the Village Board determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required as appropriate under other applicable laws.

**§ 75-12. Processing of action determined not to have significant effect.**

If, on the basis of a draft environmental impact statement or a public hearing thereon, the Village Board determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter.

**§ 75-13. Preparation of final environmental impact statement.**

Except as otherwise provided herein, the Village Board shall prepare or cause to be prepared a final environmental impact statement in accordance with the provisions of Part 617 of Title 6 of the New York Codes, Rules and Regulations, provided further that if the action involves an application, the Village Board may direct the applicant to prepare the final environmental impact statement. Such final environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the Village Board may extend this time as necessary to complete the statement adequately or where problems identified with the proposed action require material reconsideration or modification. Where the action involves an

application, such final environmental impact statement shall be accompanied by the fee specified in this section to defray the expenses of the village in preparing and/or evaluating the same. The fee shall be as set out in the Schedule of Fees for Preparation by the Village Board of Final Environmental Impact Statement and the Schedule of Fees for Evaluating Final Environmental Impact Statement adopted by resolution of the Village Board of the Village of Solvay and as amended.<sup>2</sup>

**§ 75-14. Notice of completion of final environmental impact statement.**

A notice of completion of a final environmental impact statement shall be prepared, filed and sent in the same manner as provided in § 75-10 herein and shall be sent to all persons to whom the notice of completion of the draft environmental impact statement was sent. Copies of the final environmental impact statement shall be filed and made available for review in the same manner as the draft environmental impact statement.

**§ 75-15. Decision on actions which were subject of final environmental impact statements.**

No decision to carry out or approve an action which has been the subject of a final environmental impact statement by the Village Board or by any other agency shall be made until after the filing and consideration of the final environmental impact statement. Where the Village Board has been the lead agency for an action, it shall make a decision whether or not to approve the action within 30 days of the filing of the final environmental impact statement.

**§ 75-16. Written determination.**

When the Village Board decides to carry out or approve an action which may have a significant effect on the environment, it shall make the following findings in a written determination:

- A. Consistent with social, economic and other essential considerations of state policy, to the maximum extent practicable, from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse environmental affects, including the effects disclosed in the relevant environmental impact statements.
- B. All practicable means will be taken in carrying out or approving the action to minimize or avoid adverse environmental effects.

**§ 75-17. Filing and availability of determination.**

For public information purposes, a copy of the determination shall be filed and made available as provided in Part 617 of Title 6 of the New York Codes, Rules and Regulations.

**§ 75-18. Public files.**

The village shall maintain files open for public inspection of all notices of completion, draft and final environmental impact statements and written determinations prepared or caused to be prepared by the Village Board or the Village Engineer.

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2. Editor's Note: The current fees are on file in the office of the Village Clerk.

**§ 75-19. Actions involving more than one agency.**

Where more than one agency is involved in an action, the procedures of Sections 617.4 and 617.8 of Part 617 of Title 6 of the New York Codes, Rules and Regulations shall be followed.

**§ 75-20. Effect on actions taken prior to specified dates; modifications.**

Actions undertaken or approved prior to the dates specified in Article 8 of the Environmental Conservation Law for local agencies shall be exempt from this chapter and the provisions of Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the New York Codes, Rules and Regulations; provided, however, that if, after such dates, the Village Board modifies an action undertaken as approved prior to that date, and the Village Board determines that the modification may have a significant adverse effect on the environment, such modification shall be an action subject to this chapter and Part 617 of Title 6 of the New York Codes, Rules and Regulations.

## Chapter 82

### FEES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Parks and playgrounds — See Ch. 122.

Zoning — See Ch. 165.

Fee schedule — See Ch. A171.

#### ARTICLE I

##### Certificates of Occupancy

**[Adopted 1-28-1975 by L.L. No. 2-1975]**

**§ 82-1. Establishment of fee.** [Amended 10-8-1991 by L.L. No. 4-1991]

Upon the filing of an application for a certificate of occupancy in the Village of Solvay, a fee shall be immediately due and payable to said Village, in the amount of \$25.

#### ARTICLE II

##### Use of Softball Fields

**[Adopted 4-13-1982 by L.L. No. 3-1982; amended in its entirety 3-27-2001 by L.L. No. 4-2001]**

**§ 82-2. Establishment of fees.**

- A. Each softball league granted permission to use any of the Village of Solvay softball fields will be charged an annual fee of \$150, with the exception of a currently existing softball league commonly referred to as the "Jack Benny League," which is specifically designed for those residents of the Village of Solvay over the age of 39 years. Said Jack Benny League shall be charged an annual rate of \$100.
- B. Any team, organization or group which wishes to use any Village of Solvay softball field to conduct so-called "weekend softball tournaments" will be charged the sum of \$125 for each said tournament, upon the condition that \$25 of such fee shall be returned to said group, team or organization upon satisfactory cleaning of the field to the requirements of the Highway Superintendent, immediately upon conclusion of such tournament.

#### ARTICLE III

##### Service Charge for Returned Checks

**[Adopted 11-12-1991]**

**§ 82-3. Establishment of charge.**

There is hereby established a service charge of \$15 for checks which are dishonored and returned for insufficient funds.

**§ 82-4. Future payments.**

Future payments shall be tendered in cash or certified checks or cashier's checks.

ARTICLE IV  
**Reservation of Park Shelters and Areas**  
[Adopted 4-22-2003 by L.L. No. 1-2003]

**§ 82-5. Fees established.**

There shall be a fee of \$25 per day for the reservation of Shelter A, the Upper Shelter, and \$20 per day for the reservation of either Shelter B, the Lower Shelter, or Shelter C, the Point Shelter, in Gertrude Street Park as provided in Chapter 122 of the Code of the Village of Solvay.

## **Chapter 84**

### **FIREARMS**

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 9, Sec. 9-36, of the 1975 Code; amended in its entirety at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### **§ 84-1. Prohibition.**

No person shall discharge or use within the village limits any firearm, slingshot, air gun, bow and arrow or any other weapon liable to cause injury.

#### **§ 84-2. Penalties for offenses.**

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.



## Chapter 89

### FIRE PREVENTION AND BUILDING CONSTRUCTION

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 6-17-2008 by L.L. No. 8-2008.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Unsafe buildings — See Ch. 59.  
Electrical standards — See Ch. 72.  
Subdivision of land — See Ch. 159.  
Zoning — See Ch. 165.

#### ARTICLE I General Provisions

##### § 89-1. Adoption of standards; definitions.

A. Adoption of standards. For the purpose of establishing rules and regulations for the construction, alteration, repair, demolition and removal of buildings and structures erected or to be erected within the Village and for the regulation of other similar work therein, there is hereby adopted that certain building code known and designated as the "New York State Uniform Fire Prevention and Building Code" and that certain energy code known as the "State Energy Conservation Construction Code." and the whole thereof shall be and the same is hereby adopted and incorporated herein by reference as fully as if herein set forth at length.

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

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

**CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE** — A certificate issued pursuant to this chapter.

**CODE ENFORCEMENT OFFICER** — The Code Enforcement Officer appointed pursuant to this chapter.

**CODE ENFORCEMENT PERSONNEL** — The Code Enforcement Officer and all inspectors.

**COMPLIANCE ORDER** — An order issued by the Code Enforcement Officer pursuant to this chapter.

**ENERGY CODE** — The State Energy Conservation Construction Code, as currently in effect

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1. Editor's Note: This local law also repealed former Chapter 89, Fire Prevention and Building Construction, comprised of former Art. I, General Provisions, adopted as Ch. 5, Art. I, of the 1975 Code, as amended; former Art. II, Building Permits, adopted as Ch. 5, Art. II, of the 1975 Code, as amended; former Art. III, Fire Protection, adopted as Ch. 6 of the 1975 Code; and former Art. IV, Fire Prevention Standards, adopted 6-24-1975 by L.L. No. 5-1975, as amended.

and as hereafter amended from time to time.

INSPECTOR — An inspector appointed pursuant to this chapter.

MUNICIPALITY — The Village of Solvay.

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

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

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

STOP-WORK ORDER — An order issued pursuant to this chapter.

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

VILLAGE — The Village of Solvay.

**§ 89-2. Administrative official.**

- A. There is hereby designated in the Village a public official to be known as the "Code Enforcement Officer," who shall administer and enforce the provisions of all laws, ordinances, rules, regulations and orders applicable to the location, design, materials, construction, alteration, repair, equipment, maintenance, use, occupancy, removal and demolition of buildings and structures and their appurtenances located in the Village.
- B. The Code Enforcement Officer shall be appointed for a one-year term by the Village Board at a compensation to be fixed by it. The Code Enforcement Officer shall not be removed from office except for cause after a public hearing on specific charges before the Village Board.
- C. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the New York Executive Law and the regulations promulgated thereunder.
- D. In the absence of the Code Enforcement Officer, or in the case of the Code Enforcement Officer's inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act on the Code Enforcement Officer's behalf and to exercise all of the powers conferred upon the Code Enforcement Officer by this chapter.
- E. Powers and duties.
  - (1) Generally. Except as otherwise specifically provided by law, ordinance or regulation

or except as herein otherwise provided, the Code Enforcement Officer shall administer and enforce all of the provisions of laws, ordinances and regulations applicable to the construction, alteration, repair, removal and demolition of buildings and structures and the installation and use of materials and equipment therein and the location, use, occupancy and maintenance thereof in the Village.

- (2) Permits. The Code Enforcement Officer shall receive, review, and approve or disapprove applications for building permits, certificates of occupancy/compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications. Upon approval of such applications, the Code Enforcement Officer shall issue building permits, certificates of occupancy/compliance, temporary certificates and operating permits for the erection, alteration, removal and demolition of buildings or structures or parts thereof and shall examine the premises for which such applications have been received or such permits have been issued for the purpose of ensuring compliance with laws, ordinances and regulations governing building construction, and to include in building permits, certificates of occupancy/compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate.
- (3) Notices and orders. The Code Enforcement Officer shall issue all appropriate notices or orders regarding illegal or unsafe conditions to require the necessary safeguards during construction and to ensure compliance during the entire course of construction with the requirements of such laws, ordinances or regulations.
- (4) Inspections. The Code Enforcement Officer shall conduct all construction inspections, inspections to be made prior to the issuance of certificates of occupancy/compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter, except that the Code Enforcement Officer may accept written reports of inspection from building inspectors or from generally recognized and authoritative service and inspection bureaus, provided that the same are certified by a responsible official thereof.
- (5) Tests. Whenever the same may be necessary or appropriate to assure compliance with the provisions of applicable laws, ordinances or regulations covering building construction, the Code Enforcement Officer may require the performance of tests in the field by experienced, professional persons or by accredited and authoritative testing laboratories or service bureaus or agencies.
- (6) Fees. The Code Enforcement Officer shall collect all fees applicable to the issuance of a building permit, certificate of occupancy/compliance, temporary certificate and operating permit as set from time to time by the Village Board.
- (7) Enforcement. The Code Enforcement Officer shall pursue administrative enforcement actions and proceedings as necessary to ensure compliance with the requirements of such laws, ordinances or regulations. Upon consultation with the Village Attorney, the Code Enforcement Officer shall pursue such legal actions and proceedings as may

be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter.

- F. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by such Code Enforcement Officer. All such records shall be public records open to public inspection during business hours. Such permanent official records shall include:
- (1) All applications received, reviewed and approved or denied;
  - (2) All plans, specifications and construction drawings;
  - (3) All building permits, certificates of occupancy/compliance, temporary certificates, stopwork orders, and operating permits issued;
  - (4) All inspections and tests performed;
  - (5) All statements and reports issued;
  - (6) All complaints received;
  - (7) All investigations conducted;
  - (8) All other features and activities specified in or contemplated by this chapter; and
  - (9) All fees charged and collected.
- G. The Code Enforcement Officer annually shall submit to the Village Board a written report and summary of all business conducted by the Code Enforcement Officer, including permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made and appeals or pending litigation. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Village, on a form prescribed by the Secretary of State, a report of the activities of this Village relative to administration and enforcement of the Uniform Code. The Code Enforcement Officer shall also, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.
- H. One or more inspectors may be appointed by the Mayor, with the consent of the Village Board, to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

**§ 89-3. Assistance and cooperation of other Village officials.**

The Code Enforcement Officer may request and shall receive, so far as may be necessary in the

discharge of the Code Enforcement Officer's duties, the assistance and cooperation of the police, fire and of all other municipal officials exercising any jurisdiction over the construction, use or occupancy of buildings or the installation of equipment therein.

**§ 89-4. Construction inspections.**

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

**§ 89-5. Liability of Building Department officials.**

No official or employee of the Building Department, while acting pursuant to the provisions of this chapter, shall be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

**§ 89-6. Tests for compliance.**

Whenever there are reasonable grounds to believe that any material, construction, equipment or

assembly does not conform to the requirements of the applicable building laws, ordinances or regulations, the Code Enforcement Officer may require the same to be subjected to tests in order to furnish proof of such compliance.

**§ 89-7. Stop-work orders.**

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

**§ 89-8. Compliance required.**

It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in violation of any provision of this chapter, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer, or to construct, alter or use and occupy any building or structure or part thereof in a manner not permitted by an approved building permit.

**§ 89-9. Additional remedies.**

Appropriate actions and proceedings may be taken at law or in equity to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to prevent illegal acts, conduct or business in or about any premises; and these remedies shall be in addition to the penalties prescribed in this chapter.

**§ 89-10. Vehicles and temporary structures used as living quarters.**

No person, occupant or owner of any real property shall permit the use of said property, for hire or otherwise, for the purpose of parking, storing, occupying or permitting to stand thereon any vehicle of any nature or any temporary structure used or occupied as living quarters by one or more persons, except a building or structure of a permanent nature.

**§ 89-11. Duty of person removing or demolishing building.**

It shall be the duty of any person removing or demolishing, in whole or in part, any building or structure to promptly fill in any excavation, opening or hole resulting therefrom.

**§ 89-12. Prerequisites to licensing of place of public assembly.**

No license shall be issued for any public hall or other premises where persons are assembled unless such premises has suitable and safe means of ingress and egress in case of panic or fire and unless such premises complies with and conforms to all of the laws, ordinances and regulations for the protection of the public from fire, is properly ventilated and is supplied with sufficient toilet facilities.

**§ 89-13. Required vacation of places of public assembly.**

The Chief of Police, or any peace officer, or the Code Enforcement Officer, shall have the power to inspect any public hall or other premises where persons are assembled and to vacate or cause such premises to be vacated whenever any provision of any law, ordinance or rule with regard to the same is being violated or whenever any disorder of a gross or violent character takes place therein.

ARTICLE II  
**Building Permits**

**§ 89-14. Building permit required.**

A. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code,

including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

B. The following categories of work, although still subject to the Uniform Code, are exempt from the requirement for a building permit:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area is less than 144 square feet (13.38 square meters);
- (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Construction of temporary motion picture, television and theater stage sets and scenery;
- (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) Installation of partitions or movable cases less than five feet nine inches in height;
- (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (9) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
- (10) Repairs, provided that such repairs do not involve:
  - (a) The removal or cutting away of a load-bearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
  - (b) The removal or change of any required means of egress; or the rearrangement of parts of a structure in a manner which affects egress;
  - (c) The enlargement, alteration, replacement or relocation of any building system; and
  - (d) The removal from service of all or part of a fire protection system for any period of time.

C. The exemption from the requirement to obtain a building permit for work in any category

set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

**§ 89-15. Building beyond street line.**

No person shall build, construct or alter any building or structure, including any porch, steps, bay windows or fences, which shall extend beyond the street line of any public streets or highways, except upon written permission of the Board of Trustees, granted after recommendation by the Zoning Board.

**§ 89-16. Building permit application.**

A. Contents. Application for a building permit shall be made to the Code Enforcement Officer on forms provided by the Code Enforcement Office and shall contain the following information:

- (1) A description of the land, including the Tax Map number and the street address on which the proposed work is to be done.
- (2) A statement of the use or occupancy of all parts of the land and of the building or structure.
- (3) The valuation of the proposed work.
- (4) The full name and address of the owner and of the applicant and the names and addresses of their responsible officers if any of them are corporations.
- (5) A brief description of the nature of the proposed work and, where applicable, a statement of the special inspections prepared in accordance with the provisions of the Uniform Code.
- (6) Two sets of construction documents (drawings and/or specifications) which:
  - (a) Define the scope of the proposed work;
  - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;
  - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
  - (e) Where applicable, include a surveyed site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- (7) Such other information as may reasonably be required by the Code Enforcement Officer to establish compliance of the proposed work with the requirements of applicable building laws, ordinances and regulations.

- B. Submission. Applications shall be made by the owner or lessee, or agent of either, or by the architect, engineer or builder employed in connection with the proposed work. Where such application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make such application.

**§ 89-17. Information to accompany application; waiver.**

- A. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in this chapter. Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
- B. Signature on plans and specifications. Plans and specifications shall bear the signature of the person responsible for the design and drawings.
- C. Waiver. The Code Enforcement Officer may waive the requirements for filing plans.

**§ 89-18. Amendments to application or plans and specifications.**

Amendments to an application for a building permit or to the plans and specifications accompanying the same may be filed at any time prior to the completion of the work, subject to the approval of the Code Enforcement Officer.

**§ 89-19. Issuance or disapproval.**

- A. Authority of Code Enforcement Officer. The Code Enforcement Officer shall examine or cause to be examined all applications for building permits and the plans, specifications and documents filed therewith to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall approve or disapprove the application within a reasonable time.
- B. Approval of application.
  - (1) Upon approval of the application, the Code Enforcement Officer shall sign and issue a building permit to the applicant upon the form prescribed by the Code Enforcement Office.
  - (2) Upon approval of the application, the set of plans and specifications shall be endorsed with the word "approved," and the set shall be returned to the applicant, together with the building permit, and shall be visibly displayed at the building site and shall remain visible and open to inspection by the Code Enforcement Officer or his or her authorized representative until the authorized work has been completed.

- C. Disapproval of application. If the application, together with the plans, specifications and other documents filed therewith, describes proposed work which does not conform to all of the requirements of the applicable Codes, the Code Enforcement Officer shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Code Enforcement Officer shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

**§ 89-20. Effect of issuance of building permit.**

- A. The issuance of a building permit shall constitute authority to the applicant to proceed with the work in accordance with the approved plans and specifications and in accordance with the applicable building codes, ordinances and regulations. All work shall conform to the approved application and construction plans.
- B. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

**§ 89-21. Duration of permit.**

- A. A building permit shall be effective to require completion of work in accordance with the application and construction plans and specifications on which it is based within one year after the date of its issuance; provided, however, that work under such permit shall be commenced within six months after the issuance of such permit. For good cause, the Code Enforcement Officer may allow, upon payment of the applicable fee, a maximum of two extensions for periods not exceeding three months each.
- B. The Village Board of Trustees shall have the power and authority to extend the time prescribed in herein for performance of work under a building permit.

**§ 89-22. Fees.**

- A. Upon filing an application for a building permit, for an amended building permit, or for renewal of a building permit in the Village, a fee shall be immediately due and payable to said Village. The amount of such fee shall be established from time to time by resolution of the Village Board of Trustees.
- B. Refund. In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of 50% of the fee paid, provided that no construction has been commenced. If construction work has been started and the application is not approved, the fee paid shall not be refunded.

**§ 89-23. Revocation of permit.**

The Code Enforcement Officer may revoke a building permit theretofore issued and approved in the following instances:

- A. Where the Code Enforcement Officer finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which

the building permit was based.

- B. Where the Code Enforcement Officer finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.
- C. Where the Code Enforcement Officer finds that the work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.
- D. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the Code Enforcement Officer.

ARTICLE III  
**Certificates of Occupancy/Compliance**

**§ 89-24. Certificates of occupancy/compliance required.**

A certificate of occupancy/compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/compliance.

**§ 89-25. Issuance of certificates of occupancy/compliance.**

- A. The Code Enforcement Officer shall issue a certificate of occupancy/compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/compliance:
  - (1) A written statement of structural observations and/or a final report of special inspections; and
  - (2) Flood hazard certifications.
- B. A certificate of occupancy/compliance shall contain the following information:
  - (1) The building permit number, if any;
  - (2) The date of issuance of the building permit, if any;
  - (3) The name, address and Tax Map number of the property;

- (4) If the certificate of occupancy/compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the building permit; and
- (10) The signature of the Code Enforcement Officer issuing the certificate of occupancy/compliance and the date of issuance.

**§ 89-26. Temporary certificates.**

The Code Enforcement Officer shall be permitted to issue a temporary certificate allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall the Code Enforcement Officer issue a temporary certificate unless the Code Enforcement Officer determines that the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Code Enforcement Officer may include in a temporary certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A temporary certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Officer and specified in the temporary certificate. During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

**§ 89-27. Revocation or suspension of certificates.**

If the Code Enforcement Officer determines that a certificate of occupancy/compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

**§ 89-28. Fees.**

The fee, the amount of which shall be established from time to time by resolution of the Village Board of Trustees, must be paid at the time of submission of an application for a certificate of occupancy/compliance or for a temporary certificate.

ARTICLE IV  
**Operating Permits**

**§ 89-29. Operating permits required.**

- A. Operating permits shall be required for conducting the following activities or using the categories of buildings:
- (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Table 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) of the Fire Code of New York State (see 19 NYCRR Part 1225.1), as such Code may be amended by the State of New York;
  - (2) Hazardous processes and activities, including but not limited to commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;
  - (3) Use of pyrotechnic devices in assembly occupancies;
  - (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
  - (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code.
- B. Parties who propose to undertake the types of activities or operate the types of buildings listed in Subsection A shall be required to obtain an operating permit prior to commencing such operation. An application for an operating permit shall contain sufficient information to permit a determination that quantities, materials, and activities conform to the requirements of the Uniform Code. Tests or reports necessary to verify conformance shall be required, at the expense of the applicant.

**§ 89-30. Inspections; issuance.**

- A. An inspection of the premises shall be conducted prior to the issuance of an operating permit.
- B. In any circumstance in which more than one activity listed in this article is to be conducted at a location, the Code Enforcement Officer may, at the Code Enforcement Officer's discretion, issue a single operating permit to apply to all such hazardous activities.

**§ 89-31. Revocation.**

- A. Operating permits shall remain in effect until reissued, renewed or revoked or shall be issued for a specified period of time, not to exceed one year in the case of any operating permit issued for an area of public assembly and not to exceed three years in any other case, as deemed consistent with local conditions by the Code Enforcement Officer.
- B. Where activities do not comply with applicable provisions of the Uniform Code, an operating permit shall be revoked or suspended.

ARTICLE V  
**Fire Protection and Prevention Standards**

**§ 89-32. Inspections.**

- A. All buildings used for the purpose of public assembly shall be inspected for the purpose of determining compliance with the fire and safety requirements of the Uniform Code at least once in every 12 months.
- B. All other buildings, uses and occupancies, including multiple dwellings and all nonresidential occupancies, may be subject to inspection for the purpose of determining compliance with the fire and safety requirements of the Uniform Code at least once in every 36 months. One- and two-family dwellings not rented to others shall not be subject to regular periodic inspections.
- C. An inspection of any building or dwelling unit shall be performed at any other time upon:
  - (1) Request of the owner or authorized agent;
  - (2) Receipt of a written statement specifying the grounds upon which the subscriber believes a violation of the Uniform Code exists; or
  - (3) Other reasonable and reliable information that such violation exists.
- D. Such inspection shall be performed by the Code Enforcement Officer or any duly appointed deputy or assistant of the same.
- E. Nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- F. The fire chief of any fire department providing fire-fighting services for a property is to notify the Code Enforcement Officer in writing, on a form provided by said Code Enforcement Officer, of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

**§ 89-33. Burning permits.**

- A. No person, business, or other entity shall cause or assist in the out-of-doors kindling, making or maintenance of any fire nor in any way authorize or allow or in any manner aid in the making or maintenance of any such fire in the Village without first applying for and obtaining a permit therefor from the New York State Department of Environmental Conservation.
- B. In accordance with Part 215 of Title 6 of the New York Compilation of Codes, Rules and Regulations, open burning by local fire departments for fire training exercises and programs are, for the purpose of this chapter, exempt from the requirement of procuring a burning permit from the New York State Department of Environmental Conservation.

**§ 89-34. Enforcement; notification.**

- A. The Fire Prevention Code shall be enforced by the Village Code Enforcement Officer.

- B. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under the New York State Executive Law § 156-e and New York State Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:
- (1) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a building or structure which contains an area of public assembly or is occupied as a dormitory if OFPC performs firesafety and property maintenance inspections of such building or structure at least once every 12 months;
  - (2) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a multiple dwelling if OFPC performs firesafety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in this article; and
  - (3) The Code Enforcement Officer shall not perform firesafety and property maintenance inspections of a nonresidential building, structure, use or occupancy if OFPC performs firesafety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in this article.

ARTICLE VI  
**Complaints and Enforcement**

**§ 89-35. Complaints.**

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

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

**§ 89-36. Enforcement; penalties for offenses.**

- A. Compliance orders. The Code Enforcement Officer is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building,

structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall be in writing; be dated and signed by the Code Enforcement Officer; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.
- C. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any building permit, certificate of occupancy/compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village.
- D. Injunctive relief. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Village, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Village Board of Trustees of the Village.
- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the

exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the New York State Executive Law, as that law may be amended by the State of New York.

## **Chapter 93**

### **GAMES OF CHANCE**

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 7-25-1978 by L.L. No. 2-1978. Amendments noted where applicable.]**

#### **§ 93-1. Town standards to be effective in village.**

The local law adopted by the Town of Geddes regulating games of chance shall be effective in the Village of Solvay, and all authorized organizations domiciled within the Village of Solvay shall be licensed in accordance therewith.



## Chapter 96

### GARBAGE, RUBBISH AND REFUSE

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 56.

Outdoor storage of motor vehicles, mechanized equipment or other material — See Ch. 157.

#### ARTICLE I

##### General Regulations

[Adopted as Ch. 7, Art. II, of the 1975 Code]

**§ 96-1. Depositing debris or other waste on streets or private premises.** [Amended 3-12-1996 by L.L. No. 4-1996; 7-22-2003 by L.L. No. 3-2003]

No person shall throw, deposit, sweep or cause the accumulation of ashes, refuse, dirt, grass clippings, leaves, waste or garbage upon any street, sidewalk or public place or in any private street, land or premises, except where such substance shall be kept in watertight, covered containers or receptacles as defined in § 96-5 herein, and placed in such manner as to facilitate collection by the Village authorities.

**§ 96-2. Compliance required.**

No person shall dispose of any garbage, ashes, refuse, debris or dirt of any kind whatsoever except as provided in this article.<sup>1</sup>

**§ 96-3. Disposal of garbage in proper containers only.** [Amended 10-8-1991 by L.L. No. 4-1991; 4-27-2010 by L.L. No. 1-2010]

- A. All garbage, excluding waste material identified as "sharps," shall be disposed of in proper cans or containers as described in § 96-5A and B.
- B. "Sharps," which are defined as hypodermic needles, syringes and lancets used as part of home medical care and which are discarded by household waste generators (residential disposal), shall be placed in a special clearly marked sharps container, as set forth in § 96-5C.

**§ 96-4. Disposal of building debris.**

Building materials and similar refuse and debris caused by the work of contractors, tradesmen or workmen shall not be placed in any of the receptacles required in § 96-3 but shall be lawfully

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1. Editor's Note: Former Sections 7-16, Disposal of ashes, and 7-17, Disposal of household refuse and rubbish, which immediately followed this section, were repealed 10-8-1991 by L.L. No. 4-1991.

disposed of by the property owner, tenant or occupant of the premises.

**§ 96-5. Specifications for containers.** [Amended 10-8-1991 by L.L. No. 4-1991]

Receptacles used for storage of refuse materials shall be watertight and shall meet the following specifications:

- A. Trash cans shall be of a durable grade of galvanized metal or other suitable material approved by the Superintendent of Public Works, from 20 to 32 gallons' capacity and weighing less than 25 pounds empty or 75 pounds fully loaded with normal refuse. They shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The can shall be without inside protrusions, and the refuse shall be loosely packed so that the contents shall discharge freely when the receptacle is inverted.
- B. Refuse bags shall be made of heavy, multiple-ply paper or polyethylene or ethylene copolymer resin and designed for outdoor storage of refuse. Bags must be securely tied or sealed to prevent emission of odors, be of a material so liquids and greases will not be able to penetrate through the material and be of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling.
- C. A "sharps container" is defined as a biohazard-labeled sharps container or a clean, leakproof, shatterproof, and punctureproof container with a screw top, such as a durable plastic bleach or laundry detergent bottle. Sharps containers shall be labeled as "Sharps," the top shall be taped shut and the sharps container shall be placed next to the regulation household waste container for pickup. At no time shall a sharps container be placed in a regulation container, as described in § 96-5A and B, for collection. No more than one sharps container per residential unit shall be set out at the curb for weekly pickup unless otherwise agreed to by the Superintendent of the Department of Public Works. [Added 4-27-2010 by L.L. No. 1-2010]

**§ 96-6. Use of permitted containers required.**

It shall be unlawful and a violation of this article to place garbage, trash or refuse for collection in any type of container other than a container as described and permitted in this article.

**§ 96-7. Condemnation of defective containers.**

Garbage, trash and refuse containers that have deteriorated to the extent of having jagged or sharp edges capable of causing injury to those whose duty it is to handle these containers or to such extent that the lid does not fit tightly and securely shall be condemned by the Village. A record shall be made of the same and notice given, and no further service shall be rendered by the Village until the condemned container is replaced.

**§ 96-8. Overloaded containers.**

The contents of any garbage, trash or refuse container which is so overloaded that the lid will not fit securely on the container shall not be picked up by the collection authorities.

**§ 96-9. Tampering with containers.**

It shall be unlawful for any person to molest, remove, handle or otherwise disturb garbage, trash or refuse containers, or their contents, which have been placed for collection by the Village collection authorities; provided, however, that this section shall not apply to the owner, occupant, lessee or tenant of the premises so placing the container and contents.

**§ 96-9.1. Time limitations on placement of containers for pickup.** [Added 3-25-2003 by L.L. No. 1-2003]

Garbage, trash and refuse containers shall be placed at the curb for pickup by collection authorities, but not prior to 4:00 p.m. on the day before the scheduled or specially arranged pickup. All containers shall be removed from the curb as soon as possible following pickup, but in no event later than 8:00 p.m. on the day of pickup. Garbage, trash, and refuse containers shall not be kept at the curb between scheduled pickups.

**§ 96-10. (Reserved) <sup>2</sup>**

**§ 96-10.1. Disposal of waste originating outside of Village prohibited.** [Added 7-24-2001 by L.L. No. 5-2001; amended 7-22-2003 by L.L. No. 3-2003]

- A. No person or entity shall bring in, place, deposit or cause to be brought, placed or deposited in the Village any garbage, recyclables, trash, paper, hazardous waste, material or ashes originating outside the Village for the purpose of disposing of the same within the Village.
- B. No person or entity who is a resident of the Village or owner, lessee or person in control of real property within the Village shall permit any person or entity to bring in, place, deposit, or cause to be brought, placed or deposited in the Village any garbage, recyclables, trash, paper, hazardous waste, material or ashes originating outside the Village for the purpose of disposing of the same within the Village.

**§ 96-10.2. Penalties for offenses.** [Added 7-22-2003 by L.L. No. 3-2003]

- A. An offense against the provisions of this article shall, in addition to any other remedies available to the Village, be punishable by a fine imposed against the person or entity causing such violation as follows:
  - (1) First violation: \$100 to \$1,000.
  - (2) Second violation: \$250 to \$1,000.
  - (3) Third and subsequent violation: \$350 to \$1,000.
- B. Where appropriate, and in addition to any other remedies, fines or penalties otherwise available, violations of this article may be remedied directly by the Village of Solvay upon failure of the property owner to remedy stated violation(s) within 48 hours of receipt of written notice from the Codes Enforcement Officer. In instances where the property owner

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2. Editor's Note: Former § 96-10, Depositing debris or other waste on streets or private premises, penalties for offenses, as amended 3-12-1996 by L.L. No. 4-1996, was repealed 7-22-2003 by L.L. No. 3-2003. For current provisions, see §§ 96-1 and 96-10.2.

is not an occupant of the property, written notice shall be provided to the occupant and duplicate written notice shall be mailed to the property owner at the address listed on the most recent tax records. The costs of said remedial action, including any and all tipping fees and an overhead charge of 20% shall be billed to the owner of the property at which the violation(s) occurred. Prior to the imposition of said costs and within 10 days of the Village's remedial action, the property owner may request a hearing before the Village Board regarding the costs. Should said costs remain unpaid for a period of 90 days following the Village Board hearing and a decision adverse to the person charged, as the case may be, these costs shall be added to the real property tax bill next rendered to the property owner.

ARTICLE II  
**Licensing of Haulers; Recycling**  
[Adopted 2-27-2001 by L.L. No. 1-2001<sup>3</sup>]

**§ 96-11. Findings and purpose.**

The reduction of the amount of solid waste and conservation of recyclable materials is an important public concern because of the increasing cost of solid waste collection and disposal and its impact on the environment. The separation and collection of recyclable materials serves the general public's interest in our Village by reducing the amount of solid waste and will otherwise comply with the Onondaga County Source Separation Law (Local Law No. 12 of 1989) and other applicable provisions of law. In 1988, in the interest of public health, safety and welfare and in order to conserve energy and natural resources, the State of New York enacted a New York State Solid Waste Management Act which established the following solid waste hierarchy: waste reduction, reuse, recycling and waste-to-energy (see New York Environmental Conservation Law § 27-0106) with land burial as a last resort only when reuse, recycling or waste-to-energy were unavailable. Section B-35 of the State Solid Waste Management Plan — 1997-1998 Update recommended that Onondaga County take immediate steps to develop environmentally acceptable facilities to manage the solid waste generated in the county. In December 1991, Onondaga County adopted a comprehensive solid waste management plan that was subsequently approved by the State Department of Environmental Conservation. The county plan, applicable to municipalities within the county, preferred waste-to-energy as a safe and sanitary alternative to the threat to the groundwater supply and other liabilities posed by the burying of such waste. Those reasons are further delineated in Section 5 of the aforementioned county plan. Public Authorities Law § 2045-e(7) and (8) allows the Onondaga County Resource Recovery Agency to contract with municipalities for the delivery of such waste and, in furtherance thereof, to process such solid waste. In compliance with both the state and county solid waste management plans, the Village has determined that all solid waste, both residential and commercial, generated in our Village and destined for disposal in the State of New York, may not be disposed of at any place other than the approved disposal site designated by the Village Board in § 96-12 hereof. This article will also establish and refine regulations requiring the licensing of municipal haulers and governing hauler services for the collection and disposal of solid waste materials. This article shall not regulate or otherwise restrict any disposal of solid waste generated within the Village that is to be disposed of out-of-state or any handling of

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3. Editor's Note: This local law repealed former Art. II, Licensing of Haulers; Recycling Plan, adopted 7-10-1990 by L.L. No. 2-1990.

recyclable materials separated from the rest of the solid waste in accordance with Onondaga County's Source Separation Law or regulate the price, route or service of any motor carrier with respect to the transportation of property prohibited by the Federal Aviation Administration Authorization Act of 1994, as amended (49 U.S.C.A. § 14501 et seq.).

**§ 96-12. Definitions.**

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

**AGENCY** — The Onondaga County Resource Recovery Agency.

**AGENCY FACILITY** — Any facility operated by or designated by the Agency. Agency facilities include the Agency transfer stations at Ley Creek and Rock Cut Road, Rock Cut Road waste-to-energy facility, Agency landfill (when built), Agency yard waste composting facilities at Jamesville and Amboy, construction and demolition processing facility at Ley Creek and Agency-designated materials recovery facilities.

**APPROVED DISPOSAL SITE** — The Onondaga County waste-to-energy facility on Rock Cut Road in the Town of Onondaga.

**CONSTRUCTION AND DEMOLITION DEBRIS** — Discarded building material, concrete, stones, earth from excavations or grading and all other refuse material resulting from the erection, repair or demolition of buildings, structures or other improvements of property.

**COUNTY** — The County of Onondaga.

**COUNTY-DESIGNATED RECYCLABLE MATERIALS** — Those recyclables designated by the County of Onondaga and the Onondaga County Resource Recovery Agency pursuant to Local Law No. 12 of 1989, including the following:

- A. **CORRUGATED PAPER** — Cardboard containers, boxes and packaging, including pizza boxes, which are cleaned of contamination by food wastes or polystyrene commonly called "styrofoam," and which have been flattened for transport.
- B. **GLASS** — Empty, washed glass jars, bottles and containers of clear, green and amber (brown) that contained food and drink, caps removed. This term excludes ceramic, window glass, auto glass, mirror and kitchenware.
- C. **METAL** — All ferrous and nonferrous metals, including: steel, aluminum and composite cans and containers (cleaned of food wastes) and empty aerosol cans that did not contain hazardous material. Scrap metal, wire, pipes, tubing, motors, sheet metal, etc. are recyclable but must be recycled through scrap dealers.
- D. **NEWSPAPERS, MAGAZINES AND CATALOGUES** — Includes common machine-finished paper made chiefly from wood pulp used for printing newspapers, as well as glossy inserts, magazines and catalogues. All must be free of contaminants.
- E. **OFFICE PAPER** — All bond paper and also computer printout, stationery, photocopy and ledger paper of any color from all waste generators. Paper should, if possible, be free of tape, adhesives, labels, rubber bands, paper clips, binders and other contaminants. This term excludes carbon paper, chemical transfer paper and tyvek or plastic-coated envelopes.

- F. **PLASTICS** — All HDPE- and PET-type plastic (#1 and #2), including empty, washed food, beverage, detergent, bleach and hair care containers with lids removed. This term excludes all photographic film, vinyl, rigid and foam plastic materials, as well as plastics numbered 3 through 7 and HDPE oil bottles, as well as #1 and #2 containers that are not bottles or contained hazardous material.
- G. **KRAFT PAPER** — As found in brown paper bags and package wrapping.
- H. **BEVERAGE CARTONS** — Includes gable-topped paper cartons that contained milk and juice products.
- I. **PAPERBOARD** — Paper packaging as found in cereal, cracker and tissue boxes, etc. and toilet tissue and paper towel tubes.
- J. **MIXED PAPER** — Includes discarded and bulk mail, computer paper, colored paper, greeting cards, wrapping paper and carbonless multipart forms; excludes any paper coated with foil or plastic.

**CURB** — That street curb immediately in front of the property from which solid waste material and recyclables to be collected are generated or, in the absence of an actual curb, that portion of the property which is immediately adjacent to the street.

**CURBSIDE COLLECTION** — The use of collection receptacles for residential, commercial and institutional solid waste generators and the regular periodic pickup and transfer of the contents of such receptacles by a hauler at the location of a waste generator.

**ELIGIBLE HOUSEHOLD** — A household residing in a dwelling of four units or less and which is required to utilize recycling containers.

**HAULER** — Any person, company or firm who engages in the collection, transportation, disposal or delivery of solid waste within our Village, other than the Village itself.

#### **HAZARDOUS WASTE**

- A. Any waste (excluding household hazardous waste) which is defined or regulated as a hazardous waste, toxic substance, hazardous chemical substance or mixture, or asbestos (regulated waste) under federal, state or local law, or under rules, regulations, policies or guidelines issued in relation thereof as they may be amended from time to time, including but not limited to:
  - (1) The Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984) and the regulations contained in 40 CFR Parts 260 to 281.
  - (2) The Toxic Substances Control Act (15 U.S.C. § 2601 et seq.) and the regulations contained in 40 CFR Parts 761 to 766.
  - (3) The State Environmental Conservation Law (Title 9 of Article 27) and the regulations contained in 6 NYCRR Parts 370, 371, 372, 373 (Subpart 373-3).
- B. Radioactive materials which are source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. § 2011 et seq.) and the regulations contained

in 10 CFR Part 40; or

- C. Any other material that by federal, state or local law or under rules, regulations, policies, guidelines or orders having the force of law in relation thereto are regulated as harmful, toxic or hazardous to health and ineligible for processing at the Agency facility.

**LARGE HOUSEHOLD FURNISHINGS** — All other large and/or bulky articles actually used in the home and which equip it for living such as chairs, sofas, tables, beds or carpets.

**MAJOR APPLIANCES** — A large and/or bulky household mechanism such as a refrigerator, washer, dryer, stove, furnace or hot water tank.

**MATERIALS RECOVERY FACILITY or MRF** — A private or public facility for receiving and processing recyclables into marketable commodities.

**MEDICAL WASTE** — Any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto or in the production or testing of biologicals.

**MUNICIPAL HAULER LICENSE** — The license issued by the Village to a hauler as a prerequisite to performing solid waste collection services within the Village's municipal limits.

**PERSON** — A natural person, association, partnership, firm, corporation, limited-liability company, trust, estate or governmental unit and any other entity whatsoever (other than the Village itself).

**RECYCLABLES** — Those recyclable materials, including county-designated recyclable materials, which can be practically separated from nonrecyclable waste for which reuse markets can be accessed for less than the cost of disposal.

**RECYCLING CONTAINERS** — The blue bin or other container supplied by the agency, county, the Village or their designees for the use by eligible households within the Village. Such containers shall be used exclusively for the storage of county-designated recyclable materials. Such containers shall at all times remain the property of the Agency.

**RECYCLING LAW** — The Onondaga County Source Separation Law, Local Law No. 12, adopted March 6, 1989, as subsequently amended.

**REGULATED MEDICAL WASTE** — Those medical wastes that have been listed in 6 NYCRR 364.9, Paragraph (c)(1), and that must be managed in accordance with the requirements of that part.

**SOLID WASTE** — All materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including, but not limited to, garbage, refuse, residential, governmental, commercial and/or light industrial refuse, but shall not include recyclables, yard and garden waste, human wastes, rendering wastes, demolition wastes, residue from incinerators or other destructive systems for processing waste (other than now-existing individual building incinerators, the residue from which is presently collected as part of normal refuse collection practices), junked automobiles, pathological, medical, toxic, explosive, radioactive material or other waste material which, under existing or future federal, state, or local laws, require special handling in its collection or disposal.

SYSTEM — Onondaga County's solid waste management system as operated by the Onondaga County Resource Recovery Agency and every aspect thereof including, but not limited to, the Rock Cut Road waste-to-energy facility, Agency landfill (when built), yard waste composting facilities at Jamesville and Amboy, construction and demolition processing facility at Ley Creek and the Rock Cut Road and Ley Creek transfer stations.

VILLAGE — The Village of Solvay.

VILLAGE BOARD — The Board of Trustees of the Village of Solvay.

VILLAGE CLERK — The Clerk of the Village of Solvay.

WASTE GENERATOR — Any person who produces solid waste requiring off-site disposal.

YARD AND GARDEN WASTE — Garden waste, leaves, grass clippings, weeds and brush.

**§ 96-13. Requirement of haulers to obtain municipal hauler license.**

- A. It shall be a precondition of doing business as a hauler in the Village that the person/firm intending to conduct such business obtain a municipal hauler license and a Village sticker.
- B. An application on a form approved and provided by the Village must be submitted to the Village Codes Enforcement Office, in which the person satisfactorily shall be bound by the following provisions:
  - (1) The hauler will deliver all of the nonrecyclable solid waste (residential and commercial) it collects within the Village and destined for disposal in the State of New York to the approved disposal site specified in § 96-12 above. It shall be unlawful to unload or deposit any solid waste hauled from any premises within the limits of the Village and destined for disposal in the State of New York at any place other than the approved disposal site specified by the Village in § 96-12 above. Any hauler failing to dispose of said solid waste at the approved disposal site so designated shall be subject to having its license revoked.
  - (2) The hauler will supply a plan of operation for collection and transportation and which provides for a recycling plan as required by Onondaga County Local Law No. 12 of 1989 as it applies to haulers, which it shall adhere to and comply with. The hauler shall agree to provide for the collection of county-designated recyclables in every waste hauler disposal agreement, written or oral, as part of its standard service and to include the cost of such collection in its standard waste collection rates.

**§ 96-14. Distinctive municipal sticker.**

- A. The hauler shall attach a municipal sticker, which must be visibly and securely affixed to the driver's side vent window or upper part of the driver's side of the windshield of each of the hauler vehicles in operation.
- B. No hauler shall:
  - (1) Duplicate or imitate a municipal sticker; or
  - (2) Sell or transfer in any manner a municipal sticker.

**§ 96-15. Duration of municipal hauler license.**

Municipal hauler licenses issued pursuant to this article shall be effective for an annual term from July 1 through June 30 (one calendar year).

**§ 96-16. Revocation of municipal hauler license.**

The Village shall have the right to cancel any existing municipal hauler license upon 30 days' written notice to the hauler if the Village shall enact legislation establishing a new system for collection of solid waste in the Village that is inconsistent with the continuation of said license. The Village shall revoke a municipal hauler license upon the happening of any or a combination of the following: failure of the hauler to comply with any provision of § 96-13 or § 96-14 of this article. Prior to any such revocation, the hauler shall be notified by the Village of an opportunity for a hearing in the matter, which hearing shall be held not less than five days after the hauler is notified in writing by the Village of the pending license revocation and the charges against it. All hearings shall be on a date and time and at a place determined by the Village. The hearing shall be informal and held before the Village Mayor or his/her designee. Compliance with technical rules of evidence shall not be required, and the decision of the Village Mayor or his/her designee shall be final.

**§ 96-17. Recycling plan.**

The Village hereby adopts as its source separation legislation, required pursuant to the General Municipal Law, § 120-aa, the Onondaga County Source Separation Law (i.e., Local Law No. 12 of 1989) as adopted by the Onondaga County Legislature and subsequently amended under its terms.

- A. No hauler shall dispose of county-designated recyclable materials picked up in our Village as solid waste nor shall any hauler accept county-designated recyclable materials for disposal as solid waste.
- B. Recycling containers shall at all times remain the property of the Agency or Village, as the case may be, and are provided for the use and convenience of eligible households in complying with this chapter. No hauler shall:
  - (1) Remove a recycling container from the Village;
  - (2) Willfully destroy a recycling container;
  - (3) Dispose of a recycling container other than by returning such container to the Village at a designated location; or
  - (4) Use a recycling container for other than the temporary storage of county-designated recyclable materials.

**§ 96-18. Imposition of fees.**

The Village Board may, by resolution, designate and impose such other fees as it deems reasonable and appropriate in relation to the collection and disposal of any solid waste. After any such fees are imposed, the manner of implementation and collection shall be by regulation of the Village Board or its designee not inconsistent with the terms of the resolution imposing such

fees. The Village Board may, by resolution, also from time to time, establish fees to defray expenses in connection with the fee for the municipal hauler license and administration of the article. Fees shall be paid by the applicant at the time of application.

**§ 96-19. No Sunday collection.**

Haulers shall not collect solid waste in the Village on Sundays, Thanksgiving or Christmas.

**§ 96-20. Insurance - indemnity/hold harmless.**

- A. In consideration of the Village issuing a municipal hauler license to an applicant, the applicant shall agree, upon the issuance of such license to the applicant, that the applicant shall indemnify, hold harmless and defend the Village and its officers and employees from and against any and all claims, demands, losses, damages, costs, payments, actions, recoveries, judgments and expenses of every kind, nature and description, including without limitation all engineers' and attorneys' fees, fines, penalties and clean-up costs resulting from any such claim, etc., arising out of or connected in any way with the applicant's acting as a hauler or the applicant's involvement or participation in the collection, distribution or transportation of solid waste.
- B. The hauler, as a condition of obtaining a municipal hauler license, shall provide and maintain the following insurance coverages at limits to be set from time to time by resolution of the Village Board:
  - (1) Public liability (CGL), including contractual coverage.
  - (2) Automobile liability coverage for all owned, hired and nonowned vehicles.
  - (3) Worker's compensation coverage.
- C. The public liability policy aforementioned shall name the Village as an additional insured.
- D. Each policy of insurance shall be endorsed to contain the following language: "The Village will be given 30 days prior written notification of any cancellation, nonrenewal or modification of this policy which reduces coverage or limits at the following address: Village Clerk, Village of Solvay, 1100 Woods Road, Solvay, NY 13209."
- E. Prior to the issuance of any municipal hauler license, the hauler must provide to the Village Codes Office proof of insurance coverage in a form to be determined from time to time by resolution of the Village Board.

**§ 96-21. Hours of operation.**

Haulers shall not operate earlier than 6:00 a.m. nor later than 8:00 p.m.

**§ 96-22. Removal of uncollected waste.**

Where certain solid waste, recyclables and/or other waste materials were not collected because those materials were not placed or prepared by the waste generator in accordance with the provisions of this chapter, the person who placed such materials for collection and the owner of the property adjoining the curb where such waste materials were placed shall remove those

wastes from the location as soon as possible after the hauler has refused collection and, in any event, by 6:00 p.m. on the designated collection day.

**§ 96-23. Restrictions on use of vehicles and handling of waste.**

The collection, removal and carrying of solid waste, recyclables and/or material, and the transportation of solid waste, paper and recyclables on any highway, street, alley or lane of the Village must be done in covered vehicles. No hauler shall throw or scatter or cause to be scattered or deposited or to escape from the vehicle any solid waste or recyclables on the streets or public places.

**§ 96-24. Yard and garden waste prohibited.**

Yard and garden waste may not be accepted for disposal at any Agency facility but may be accepted for recycling at a yard waste composting facility of the hauler's choice within the county or taken elsewhere.

**§ 96-25. Dumping/draining leachate prohibited.**

Except as specifically permitted in this chapter, no hauler shall deposit or cause to be deposited or stored for more than one day upon any property any solid waste and/or recyclables, and dumping thereof is hereby prohibited. No leachate or other obnoxious or contaminating substance shall be allowed to drain from any hauler vehicle on the public streets.

**§ 96-26. Accumulation/storage of solid waste on private property.**

No hauler shall suffer or permit solid waste to accumulate or remain upon private premises, including extended storage in hauler vehicles owned or operated by that hauler so that the same shall emit odors or become offensive or dangerous to the public health or to any person or property.

**§ 96-27. Outdoor burning.**

No hauler shall bury or burn any solid waste and/or recyclables or cause to be buried or burned any solid waste and/or recyclables, papers, trash, hazardous waste and/or materials within the limits of the Village, unless authorized to do so in writing by the Village Board.

**§ 96-28. Special events.**

This article shall also apply to all special events held in the Village. The sponsor of said events shall be responsible for sorting all solid waste materials into appropriate container or bags and making all arrangements for pickup and disposal of all solid waste materials. The hauler may charge a fee to be determined by the Village Board for such pickups and disposal.

**§ 96-29. Remedies for violation; enforcement.**

A. In addition to any revocation of the municipal hauler's license pursuant to this article, each day's violation or failure to comply with the provisions of this article shall be considered a new and separate offense, and subject to the penalties set forth in § 96-30.

- B. In addition to the above-provided penalties and revocations, or in lieu thereof, the Village Board may also institute and maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by temporary restraining order, preliminary and/or permanent injunction any violation of this article.
- C. This article shall be enforced by the Village Code Enforcement Officer, Village Police Department, Village Building Inspector, Village Fire Inspector, Superintendent of Highways, Onondaga County Sheriff's Department, New York State Police, Department of Environmental Conservation Officers and all local law enforcement agencies.

**§ 96-30. Penalties for offenses.**

The failure of a hauler to comply with the provisions of this article shall be considered a violation subject to the following specified fines for each offense pursuant to § 80.05(4) of the Penal Law as well as for corporate officers, directors and officials except for corporations in their corporate capacity which shall be fined pursuant to § 80.10 of the Penal Law. Each day's violation shall be considered a new and separate offense subject to a separate penalty as fixed below. Any fines collected under this article shall inure to the Village and shall be deposited in the Village general fund to use as it deems appropriate.

<b>Section</b>	<b>Violation</b>	<b>Fine</b>
§ 96-13	Failure to obtain a municipal hauler license	\$250
§ 96-13	Failure to deliver all solid waste collected within the Village and destined for disposal within New York State to the Village-approved disposal site	\$250, plus revocation
§ 96-14A	Failure to attach a municipal sticker to the hauler vehicle	\$250
§ 96-14B	Duplication or imitating the municipal sticker or engaging in the selling of the municipal sticker	Revocation
§ 96-17A	Accepting and/or disposing of county-designated recyclable materials as solid waste	\$200
§ 96-17B	Removing, destroying or disposing of a recycling container or using same for other than storage of a county-designated recyclable	\$150
§ 96-19	Engaging in the collection of solid waste and/or recyclables on Sundays, Thanksgiving or Christmas	\$50
§ 96-20D	Failure to notify the Village, 30 days' prior written notice of any cancellation, nonrenewal or modification of required insurance policy	\$50
§ 96-21	Failure to comply with the designated hours of operation	\$200

<b>Section</b>	<b>Violation</b>	<b>Fine</b>
§ 96-22	Failure to remove uncollected solid waste improperly set out for disposal	\$100
§ 96-23	Throwing, scattering or allowing deposit of any solid waste and/or county-designated recyclables or other waste upon the streets	\$100
§ 96-23	Engaging in the collection of solid waste and/or county-designated recyclables in a noncovered vehicle	\$100
§ 96-25	Dumping or depositing any solid waste and/or recyclables material upon any property; draining leachate from hauler vehicle	\$100
§ 96-26	Allowing solid waste or other waste material and recyclables to accumulate upon any property so that it becomes obnoxious, unsightly or offensive	\$250
§ 96-27	Any hauler engaging in the burial or private burning of solid waste and/or recyclables, papers, trash, hazardous waste and/or materials within the limits of the Village	\$250

**§ 96-31. Severability.**

If any paragraph, section, sentence or portion of a sentence of this article shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.



## Chapter 103

### HANDBILLS AND ADVERTISEMENTS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 9, Secs. 9-18 - 9-20, of the 1975 Code. Section 103-4 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Streets and sidewalks — See Ch. 136.  
Zoning — See Ch. 165.

#### **§ 103-1. Permit required.**

No person shall post any handbill, notice or advertisement of any kind whatever on any sidewalk; flagstone; curbstone; street; roadway; telegraph, telephone or electric-light pole or upon any shade tree or fence; or upon any property in the village without a written permit from the Board of Trustees; provided, however, that such provision shall not apply to the posting of any legal or public notices upon any telephone, telegraph or electric-light pole or upon any public bulletin or stand.

#### **§ 103-2. Billboards.**

The erection or posting of any billboard or similar structure for commercial advertisement is hereby prohibited.

#### **§ 103-3. Scattering of pamphlets on highways or public property.**

It shall be unlawful for any person, either directly or indirectly, to place or cause to be placed or to scatter any pamphlets or any written or printed matter of any kind whatsoever in or upon any public highway, public park or other public ground or into any sewer, manhole or catch basin.

#### **§ 103-4. Penalties for offenses.** <sup>1</sup>

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

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<sup>1</sup>. Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.



## Chapter 105

### ILLICIT CONNECTIONS, ACTIVITIES AND DISCHARGES TO STORM SEWER SYSTEM

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 11-27-2007 by L.L. No. 12-2007. Amendments noted where applicable.]

#### GENERAL REFERENCES

Stormwater management — See Ch. 134.  
Subdivision of land — See Ch. 159.  
Zoning — See Ch. 165.

#### ARTICLE I General Provisions

##### § 105-1. Purpose/intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Village of Solvay through the regulation of nonstormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and New York State law. This local law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit No. GP-02-02, as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge nonstormwater wastes;
- C. To prohibit illicit connections, activities and discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

##### § 105-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms shall have meanings set forth below:

**BEST MANAGEMENT PRACTICES (BMPs)** — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of

pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT** — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY** — Activities requiring authorization under the SPDES Permit for Stormwater Discharges from Construction Activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**DEPARTMENT** — The New York State Department of Environmental Conservation.

**HAZARDOUS MATERIALS** — Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**ILLCIT CONNECTIONS** — Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any nonstormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**INDUSTRIAL ACTIVITY** — Activities requiring the SPDES Permit for Discharges from Industrial Activities Except Construction, GP-98-03, as amended or revised.

**MUNICIPALITY** — The Village of Solvay.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** — A conveyance or system of conveyances (including roads and drainage systems, municipal streets, catch basins, curbs, gutters, man-made channels, or storm drains):

- A. Owned or operated by the Village of Solvay;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

**NONSTORMWATER DISCHARGE** — Any discharge to the storm drain system that is not

composed entirely of stormwater.

**PERSON** — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT** — Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

**PREMISES** — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

### **SPECIAL CONDITIONS**

- A. Discharge compliance with water quality standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under its MS4 permit may have caused or has reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition, the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.
- B. 303(d) listed waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition, the stormwater management program must ensure no increase of the listed pollutant of concern to the 303(d) listed water.
- C. Total maximum daily load (TMDL) strategy.
  - (1) The condition in the municipality's MS4 permit where a TMDL, including requirements for control of stormwater discharges, has been approved by EPA for a water body or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.
  - (2) The condition in the municipality's MS4 that applies if a TMDL is approved in the future by EPA for any water body or watershed into which an MS4 discharges. Under this condition, the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT** — A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

**STORMWATER** — Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER MANAGEMENT OFFICER** — An employee, the Village Engineer or other public official(s) designated by the Village of Solvay to enforce this chapter. The SMO may also be designated by the Village of Solvay to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board, inspect stormwater management practices and designate certain responsibilities pursuant to this chapter to other employees or agents of the Village of Solvay.

**303(d) LIST** — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by NYS DEC as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

**TOTAL MAXIMUM DAILY LOAD (TMDL)** — The maximum amount of a pollutant to be allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

**WASTEWATER** — Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

**§ 105-3. Applicability.**

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**§ 105-4. Responsibility for administration.**

The Stormwater Management Officer(s) [SMO(s)] shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the Village of Solvay.

**§ 105-5. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

**§ 105-6. Discharge and connection prohibitions.**

A. Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except those discharges described as follows:

- (1) The following discharges, unless the Department or the municipality has determined them to be substantial contributors of pollutants: waterline flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising groundwater, uncontaminated groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains, crawl space or basement sump pumps, air-conditioning condensate, irrigation water, springs, water

from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire-fighting activities, and any other water source not containing pollutants. These discharges are only exempt provided they are made in accordance with an appropriate plan for reducing pollutants.

- (2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.
- (3) Dye testing in compliance with applicable state and local laws, provided that a verbal notification is given to the SMO prior to the time of the test.
- (4) Any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of illicit connections.

- (1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

**§ 105-7. Prohibition against activities contaminating stormwater.**

- A. Activities that are subject to the requirements of this section are those types of activities that:
  - (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
  - (2) Cause or contribute to the municipality being subject to the special conditions as defined in § 105-2, Definitions, of this chapter.
- B. Such activities include improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.
- C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**§ 105-8. Prevention, control and reduction of stormwater pollutants by use of best management practices.**

Best management practices. Where the SMO has identified illicit discharges as defined in § 105-2 or activities contaminating stormwater as defined in § 105-7, the municipality may require implementation of best management practices (BMPs) to control those illicit discharges and activities.

- A. The owner or operator of a commercial or industrial establishment shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and nonstructural BMPs.
- B. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge as defined in § 105-2 or an activity contaminating stormwater as defined in § 105-7, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- C. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**§ 105-9. Suspension of MS4 access.**

- A. Illicit discharges in emergency situations. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the SMO.

**§ 105-10. Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

**§ 105-11. Access to facilities; monitoring of discharges.**

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- B. Access to facilities.
- (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
  - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
  - (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
  - (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - (5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter are a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
  - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

**§ 105-12. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to

ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and then notify the Stormwater Management Officer. In the event of a release of nonhazardous materials, said person shall notify the Stormwater Management Officer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**§ 105-13. Enforcement; penalties for offenses.**

- A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
  - (2) That violating discharges, practices, or operations shall cease and desist;
  - (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - (4) The performance of monitoring, analyses, and reporting;
  - (5) Payment of a fine; and
  - (6) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**§ 105-14. Appeal of notice of violation.**

Any person receiving a notice of violation may appeal the determination of the SMO to the Village Board within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

**§ 105-15. Corrective measures after appeal.**

- A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.
- B. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

**§ 105-16. Cost of abatement of violation.**

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**§ 105-17. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**§ 105-18. Alternative remedies.**

- A. Where a person has violated a provision of this chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:
  - (1) The violation was unintentional.
  - (2) The violator has no history of previous violations of this chapter.
  - (3) Environmental damage was minimal.

- (4) The violator acted quickly to remedy the violation.
- (5) The violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops.
- (2) Storm drain stenciling or storm drain marking.
- (3) River, stream or creek cleanup activities.

**§ 105-19. Violations deemed public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**§ 105-20. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

## Chapter 109

### LICENSING

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]**

#### ARTICLE I

#### **Hawkers, Vendors, Solicitors and Peddlers**

**[Adopted 7-24-2012 by L.L. No. 5-2012<sup>1</sup>]**

##### **§ 109-1. Legislative intent.**

The purpose of this article shall be to preserve the public peace and good order in the Village of Solvay and to contribute to the public welfare and good order of its people by enforcing certain regulations and restrictions on hawkers, vendors, solicitors and peddlers in order to prevent fraud, crime and unethical and dishonest business practices within the Village of Solvay and to protect our citizens from such behavior.

##### **§ 109-2. Definitions.**

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

**CHARITABLE SOLICITOR** — Includes any person, firm or organization requesting or soliciting alms, subscriptions or contributions to any church, charitable or public institution or organization whatsoever or for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter.

**HAWKER, VENDOR, SOLICITOR and PEDDLER** — Includes any person, whether a resident of the Village or not, who, in any public street or public place or in any open area on private property adjacent to a public way or by going from house to house or place of business on foot or from any animal or vehicle standing in a street, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or merchandise, or seeks to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatever, or seeks to obtain prospective customers for application or purchase of insurance of any kind, type or character, or seeks to obtain subscriptions to books, magazines, periodicals, newspapers and every other type of publication.

##### **§ 109-3. License required.**

It shall be unlawful for any person to engage in, conduct, manage, operate or cause to be conducted, managed or operated within the limits of the Village the business of hawker, vendor,

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<sup>1</sup>. Editor's Note: This local law also superseded former Ch. 109, consisting of Art. I, General Provisions, adopted as Ch. 8, Art. I, of the 1975 Code, as amended, and Art. II, Convalescent and Nursing Homes, adopted as Ch. 8, Art. II, of the 1975 Code, as amended.

solicitor, peddler or charitable solicitor without first obtaining a license from the Village Clerk.

**§ 109-4. Exemptions.**

- A. Nothing herein contained shall require the licensing of honorably discharged soldiers, sailors or marines of the military and naval services of the United States who have obtained a license from the County Clerk in connection with Section 32 of the General Business Law, except that they shall be required to comply with § 109-12 herein and shall confine such activities to the hours between 9:00 a.m. and 7:00 p.m.
- B. This article shall not apply to sales by any member of the Boy Scouts of America, Girl Scouts of America or similar Village-based youth organizations; school group; church; fraternal organizations; a duly organized volunteer ambulance or fire company or district or an auxiliary thereof; or other bona fide charity who is acting on behalf of said organization, group, company, district or corporation where the organization shall have provided notice to the Village Clerk at least five days before the first activity on its behalf with the dates of the activity and the name and address of the person in charge.
- C. Political activity shall be exempt from the terms of this article.

**§ 109-5. Information required with application.**

Each applicant for a license shall file with the Village Clerk, on a form to be provided by the Village of Solvay, an application, in writing, which shall give the following information and be signed and affirmed by the applicant under the penalties of perjury:

- A. The name, age and physical description of the applicant.
- B. The complete permanent home and local address of the applicant and the telephone number at such address.
- C. The name and address of the organization or person for whom solicitation is being made and the telephone number at such address.
- D. A description of the nature of the business and the goods, services or wares to be sold and sufficient information to determine the business to be transacted.
- E. The days, dates and routes of business or solicitation in the Village of Solvay, which, unless special permission is granted by the Village Clerk, shall be between the hours of 9:00 a.m. and 7:00 p.m.
- F. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly conduct offense and where and when so convicted, the nature of the offense and the penalty, if any.
- G. The make, model, year, color and license plate number of the automobiles used by the applicant during the period of solicitation in the Village and the driver identification number and state of issuance on applicant's driver's license.

**§ 109-6. Issuance of license; approval by Chief of Police.**

The Village Clerk shall not grant such license unless the Village Clerk is satisfied that the person applying for the same is a proper person to conduct such business. The Village Clerk shall submit each application to the Chief of Police of the Village of Solvay and shall be approved by the Chief prior to issuance. In the event that an application for hawking, vending, soliciting, charitable soliciting or peddling is incomplete, it shall be disapproved and returned to the applicant for completion.

**§ 109-7. Separate license required.**

A separate license must be obtained from every solicitor, agent or employee conducting business or soliciting within the Village limits.

**§ 109-8. Information on license.**

Each applicant shall be issued a license by the Village Clerk, upon which shall be impressed the Official Seal of the Village of Solvay and the period for which said license shall be valid, but in no event to exceed 30 calendar days from the date of issuance.

**§ 109-9. Display of license.**

The licensee shall carry the license at all times when conducting business in the Village and shall exhibit it to any citizen or Village official upon request. At the conclusion of the period for which the license was issued, said license shall be returned to the Village Clerk.

**§ 109-10. Revocation of license.**

The Village Clerk may, at any time for a violation of this article or any other ordinance or any law, revoke any license. When a license is revoked, no refund of any portion of the fee shall be made. Notice of such revocation and the reason therefor shall be in writing and shall be served by the Village Clerk upon the person named in the application or by mailing the same to the address given in the application. A copy of the revocation order shall be part of the Village Clerk's records.

**§ 109-11. Transfer of license prohibited.**

No license issued under the provisions of this article shall be used at any time by any person other than the one to whom it was issued.

**§ 109-12. Prohibited acts.**

Every person to whom a license is issued under the terms of this article shall be governed by the following rules and regulations:

- A. Licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale.
- B. Licensee shall not stand or permit the vehicle used by them to stand in any public place or street for more than 10 minutes or in front of any premises for any time if the owner or

lessee objects.

- C. Licensee shall not create or maintain any booth or other obstruction upon any street or public place for the purposes of selling or exposing for sale any goods, wares or merchandise.
- D. Licensee shall not sell any merchandise within 250 feet of any school between the hours of 8:00 a.m. and 4:00 p.m. on school days.
- E. No person subject to the terms of this article shall enter or attempt to enter the house or apartment of any resident in the Village without an express invitation from the occupant of the house or apartment.
- F. No person subject to the terms of this article shall conduct themselves in such a manner as to annoy or harass any person while soliciting within the Village.

**§ 109-13. Lost or destroyed licenses.**

Whenever a license issued under this article shall be lost, destroyed, defaced or mutilated beyond legibility without fault on the part of the licensee, his or her agents or employees, a duplicate in lieu thereof under the original application may be issued by the Village Clerk upon payment of a recording fee in an amount as shall be set by resolution of the Village Board of Trustees.

**§ 109-14. Fees.**

The fee for each license shall be set from time to time by resolution of the Village Board of Trustees, which shall be on file in the office of the Village Clerk.

**§ 109-15. Appeals.**

In the event that an application for hawking, vending, soliciting, charitable soliciting or peddling is revoked or denied, the applicant may appeal to the Board of Trustees of the Village of Solvay, which shall set a time and place for a hearing. Such hearing shall be held within 15 days after a request for an appeal has been filed with the Village Clerk and at which hearing the applicant will be given an opportunity to present his or her reasons why the license should be issued. The decision of the Board of Trustees is final.

**§ 109-16. Penalties for offenses.**

Any person violating the terms of this article, whether as an individual, principal or agent or employee or another, shall be punishable to each offense by a fine of not more than \$250 or by imprisonment of not more than 15 days, or both.

## Chapter 111

### LOITERING

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 5-18-1999 by L.L. No. 5-1999. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Parks and playgrounds — See Ch. 122.

Peace and good order — See Ch. 126.

#### **§ 111-1. Legislative intent; findings.**

The Village Board of Trustees of the Village of Solvay makes the following findings:

- A. There have been numerous citizen complaints directed to the Mayor and Trustees and other local officials concerning the incidence of persons gathering in the public areas of the village without a legitimate reason for being there, especially in the evening and nighttime hours. Investigation of these complaints has resulted in the finding that in the places complained of large quantities of refuse, empty beverage containers and other litter have accumulated. In addition, it has been recognized and reported that such illegitimate gatherings have discouraged citizens from legitimate utilization of these areas.
- B. The complaints received and the investigations show that such illegitimate gatherings very often are participated in by large groups of people and are associated with noise, yelling, often of an obscene nature, disturbance of the peace, fighting and rowdiness in addition to litter.
- C. It is also found that where this kind of illegitimate gathering occurs, acts of vandalism have been found to occur and damage to public and private property has been sustained. It is also found that the protection of the health, safety and welfare of the community requires action in the public interest to regulate such behavior.

#### **§ 111-2. Definitions.**

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

**LOITER** — To stand, lounge, congregate or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this chapter. "Loiter" also means to collect, gather, congregate or be a member of a group or of a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this chapter.

**PLACE OPEN TO THE PUBLIC** — Any place open to the public or any place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby,

halls, corridors and areas open to the public of any store, office or apartment building, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned by or under the control of his parent or guardian.

**PUBLIC PLACE** — Any public street, road or highway, alley, lane, sidewalk, crosswalk or other public way or any place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any publically owned vacant lot.

**§ 111-3. Prohibited conduct.**

- A. It shall be unlawful for any person or group of persons to loiter at, on or in a public place or a place open to the public in such manner:
  - (1) As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic;
  - (2) As to interfere with, obstruct, harass, curse or threaten or do physical harm to another member or members of the public; or
  - (3) That, by words, acts or other conduct, it is clear and there is a reasonable likelihood to result in a breach of the peace or disorderly conduct or to cause alarm or to create a risk thereof.
- B. It shall be unlawful for any person to loiter, as defined herein, at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace, health, welfare and safety.

**§ 111-4. Exceptions.**

Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

**§ 111-5. Violations and penalties.**

- A. It shall be unlawful for any person to violate any of the provisions herein.
- B. Any person violating any of the provisions of this chapter shall be punished, upon conviction, by a fine not to exceed \$100 for a first offense and not to exceed \$250 for any subsequent offense. Each day that a violation of or failure to comply with any provision of this enactment or any regulations promulgated hereunder by the Village Board occurs shall constitute a separate and distinct violation.
- C. Any police officer witnessing a violation of this chapter may, as an alternative to making an arrest, issue to said violator a notice of violation or appearance ticket, which notice, in addition to such factors as shall be required by such form of notice as may be approved by the village, shall specify the violation with which said violator is charged and shall set forth the hour, date and location that said violator is summoned to appear in the Justice Court for the Village of Solvay in Solvay, New York, to answer said charge.
- D. No person shall be charged with a violation of this chapter unless and until the arresting

officer has first warned the person of the violation and such person has failed or refused to stop such violation.

**§ 111-6. Severability.**

If any provision of this chapter shall be invalidated by any court, such provision shall be deemed severable, and the remaining provisions shall continue in full force and effect.

**§ 111-7. When effective.**

This chapter shall take effect immediately upon filing with the Secretary of State.



## **Chapter 112**

### **LOST AND FOUND PROPERTY**

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 2, Sec. 2-8, of the 1975 Code; amended in its entirety 1-23-2007 by L.L. No. 2-2007. Subsequent amendments noted where applicable.]**

#### **§ 112-1. Procedure for receipt and disposition.**

Lost and found property shall be received, noticed, stored and disposed of pursuant to the provisions of Article 7-B of the New York Personal Property Law, as amended from time to time.



## Chapter 120

### NUISANCES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Alcoholic beverages — See Ch. 45.  
Brush, grass and weeds — See Ch. 56.  
Unsafe buildings — See Ch. 59.  
Curfew — See Ch. 62.  
Firearms — See Ch. 84.  
Fire prevention and building construction — See Ch. 89.  
Garbage, rubbish and refuse — See Ch. 96.  
Loitering — See Ch. 111.  
Zoning — See Ch. 165.

#### ARTICLE I

##### Abatement of public nuisances

**[Adopted 12-23-2008 by L.L. No. 10-2008]**

##### § 120-1. Purpose.

It is hereby declared to be the policy of the Village of Solvay to provide for the proper use of real property to prevent illegal, unhealthful, hazardous or dangerous conditions. By this article, the Village Board of Trustees seeks to establish a procedure for the Village of Solvay to effectively abate those dangers which constitute a nuisance to the public's safety, life, health and property and to assess the cost of abatement against those individuals who knowingly conduct, maintain, allow or permit the existence of a public nuisance and the real properties on which such activity occurs.

##### § 120-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed:

**ACCUSATORY INSTRUMENT** — Includes, but shall not be limited to, any criminal information, misdemeanor and/or felony complaint filed in a court of competent jurisdiction and/or, with regard to unfit, unsafe and/or fire-damaged structures on or near the property, a notice of violation issued by the Village of Solvay Code Enforcement Office, Police Department or Fire Department and/or other authorized entity with jurisdiction in the Village and/or an order to abate issued by the administrative panel.

**CRIMINAL CONVICTION** — The entry of a plea of guilty or a verdict of guilty for one or more counts set forth in an accusatory instrument.

**ILLEGAL DRUG ACTIVITY** — The use or possession of a controlled substance or marihuana (marijuana), as defined by New York State Penal Law.

OWNER — The owner(s) or landlord(s) of a building, structure or real property, including his/her agent.

PREMISES — Real property or a building or structure, or any part thereof.

PUBLIC NUISANCE — Includes, but shall not be limited to:

- A. Any building, structure or real property used for the illegal use, possession or distribution of a controlled substance or marihuana (marijuana), as defined by the State Penal Law.
- B. Any building, structure or real property used for prostitution, as defined by the State Penal Law.
- C. Any building, structure or real property used for indecent or obscene performances and/or promotion of obscene material, as defined by the State Penal Law and this Code.
- D. Any building, structure or real property used for illegal gambling activity, as defined in the State Penal Law.
- E. Any building, structure or real property used for the commission of illegal possession, use or sale of firearms or weapons, as defined by the State Penal Law.
- F. Any building, structure or real property used for the illegal sale, manufacture or consumption of alcohol beverages, as defined by the State Alcohol Beverage Control Law.
- G. Any building, structure or real property wherein there exists or has occurred a criminal nuisance, as defined by the State Penal Law.
- H. Any building, structure or real property used for loitering, as defined by the State Penal Law.
- I. Any building, structure or real property wherein there exists or has occurred any violation of this Code, including, but not limited to, Chapter 56, Brush, Grass and Weeds; Chapter 59, Buildings, Unsafe; Chapter 165, Zoning; Chapter 89, Fire Prevention and Building Construction; and the New York State Uniform Fire Prevention and Building Code, including the Property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto, all of which have been previously adopted and incorporated into this Code by reference.
- J. Any building, structure or real property wherein an occupant, guest or business invitee commits criminal activities involving assault, gang assault, harassment or disorderly conduct, as said criminal activities are defined by the State Penal Law.

TENANT — The lessee or occupant of a building, structure or real property. For purposes of this article, the term "tenant" shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel for 30 consecutive days or longer.

### **§ 120-3. Nuisance forbidden.**

No owner, operator, manager, or tenant of premises shall knowingly conduct, maintain, permit or allow the existence of a public nuisance at the premises.

**§ 120-4. Presumption of public nuisance.**

The following shall constitute a presumption of a public nuisance:

- A. Notice by first-class mail or personal service, from the Village of Solvay, of the activities entailing a public nuisance to the owner, operator, manager, or tenant of premises shall be prima facie evidence of knowledge of the public nuisance.
- B. The existence of two or more criminal convictions for any of the activities set forth in the definition of "public nuisance" in § 120-2 at any premises within the two-year period prior to the commencement of a civil action and/or an administrative hearing shall be prima facie evidence of the existence of a public nuisance.
- C. The existence of two or more incidents of the following activities at any premises within the one-year period prior to the commencement of a civil action and/or an administrative hearing shall be prima facie evidence of the existence of a public nuisance:
  - (1) Arrest for any of the activities set forth in the definition of a "public nuisance" in § 120-2 occurring on the premises.
  - (2) Service of an accusatory instrument charging any of the activities set forth in the definition of "public nuisance" in § 120-2 occurring on the premises.
  - (3) Service of a search warrant on the premises where controlled substances, marihuana (marijuana), and/or weapons are seized.
  - (4) The finding of illegal controlled substances or illegal firearms or weapons on the premises.
  - (5) Investigative purchases of illegal controlled substances on the premises by law enforcement agencies or their agents.

**§ 120-5. Summons and complaint for civil action.**

- A. At the direction of the Village of Solvay Board of Trustees, the Village Attorney may bring and maintain a civil action in the name of the Village to abate a public nuisance and shall commence the civil action by filing a summons and complaint in the manner required by New York State Civil Practice Law and Rules.
- B. The summons and complaint shall name as defendants at least one of the owners of some portion of or some interest in the property, as set forth on the last filed tax roll, and shall describe the owner's premises by Tax Map number and/or street address.
- C. The summons and complaint may also name as defendant any owner, operator, manager or tenant of the premises.
- D. The complaint shall allege the facts constituting the public nuisance.
- E. The complaint shall be accompanied by an affidavit, to affirm that the owner or his agent had notice of the public nuisance and an opportunity to abate the public nuisance.
- F. Because the public nuisance is conducted, maintained, permitted or allowed in the Village of Solvay, the venue of the action shall be in Onondaga County.

- G. In rem jurisdiction over the premises shall be completed by affixing the summons to the premises and by mailing the summons and complaint by certified or registered mail, return receipt requested, to the person in whose name the real property is recorded as determined by the last filed tax rolls.
- H. Defendants, other than the record property owner of the premises, shall be served with the summons and complaint in the manner required by the New York State Civil Practice Law and Rules.
- I. With respect to any action commenced or to be commenced, the Village Attorney may file a notice of pendency pursuant to the New York State Civil Practice Law and Rules.

**§ 120-6. Civil penalty.**

If, upon the trial of an action for a public nuisance or upon a motion for summary judgment, a finding is made that defendants have conducted, maintained, permitted or allowed a public nuisance, a penalty may be awarded in an amount not to exceed \$1,000 for each day it is found that defendants conducted, maintained, permitted or allowed the public nuisance after notice to abate had been given by the Village.

**§ 120-7. Permanent injunction.**

- A. If, upon the trial of a civil action for a public nuisance or upon a motion for summary judgment, a finding is made that defendants have conducted, maintained, permitted or allowed a public nuisance, a permanent injunction may be granted.
- B. A permanent injunction may prohibit defendants from conducting, maintaining, permitting or allowing the public nuisance.
- C. A permanent injunction may authorize agents of the Village to remove and correct any condition(s) in violation of this Code. The judgment may further order that the costs of removing and correcting the violation(s), plus a charge of 50% as compensation to the Village for administration and supervision expenses, be charged against defendants and awarded to the Village. The judgment may further order that the costs of removing and correcting the violation(s), plus a charge of 50% as compensation to the Village for administration and supervision expenses, shall constitute a lien against the real property and shall be collected in the same manner provided by law for the collection of real property taxes within the Village.
- D. A judgment ordering a permanent injunction may direct the closing of the premises by the Village Police Department, to the extent necessary to abate the public nuisance.
- E. A judgment awarding a permanent injunction shall provide for all costs and disbursements allowed by the New York State Civil Practice Law and Rules and for the actual costs, expenses and disbursements of the Village in investigating, bringing and maintaining the action.

**§ 120-8. Closing of premises.**

- A. If the judgment of a civil action directs the closing of the premises, the Village of Solvay

Police Department shall serve the judgment upon defendant(s) in the manner required by the New York State Civil Practice Law and Rules and shall post a copy of the judgment upon one or more of the doors at entrances of the premises or in a conspicuous place on the premises.

- B. In addition, the Village of Solvay Police Department shall affix upon one or more of the doors at entrances of the premises or in a conspicuous place on the premises a printed notice stating "CLOSED BY COURT ORDER" in block lettering of sufficient size to be observed by anyone intending to enter the premises.
- C. Mutilation or removal of the posted judgment or notice, while it remains in force, will be considered a separate violation and shall be punishable pursuant to § 55.10, Subdivision 3(a), of the State Penal Law.
- D. The Village of Solvay Police Department may then command all persons present in the premises to vacate the property. After the premises is vacated, the Village Police Department may secure the premises.
- E. The closing directed by the judgment shall be for a period as the court may direct, but in no event shall the closing period exceed one year from the posting of the judgment.
- F. A closing by the Village of Solvay Police Department shall not constitute an act of possession, ownership or control by the Village.

**§ 120-9. Preliminary injunction.**

Upon a motion or order to show cause from the Village Attorney and pending an action for a permanent injunction, a preliminary injunction enjoining the public nuisance may be granted for any of the relief obtainable by a permanent injunction.

**§ 120-10. Temporary restraining order.**

Pending a motion or order to show cause for a preliminary injunction, a temporary restraining order or a temporary closing order may be granted, without notice to defendants, for any of the relief obtainable by a permanent injunction.

**§ 120-11. Administrative hearing.**

As an alternative or in addition to commencing a civil action, whenever there is prima facie evidence of a public nuisance at any premises within the Village, the Village Attorney may, at the direction of the Village of Solvay Board of Trustees, initiate an administrative hearing in accordance with the following procedure:

- A. A notice of the hearing shall be served on all owners of the premises as determined by the last filed tax roll and may also be served on any known operator, manager, and/or tenant of the premises. The notice shall be served in the manner required by New York State Civil Practice Law and Rules.
- B. The notice shall allege the facts constituting the public nuisance and shall contain a time and place for a hearing to be held before a panel.

- C. The hearing panel shall consist of a member to be appointed by the Code Enforcement Officer, a member to be appointed by the Chief of Police and a member to be appointed by the Fire Chief. Each appointing authority shall be authorized to appoint himself/herself or any member of his/her staff to the hearing panel.
- D. At the time and place designated in the notice, the Village Attorney shall present all relevant evidence and/or witnesses demonstrating the existence of a public nuisance at the premises and as to appropriate remedies. The owner, operator, manager, and/or tenant of the premises shall have the right to examine such evidence and cross-examine any witnesses presented. The owner, operator, manager, and/or tenant of the premises may present any relevant evidence and/or witnesses as a defense. The Village Attorney shall have the right to examine such evidence and cross-examine any witnesses presented by the owner, operator, manager, and/or tenant of the premises.
- E. Within five business days of the hearing, the panel shall provide a finding of fact to the Village of Solvay Board of Trustees. The finding of fact shall state whether there is prima facie evidence of the existence of a public nuisance at the premises. The panel shall further provide a written recommendation of remedies to abate the public nuisance.

**§ 120-12. Administrative remedies.**

- A. To abate a public nuisance, the Village of Solvay Board of Trustees, upon receipt of a finding of fact and recommendation from the panel, shall have the power:
  - (1) To issue a decision and order suspending the certificate of occupancy for the premises for a period not to exceed one year.
  - (2) To issue a decision and order directing the closing of the premises by the Village of Solvay Police Department, to the extent necessary to abate the public nuisance, pursuant to the procedures set forth in § 120-8.
  - (3) In conjunction with, or in lieu of, the foregoing powers, to issue a decision and order for various measures to be taken by the owner, operator, manager, and/or tenant of the premises, to the extent necessary to abate the existing public nuisance and ensure the prevention of future public nuisance actions from occurring at or near the premises, which shall include, but not be limited to, requiring the owner, operator, manager, and/or tenant to modify and improve the premises to deter further and future public nuisance activity; mandating compliance with all applicable building, housing and property maintenance codes and regulations pursuant to this Code and/or state law; and/or directing subsequent purchasers to comply with the provisions of any orders of suspension for the certificate of occupancy unless or until the subsequent purchaser appears before the hearing panel with an appropriate plan to avoid further incidents of public nuisance for the panel to review and make recommendations.
- B. The decision and order shall be served upon the owner, operator, manager, and/or tenant of the premises in a manner similar to that described in § 120-11A herein.
- C. Nothing within this section shall limit the authority of the Village of Solvay Board of Trustees to take such other and further actions deemed necessary to abate any existing public nuisance to the extent necessary to ensure the protection of the health, safety and

welfare of the general public.

**§ 120-13. Lease void when premises used or occupied for illegal drug activity.**

As an alternative to the civil action or administrative procedure set forth in this article, the Village may choose to evict a tenant whenever a tenant shall use or occupy premises, or allow premises to be used or occupied, for illegal drug activity. Pursuant to this section, if a tenant uses or occupies premises, or allows premises to be used or occupied, for illegal drug activity, the lease or agreement for the letting or occupancy of such premises shall become void and an owner may enter upon such premises.

**§ 120-14. Eviction for illegal drug activity.**

- A. An owner may maintain a special proceeding to evict a tenant from the leased premises upon the ground that the premises has been used or occupied for illegal drug activity.
- B. The procedures applicable to summary proceedings to recover possession of real property under New York State Real Property Actions and Proceedings Law shall be applicable to any eviction proceeding brought under this article.
- C. The Village Attorney may serve personally upon the owner of premises used or occupied for illegal drug activity a written notice requiring the owner to make an application for the removal of the tenant occupying such premises. If the owner does not make such application within five business days thereafter or, having made the application, does not in good faith diligently prosecute it, the Village Attorney may proceed under this article to remove the tenant on behalf of the Village of Solvay, as if the Village were the owner of the premises. The action by the Village Attorney shall have precedence over any similar proceeding brought by the owner or to one theretofore brought by the owner and not prosecuted diligently and in good faith. The tenant and the owner shall be named respondents in any proceeding prosecuted by the Village under this article.

**§ 120-15. Presumptive evidence for eviction.**

The existence of two or more criminal convictions for illegal drug activity engaged at the premises within a two-year period prior to the commencement of the eviction proceeding shall be prima facie evidence of the use or occupation of the premises for illegal drug activity and of the tenant's knowledge thereof.

**§ 120-16. Civil penalty upon eviction.**

A court granting a petition pursuant to this article may, in addition to any other relief provided by law, order the respondent(s) to pay a civil penalty not exceeding \$5,000 to the Village of Solvay plus the payment of reasonable attorney's fees and the costs of the proceeding to the petitioner. Multiple respondents shall be jointly and severally liable for any payment so ordered.

**§ 120-17. Severability.**

If any clause, sentence, paragraph, word, section or part of this article shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not

affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## Chapter 122

### PARKS AND PLAYGROUNDS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 10 of the 1975 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Bicycles — See Ch. 52.  
Dogs and other animals — See Ch. 66.  
Fees for use of softball fields — See Ch. 82, Art. II.  
Firearms — See Ch. 84.  
Handbills and advertisements — See Ch. 103.  
Trees and shrubs — See Ch. 147.

#### **§ 122-1. Public gatherings, assemblies and parades.**

All public gatherings, assemblies and military and other public parades are prohibited in the parks or playgrounds or the approaches thereto without the written permission of the Board of Trustees.

##### **§ 122-1.1. Reservation of park shelters and areas.** [Added 4-22-2003 by L.L. No. 1-2003]

Any person, group or organization may apply to the Village of Solvay for a permit to reserve one or more park shelters and surrounding park areas for limited duration events, subject to such rules as may be determined from time to time by order of the Village Board of Trustees.

##### **§ 122-1.2. Hours of operation.** [Added 10-25-2005 by L.L. No. 7-2005]

- A. Hours of operation for Village parks shall be the period from 1/2 hour after sunrise to 1/2 hour after sunset.
- B. This section shall become effective upon its filing with the New York Secretary of State.

#### **§ 122-2. Aerial ascents and landings.**

No person shall make any ascent in any balloon or airplane from any park or playground or land therein from any such balloon or airplane without the written permission of the Board of Trustees.

#### **§ 122-3. Throwing of missiles or driving of golf balls.**

No person shall throw any stones or missiles or drive any golf balls in any park without the written permission of the Board of Trustees.

#### **§ 122-4. Bonfires.**

No person shall build any bonfire in any park without the written permission of the Board of

Trustees.

**§ 122-5. Discharging or carrying firearms; fireworks.**

No person shall fire or discharge any gun, pistol, firearm, rocket, torpedo or other fireworks of any description or carry any firearm in any park without the written permission of the Board of Trustees. In no event, however, shall any terrifying or earthquaking rockets, torpedoes or fireworks be set off or discharged at any time.

**§ 122-6. Damaging of vegetation or other property.**

No person shall climb any tree, break any flowers or break, cut down, trample upon, remove or in any manner injure or deface, write upon, defile or ill-use any tree, shrub, flower, flower bed, turf, ornament, statue, monument, building, fence, bridge, structure or any other property within any park or playground.

**§ 122-7. Depositing of garbage, refuse or waste.**

No person shall deposit, dump, throw or place any earth, rubbish, dust, manure, paper, garbage or other refuse matter or any sand, stone, lumber or building material or any substance of any kind in or upon any park or playground.

**§ 122-7.1. Prohibition of dogs in village parks.** [Added 8-24-1999 by L.L. No. 7-1999]

No dogs are allowed in any village park, whether at large, leashed or unleashed. The owner or person in control of any dog found to be in violation of this section shall be subject to the penalties set forth in § 122-10.

**§ 122-8. Operating vehicles on grounds.**

No vehicle, including a bicycle, shall be operated upon the grounds of any park or playground.

**§ 122-9. Compliance with orders of attendant in charge.**

All persons using or in attendance upon any park or playground, including skating rinks, shall be subject to and shall comply with any reasonable order of an attendant in charge thereof.

**§ 122-10. Penalties for offenses.** [Added 10-8-1991 by L.L. No. 4-1991]

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

## Chapter 126

### PEACE AND GOOD ORDER

[**HISTORY:** Adopted by the Board of Trustees of the Village of Solvay: Art. I, as Ch. 9, Sec. 9-37, of the 1975 Code; Art. II, 12-10-1991 by L.L. No. 5-1991.<sup>1</sup> Section 126-2 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

#### GENERAL REFERENCES

Alcoholic beverages — See Ch. 45.  
Firearms — See Ch. 84.

#### ARTICLE I

##### Throwing Stones or Missiles

[Adopted as Ch. 9, Sec. 9-37, of the 1975 Code]

##### § 126-1. Prohibited acts.

No person shall throw or cast any stone or other missile or thing in, from or to any street, lane, alley, park, public place or enclosed grounds.

##### § 126-2. Penalties for offenses. [Added 10-8-1991 by L.L. No. 4-1991]

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

#### ARTICLE II

##### Additional Regulations

[Adopted 12-10-1991 by L.L. No. 5-1991]

##### § 126-3. Indecent exposure.

No person shall conduct himself in an indecent or obscene manner or publicly exhibit or expose his person in an indecent or obscene manner in or upon any public street, sidewalk, lane, alley or park or within or upon any private or public place or building.

##### § 126-4. Damage to utility poles and fixtures.

No person shall willfully destroy, injure or break any electric or telephone poles or fixtures thereof.

##### § 126-5. Damage to and tampering with lampposts.

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1. Editor's Note: This local law also contained the following statement: The purpose of this local law is to amend L.L. No. 4-1991 (see Ch. 1, General Provisions, Art. I) passed on October 8, 1991. Since the passage of L.L. No. 4 amending and recodifying the Code of the Village of Solvay, it has come to the attention of the Village Board of the Village of Solvay that several sections of the former Village Code which should have been included in the 1991 Code, adopted pursuant to L.L. No. 4-1991, were inadvertently left out of the adopted version. This local law is intended to add the missing sections of the former Village Code to the Code adopted on October 8, 1991."

No person shall willfully or maliciously break or deface or in any way injure any of the public lamps or lampposts, nor shall any person unlawfully light or cause to be lighted or unlawfully put out or cause to be put out any of said lamps.

**§ 126-6. Riots and disturbances.**

No person shall make or assist in making any riot, noise or disturbance in any house, at or within any building within the village or upon any street, park or public place.

**§ 126-7. Noise.**

- A. No person shall create, cause to be created or permit upon any premises owned by him or under his control or upon or within any public street or public place any disturbing noise, including music, of such volume and character as to unreasonably disturb the public peace of persons in the immediate vicinity thereof.
- B. No person shall ring any bell, blow any horn or race any motor unnecessarily or in such a manner as to disturb the public peace.

**§ 126-8. Parades, demonstrations and public gatherings.**

No person shall participate in any parade, demonstration, public gathering or assemblage called or formed for the purpose of inciting, advising or urging the use of violence, force or the commission of any act in violation of law or at which any of such acts or things are advocated, advised, urged or committed.

**§ 126-9. Penalties for offenses.**

Any person violating any provision of this Article shall be punished as provided for in the Code of the Village of Solvay adopted on October 8, 1991.

## Chapter 126A

### PORTABLE STORAGE UNITS AND ROLL-OFF DUMPSTERS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 5-25-2010 by L.L. No. 2-2010. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 89.

Garbage, rubbish and refuse — See Ch. 96.

#### § 126A-1. Purpose.

The Village of Solvay has seen an increased use of portable on-site deliverable storage units and roll-off dumpsters. In many instances, portable on-site deliverable storage units and roll-off dumpsters have been left in driveways and on properties for extended periods of time. While portable on-site deliverable storage units may serve a useful purpose for short-term storage, prolonged use results in such portable on-site deliverable storage units serving as virtual permanent storage sheds for the owners of property. Similarly, the use of a roll-off dumpster is appropriate within certain areas for the temporary storage of garbage, construction materials and other waste materials but is generally not appropriate for more lengthy placement. Because portable on-site deliverable storage units and roll-off dumpsters are generally unsightly and can have a negative impact on adjoining properties, long-term storage and disposal needs should be addressed in a manner which satisfies all of the Village's zoning, building and waste disposal codes.

#### § 126A-2. Definitions.

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

**PORTABLE ON-SITE DELIVERABLE STORAGE UNIT** — A container, transportable or portable structure or unit designed and used primarily for storage of building materials, household goods, personal items and other materials outside an enclosed building, other than an accessory building or shed, complying with all building codes and land use requirements.

**ROLL-OFF DUMPSTER** — A rigid container generally used for routine collection, temporary storage of solid waste, garbage, construction material, industrial and other waste materials generally on a temporary basis.

#### § 126A-3. Restrictions.

- A. Portable on-site deliverable storage units are permitted to be on a property for a period of time not to exceed 30 days. The use of such units shall be limited to no more than twice in any twelve-month period.
- B. The use of roll-off dumpsters on residential properties is limited to a duration of 14 days,

once in a twelve-month period, or for 30 days if there is an active building permit on the property. On nonresidential property, the use is limited to the period a permit is active on the property, and the location is required to be at the rear or sides of the building, if at all possible.

- C. An individual or business seeking relief from these regulations may apply to the Zoning Board of Appeals for a special permit to extend or increase the use of portable on-site deliverable storage units or roll-off dumpsters.
- D. All roll-off dumpsters shall be in good condition, free of evidence of deterioration, rust, peeling paint, ripping, tearing or having holes or breaks.
- E. Roll-off dumpsters shall not be used to store hazardous substances. The contents of the roll-off dumpster shall be secured so as to prevent the material from littering the neighborhood.

**§ 126A-4. Scope.**

These restrictions shall apply to all portable on-site deliverable storage units and roll-off dumpsters located in the Village of Solvay on and after the effective date of this chapter.

## Chapter 127

### REAL PROPERTY RENTAL REGISTRATION AND INSPECTION PROGRAM

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 6-17-2008 by L.L. No. 7-2008. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 89.

#### § 127-1. Purpose.

The purpose of this chapter is to establish a uniform program for the registration and inspection of residential rental properties within the Village in an effort to help protect and safeguard the rights, health, safety and welfare of landlords and tenants. Also, the intent of the program is to insure proper maintenance of the residential rental housing stock through the participation of owners, tenants, the Village, and the community at large by adopting a program of annual building inspections and registration.

#### § 127-2. Definitions.

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

**AGENT** — A representative of the property owner or landlord at least 18 years old who resides within the designated boundaries of Onondaga, Madison, Oswego, Cortland or Cayuga County, who is legally authorized and designated in writing by the property owner to the Village as being authorized to act on the property owner's behalf in matters regarding the rental units regulated hereunder.

**CODE ENFORCEMENT OFFICER** — The Code Enforcement Officer of the Village.

**HOUSING INSPECTOR** — A person or firm appointed, employed or retained by the Village for the purpose of enforcement of this chapter, including, without limitation, the Village Codes Enforcement Officer and qualified personnel as set forth elsewhere in this chapter.

**OCCUPANCY (OCCUPYING, OCCUPIED, or OCCUPY)** — The act, state or condition of being or becoming a Tenant, licensee, squatter, or being or living in, taking up quarters or space in or on, or being in possession of, all or part of any real property used for residential purposes.

**OCCUPANT** — Any person who is in occupancy of all or part of any real property used for residential purposes.

**OWNER-OCCUPIED** — Any rental unit occupied by the property owner.

**PROPERTY OWNER** — Any owner of real property used for residential purposes or other person who offers, contemplates, or is able to offer a rental unit for occupancy to anyone other than the owner. "Property owner" shall include the title or equitable owner, mortgagee, or

receiver/referee in possession or control of the property, landlord, rental or management agent, or any other person or entity in apparent ownership, management or in control of the real property. A property owner's designated agent (as defined herein) shall be deemed the property owner for all purposes hereunder.

**RENTAL UNIT** — Any real property, or part thereof, occupied, intended to be occupied, or able to or contemplated for occupancy by persons, for residential purposes, other than the owner and his/her immediate family within, or on the premises thereof, whether or not such occupancy or intended occupancy is in consideration of a rental or similar payment. Each separate occupied, possessed, or separable living unit within a parcel of real property is considered a separate rental unit, all and each of which are subject to the provisions hereof. A unit contained within a one- to four-family dwelling occupied by an owner's immediate family for no rental payment or similar consideration shall not be deemed a rental unit for purposes hereof. Any unit claimed by the property owner to not be a rental unit, and therefore exempt from the provisions hereof, shall be supported by the sworn statement described in this chapter.

**RENTAL UNIT PERMIT** — A permit issued by the Village stating that the referenced property and/or rental unit conforms to the standards of the Property Maintenance Code and Fire Code of New York State, Life Safety Code, and Municipal Code of Solvay, and that such structure or rental unit is permitted for occupancy. Any special circumstances or conditions under which occupancy is permitted may be specified on that rental unit permit.

**TEMPORARY RENTAL PERMIT** — A temporary permit issued upon initial registration pending a satisfactory inspection and issuance of a rental unit permit, as provided herein.

**TENANT** — Any person who occupies a non-owner occupied rental unit.

**UNFIT RENTAL UNIT** — A rental unit found to be unsafe or unfit for human occupancy or is found otherwise unlawful, including any violation of any federal, New York State, Onondaga County or Village law, regulation or code.

**VILLAGE** — Village of Solvay.

### **§ 127-3. Administration.**

- A. Rules of registration. No rental unit shall be let, rented or occupied by someone other than the property owner until a rental unit permit has been obtained for that unit. A temporary rental unit permit will be issued upon initial registration and that temporary rental permit will be valid until an initial inspection is completed. After inspection, the Village may issue the property owner a rental unit permit. Following the adoption of this chapter, all rental unit occupancy shall be prohibited without a rental unit permit, and rental unit occupancy without a valid permit shall result in the issuance of an order to vacate to the occupants of the rental unit.
- B. Rental permit. Following the adoption of this chapter, any property owner who allows occupation of a residential dwelling unit within the Village (including mixed-use property), must register for and obtain a rental unit permit from the Village.
- C. All property owners must register with the Village within 45 days of the adoption of this chapter, and each and every calendar year or third year thereafter, as provided in this

chapter, thereafter on or before December 1, on a form provided by the Village. All fees and the consent to inspect form shall be submitted with the registration form, property owners whose primary residence is outside of Onondaga, Madison, Oswego, Cortland, or Cayuga County must register an agent on their behalf whose business or legal residence is in Onondaga, Madison, Oswego, Cortland, or Cayuga County and is responsible for the rental property. No vacant property shall be rented until a rental unit occupancy permit is issued.

- D. Inspections. The Housing Inspector(s) shall be authorized, in the performance of their duties, to conduct inspections of the exterior and interior of properties or parts of properties, at such times and in such manner as such Housing Inspector may find necessary, with the consent of the occupant or property owner.
- E. Independent special inspections. As scheduled by the Housing Inspector or as required by this chapter or other provisions of law where there is a reasonable question of safety, property owners shall be responsible for the inspection and testing of systems, materials and workmanship, including the costs associated therewith, that are critical to the integrity of the building structure and safety of tenants.
- F. Qualified personnel. Independent special inspections and tests shall be made by qualified persons who, because of experience or education, are recognized as competent by the Codes Enforcement Officer. Reports of inspections and tests signed by the tester and a witness, together with a statement of any remedial measures to be taken, shall be filed with the Code Enforcement Officer within 10 days after each inspection and test. If any equipment or system is found to be defective or not in proper operating condition upon inspection or test, the property owner shall promptly remedy such defect or condition.
- G. Notice of violations. The Codes Enforcement Officer shall, in his/her discretion, determine the severity of any code violations following an inspection. If a property owner and/or occupant is cited with a code violation, the Code Enforcement Officer shall notify the property owner of the violation and provide the property owner with a reasonable amount of time in which to make repairs. If the violations are not corrected by the reinspection date, an appearance ticket may be issued and a court appearance will be required and/or the temporary rental permit may be revoked. The Codes Enforcement Officer may grant reasonable time extensions to cure a violation upon the request of the property owner made prior to the expiration date, provided that the property owner has previously acted in such period diligently and in good faith to cure the same.
- H. Order to vacate premises. Whenever a notice of violation has not been complied with, or the determination has been made that a property or rental unit(s) is unsafe, unfit for human occupancy, unlawful or serious in nature, the Codes Enforcement Officer may order the rental property or rental unit(s) to be vacated within such reasonable time as the Codes Enforcement Officer shall direct.
- I. Approval to occupy. No such rental unit(s) previously ordered to be vacated shall be occupied until a new rental permit is secured from the Codes Enforcement Officer.
- J. Rental unit permit term. The term of a rental unit permit shall be three years from the inspection date.

**§ 127-4. Revocation of rental permit.**

The Village reserves the right to suspend any rental permit at any time due to violations of any laws, codes, ordinances and regulations of New York State, County of Onondaga, or the Village.

**§ 127-5. Fees.**

Registration and inspection fees shall be set from time to time by resolution of the Village Board of Trustees. Failure to pay registration and inspection fees within 30 days of any annual registration date will result in the charges being levied against and added as an additional tax upon the subject property.

**§ 127-6. Penalty for offenses.**

Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with any of the terms of this chapter shall for jurisdictional purposes only be guilty of a misdemeanor and be subject to a fine of not more than \$1,000. Each week a violation continues shall be deemed a separate offense.

**§ 127-7. Prior payment.**

All fees and penalties, unless and until levied as an additional tax upon the subject property, shall be paid prior to the issuance of any rental unit permit.

**§ 127-8. Inspection refusals.**

In the event of a refusal to cooperate with an inspection request, after being provided with reasonable notice, an administrative search warrant will be requested from the courts and the Housing Inspector will return with the warrant and law enforcement personnel to make the inspection.

**§ 127-9. Notice; reimbursement of cost; assessment upon real property.**

In the event any action or proceeding is commenced by the Village, service by certified mail, return receipt requested, upon a property owner or agent shall be deemed good and sufficient service and shall be legally sufficient in lieu of any requirement of service of process under the New York Civil Practice Law and Rules or Real Property Actions and Proceedings Law. For purposes of this notice, the last available tax records of the Village shall be determinative of property ownership and the address for service. The Village shall be reimbursed for the cost of such action or proceeding and, in addition, for the costs of any litigation, mediation, repair, replacement, or maintenance required hereunder or as a result of a violation of any other Village Code provision, plus a thirty-percent administration cost by assessment and levy upon the lots or parcels of land on which the rental unit is situate. The expenses so assessed shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Village taxes.

**§ 127-10. Filing of notice of intent to levy.**

Whenever the Village has ordered the reimbursement of the cost of the work performed or

services rendered as hereinabove provided, by assessment and levy upon the lot or parcels of lands whereupon such work was performed or such services rendered, the Village Clerk may cause a notice of intent to levy such costs and expenses against said lots or parcels of land in a form approved by resolution of the Village Board of Trustees to be recorded in the Onondaga County Clerk's Office in order that such notice shall be indexed against said premises or parcels of land as notice to subsequent transferees or others acquiring any interest in said lots or parcels of land of the intention by the Village to assess and levy the amount of such expenses upon said lots or parcels of land. Any recording fees of the Onondaga County Clerk shall be included in the costs and expenses so assessed and levied upon such lots or parcels. The failure of the Village Clerk to record such notice of intent to levy shall not affect or impair the validity of any lien or assessment of such costs and expenses later imposed against such lots or parcels of land, the property owner(s) hereof or any subsequent transferees or others acquiring any interest in such lots or parcels of land.

**§ 127-11. Appeal of Code Enforcement Officer's decision.**

The property owner shall have the right to request a hearing before the Village Board of Trustees for an interpretation, appeal or review of the written order, decision or determination that was made by the Code Enforcement Officer. Such request must be made in writing no later than 30 days from the date that a written order, decision or determination was made by the Code Enforcement Officer or such interpretation issue otherwise arises. A hearing before the Village Board of Trustees shall be timely held. The proceedings at such hearing shall be reduced to writing and entered as a matter of the public record in the Office of the Village Clerk.



## Chapter 129

### RECORDS, PUBLIC ACCESS TO

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 12-10-1974 by resolution. Amendments noted where applicable.]**

#### **§ 129-1. Statutory authority.**

The Village Board hereby promulgates this set of rules in accordance with Chapters 578, 579 and 580 of the Laws of 1974.<sup>1</sup>

#### **§ 129-2. Designation of records access officer.**

The Village Clerk is hereby designated as the records access officer of the Village of Solvay.

#### **§ 129-3. Application for records not readily available.**

The persons seeking public records shall make application to the records access officer upon the application form supplied by such officer in the event that such records are not readily available.

#### **§ 129-4. Availability of records to public; establishment of hours.**

- A. The records access officer is hereby directed to make available to persons requesting records those public records which, by law, are required to be made available for public inspection and copying.
- B. In the event that the request for public records interferes with the operation of the office of the Village Clerk and makes it difficult for the members of the public to receive the regular services of the Village Clerk, the records access officer is hereby authorized to establish hours during each day when he shall process requests for records, including the times when such requests shall be made, in order to enable him to find the records for review and copying. The times so established by the records officer shall be conspicuously posted in the office of the Village Clerk.

#### **§ 129-5. Fees for copying.** [Amended 1-27-1987 by resolution]

The records access officer is authorized to copy any records which are within the purview of the law and to charge \$0.25 per page size 8 1/2 inches by 11 inches; \$0.35 per page 8 1/2 inches by 15 inches; and \$0.75 per page size 11 inches by 17 inches (ledger size). No records shall be reproduced until payment is first received.

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1. Editor's Note: See Article 6 of the Public Officers Law.

**§ 129-6. Removal of records prohibited.**

No records shall be removed from the lawful custody of any public office charged with the duty of maintaining such records.

**§ 129-7. Procedure for access to records currently in use.**

In the event that any requests cannot be met because such records are being used for current working purposes, the applicant shall be advised of such fact, and every effort will be made to arrange a specific time when such records will be available.

**§ 129-8. Procedure upon question of confidentiality.**

In the event that a question arises as to the nature of the records in that public viewing of such records shall result in an unwarranted invasion of a citizen's personal privacy or may result in a disclosure of material that must be confidential to promote effective law enforcement or for any other reasons which, in the opinion of the records access officer, are valid to promote the public interest while consistent with the new law, the records access officer shall confer with the Village Attorney before determining if such records shall be made available for inspection.

**§ 129-9. Procedure upon denial of access to records.**

In the event that any person is denied access to any public records in violation of the law, that person shall advise the Village Board of such denial, in writing, and set forth the records requested, the reason for denial and the fact that the fees for such records were, in fact, tendered.

**§ 129-10. Nature of regulations.**

These regulations shall be temporary and considered as such until the state guidelines are promulgated and until more comprehensive regulations can be prepared.

**§ 129-11. Purpose.**

The purpose of such regulations shall be to maintain the spirit of the law and to recognize that the concept of open records is consistent with the purpose of this Board of Trustees.

## Chapter 132

### SMOKING POLICY

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 3-27-1990 by resolution. Amendments noted where applicable.]**

#### **§ 132-1. Prohibitions and requirements.**

- A. Smoking is prohibited throughout the facilities, except in designated areas identified by SMOKING PERMITTED signs.
- B. Smoking is prohibited in any indoor, enclosed work area occupied by more than one person, unless all employees in such area agree to allow smoking. The rights of a nonsmoker to a smoke-free work area shall prevail.
- C. Smoking is also prohibited in all employee restrooms, elevators, hallways, classrooms, auditoriums, gymnasiums, employee medical facilities and areas containing office equipment used in common.
- D. Smoking is also prohibited in conference or meeting rooms and municipal vehicles used by more than one person, unless all occupants agree to allow smoking.
- E. An enclosed room may be designated upon request, if space is available.
- F. Employee cafeterias, lunchrooms and lounges will contain nonsmoking areas large enough to meet demand.

#### **§ 132-2. Resolution of conflicts.**

Conflicts should be brought to the attention of the appropriate supervisory personnel. Employees may also file a formal complaint with the Onondaga County Commissioner of Health.

#### **§ 132-3. Violation of policy.**

Employees found smoking outside of designated smoking areas will be considered in violation of this policy and may be subject to penalties.

#### **§ 132-4. Posting and distributing of rules.**

Copies of these rules will be posted and distributed to all employees and to all prospective employees upon request.

#### **§ 132-5. Enforcement agent.**

The Code Enforcement Officer shall be designated an agent to assist in the enforcement of this policy by notifying employees who are in violation.

**§ 132-6. Amendments.**

This policy may be amended from time to time by resolution of the Village of Solvay. All amendments shall be in conformance with New York State law, and employees will be notified accordingly.

## Chapter 134

### STORMWATER MANAGEMENT

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 11-27-2007 by L.L. No. 11-2007. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Illicit connections, activities and discharges to storm sewer system — See Ch. 105.  
Subdivision of land — See Ch. 159.  
Zoning — See Ch. 165.

#### ARTICLE I General Provisions

##### § 134-1. Findings of fact.

It is hereby determined that:

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

natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

**§ 134-2. Purpose.**

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in § 134-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the current SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), as amended or revised; [Amended 5-22-2012 by L.L. No. 3-2012]
- B. Require land development activities to conform to the substantive requirements of the current NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, as amended or revised; [Amended 5-22-2012 by L.L. No. 3-2012]
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, turbidity, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly designed, maintained and eliminate threats to public safety.

**§ 134-3. Statutory authority.**

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

**§ 134-4. Definitions.**

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

**AGRICULTURAL ACTIVITY** — The activity of an active farm including grazing and watering

livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**APPLICANT** — A property owner or agent of a property owner who has filed an application for a land development activity.

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

**CHANNEL** — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**CLEARING** — Any activity that removes the vegetative surface cover.

**DEDICATION** — The deliberate appropriation of property by its owner for general public use.

**DEPARTMENT** — The New York State Department of Environmental Conservation

**DESIGN MANUAL** — The New York State Stormwater Management Design Manual, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices (a sample of which is attached hereto as Schedule A<sup>1</sup>).

**DEVELOPER** — A person who undertakes land development activities.

**EROSION CONTROL** — A measure that prevents sediment from being transported from a site.

**EROSION CONTROL MANUAL** — The most recent version of the New York Standards and Specifications for Erosion and Sediment Control Manual, commonly known as the "Blue Book."

**GRADING** — Excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS COVER** — Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**INDUSTRIAL STORMWATER PERMIT** — A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**INFILTRATION** — The process of percolating stormwater into the subsoil.

**JURISDICTIONAL WETLAND** — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

**LAND DEVELOPMENT ACTIVITY** — Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or

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1. Editor's Note: Schedule A is included at the end of this chapter.

greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

**LANDOWNER** — The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**MAINTENANCE AGREEMENT** — A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

**NONPOINT SOURCE POLLUTION** — Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**PHASING** — Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

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

**PROJECT** — Land development activity.

**QUALIFIED PROFESSIONAL** — A person that is knowledgeable in the principles and practices of stormwater management and treatment, such as a licensed professional engineer, registered landscape architect or other Department-endorsed individual(s). Individuals preparing SWPPPs that require the post-construction stormwater management practice component must have an understanding of the principles of hydrology, water quality management practice design, water quantity control design, and, in many cases, the principles of hydraulics in order to prepare a SWPPP that conforms to the Department's technical standard. All components of the SWPPP that involve the practice or engineering, as defined by the NYS Education Law (see Article 145), shall be prepared by, or under the direct supervision of, a professional engineer licensed to practice in the State of New York. [Added 5-22-2012 by L.L. No. 3-2012]

**RECHARGE** — The replenishment of underground water reserves.

**SEDIMENT CONTROL** — Measures that prevent eroded sediment from leaving the site.

**SENSITIVE AREAS** — Cold-water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special-concern species.

**SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES** — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land. [Amended 5-22-2012 by L.L. No. 3-2012]

**SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS** — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges

from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards. [Amended 5-22-2012 by L.L. No. 3-2012]

**STABILIZATION** — The use of practices that prevent exposed soil from eroding.

**START OF CONSTRUCTION** — The first land disturbing activity associated with a development, including land preparation such as clearing, grading and filling; installation of streets and sidewalks; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings.

**STOP WORK ORDER** — An order issued which requires that all construction activity on a site be stopped.

**STORMWATER** — Rainwater, surface runoff, snowmelt and drainage.

**STORMWATER HOTSPOT** — A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**STORMWATER MANAGEMENT** — The use of structural or nonstructural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**STORMWATER MANAGEMENT FACILITY** — One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**STORMWATER MANAGEMENT OFFICER** — An employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

**STORMWATER MANAGEMENT PRACTICES (SMPs)** — Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** — A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**STORMWATER RUNOFF** — Flow on the surface of the ground, resulting from precipitation.

**SURFACE WATERS OF THE STATE OF NEW YORK** — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**TRAINED CONTRACTOR** — An employee from the contracting (construction) company that

has received four hours of Department-endorsed training in proper erosion and sediment control practices from a Soil and Water Conservation District or other Department-endorsed entity. After receiving the initial training, the trained contractor shall receive four hours of training every three years. [Added 5-22-2012 by L.L. No. 3-2012]

**WATERCOURSE** — A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

**WATERWAY** — A channel that directs surface runoff to a watercourse or to the public storm drain.

**§ 134-5. Applicability.** [Amended 5-22-2012 by L.L. No. 3-2012]

- A. This chapter shall be applicable to all land development activities as defined in this chapter.
- B. The municipality shall designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may:
  - (1) Review the plans;
  - (2) Upon approval by the Village Board of the Village of Solvay, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or
  - (3) Accept the certification of a qualified professional that the plans conform to the requirements of this law.
- C. An owner or operator of a land development activity that is subject to the requirements of this chapter must first develop of SWPPP in accordance with all applicable requirements of this chapter and then have its SWPPP reviewed and accepted by the Stormwater Management Officer prior to submitting the Notice of Intent (NOI) to the Department. The owner or operator shall have the "MS4 SWPPP Acceptance" form signed by the Stormwater Management Officer and then submit that form along with the NOI to the address referenced under "Notice of Intent (NOI) Submittal" in the applicable SPDES permit.
- D. All land development activities subject to review and approval by the applicable board of the Village of Solvay under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this chapter.
- E. All land development activities not subject to review as stated in Subsection C above shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this chapter.

**§ 134-6. Exemptions.**

The following activities may be exempt from review under this chapter:

- A. Agricultural activity as defined in this chapter.
- B. Silvicultural activity except that landing areas and log haul roads are subject to this chapter.
- C. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- D. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
- E. Any part of a subdivision if a plat for the subdivision has been approved by the Village of Solvay on or before the effective date of this chapter.
- F. Land development activities for which a building permit has been approved on or before the effective date of this chapter.
- G. Cemetery graves.
- H. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- I. Emergency activity immediately necessary to protect life, property or natural resources.
- J. Activities of an individual engaging in home gardening by growing flowers, vegetables and other plants primarily for use by that person and his or her family.
- K. Landscaping and horticultural activities in connection with an existing structure.

ARTICLE II  
**Stormwater Pollution Prevention Plans**  
 [Amended 5-22-2012 by L.L. No. 3-2012<sup>2</sup>]

**§ 134-7. Stormwater pollution prevention plan required.**

No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

**§ 134-8. Contents of stormwater pollution prevention plans.**

- A. All SWPPPs shall provide the following background information and erosion and sediment controls:
  - (1) Background information about the scope of the project, including location, type and size of project;
  - (2) Site map/construction drawing(s) for the project, including a general location map with a scale no smaller than one inch equals 100 feet; contour intervals with a minimum of 10 feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage

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2. Editor's Note: This local law also repealed former Schedule B, Sample Stormwater Control Facility Maintenance Agreement, which was included at the end of this chapter.

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

- (16) Any existing data that describes the stormwater runoff at the site;
  - (17) A description and location of any stormwater discharges associated with industrial activity other than construction at the site, including but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site;
  - (18) Identification of any elements of the design that are not in conformance with the requirements in the most current version of the technical standard, "New York State Standards and Specifications for Erosion and Sediment Control." Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;
  - (19) Identification of any elements of the design that are not in conformance with "The New York State Stormwater Management Design Manual" (hereinafter the "Design Manual"). Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards;
  - (20) A detailed summary (including calculations) of the sizing criteria that was used to design all post-construction stormwater management practices. At a minimum, the summary shall address the required design criteria from the applicable chapter of the Design Manual, including the identification of an justification for any deviations from the Design Manual, and identification of any design criteria that are not required based on the design criteria or waiver criteria included in the Design Manual.
- B. Land development activities as defined in § 134-4 and meeting Condition A, B or C below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Subsection C below as applicable:
- (1) Condition A. Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's most recent 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
  - (2) Condition B. Stormwater runoff from land development activities disturbing five (5) or more acres.
  - (3) Condition C. Stormwater runoff from single family residential subdivisions with 25% or less impervious cover at total site build-out and not located in one of the total maximum daily load (TMDL) designated watersheds and not directly discharged to one of the Department's most recent 303(d) list of impaired waters.
- C. SWPPP requirements for Conditions A, B and C:
- (1) All information in Subsection A of this section;
  - (2) Description of each post-construction stormwater management practice;
  - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;

- (4) Map showing watershed area used for hydrological and hydraulic analyses;
- (5) All references for data;
- (6) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (7) Comparison of post-development stormwater runoff conditions with pre-development conditions;
- (8) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (9) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice;
- (10) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property;
- (11) Inspection and maintenance plan binding on all subsequent landowners served by the on-site stormwater management measures in accordance with § 134-12 of this chapter. Said plan shall include inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice and said plan shall identify the entity that will be responsible for the long term operation and maintenance of each practice; and
- (12) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.

**§ 134-9. Other environmental permits.**

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

**§ 134-10. Contractor certification .**

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I hereby certify that I understand and agree to comply with the terms and conditions of the SWPPP and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that the owner or operator must comply with the terms and conditions of the most current version of the New York State Pollutant Discharge Elimination System (SPDES) general permit for stormwater discharges from construction activities, and that it is unlawful for any person to cause or contribute to a violation of water quality standards. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of the referenced permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative

proceedings."

- B. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.
- D. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

**§ 134-11. Performance and design criteria for stormwater management and erosion and sediment control.**

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

- A. Technical Standards. For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:
  - (1) "The New York State Stormwater Management Design Manual" (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the "Design Manual");
  - (2) "New York Standards and Specifications for Erosion and Sediment Control," (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the "Erosion Control Manual").
- B. Equivalence to technical standards. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Subsection A above, and the SWPPP shall be prepared by a qualified professional that is knowledgeable in the principles and practices of stormwater management and treatment.
- C. Water quality standards. Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York or cause a violation of New York State water quality standards.

**§ 134-12. Maintenance, inspection and repair of stormwater facilities.**

- A. Maintenance and inspection during construction.
  - (1) The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design

capacity has been reduced by 50%.

- (2) Prior to the commencement of construction activity, the owner or operator must identify the contractor(s) and subcontractor(s) that will be responsible for installing, constructing, repairing, replacing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP and the contractor(s) and subcontractor(s) what will be responsible for constructing the post-construction stormwater management practices included in the SWPPP. The owner or operator shall have each of the contractors and subcontractors identify at least one person from their company that will be responsible for implementation of the SWPPP. This person shall be known as the trained contractor. The owner or operator shall ensure that at least one trained contractor is on site in a daily basis when soil disturbance activities are being performed.
- (3) For construction sites where soil disturbance activities are on-going, the qualified inspector shall conduct a site inspection at least once every seven calendar days.
- (4) For construction sites where soil disturbance activities are on-going and the owner or operator has received authorization to disturb greater than five acres of soil at any one time, the qualified inspector shall conduct at least two site inspections every seven calendar days. The two inspections shall be separated by a minimum of two full calendar days
- (5) For construction sites where soil disturbance activities have been temporarily suspended (e.g., winter shutdown) and temporary stabilization measures have been applied to all disturbed areas, the qualified inspector shall conduct a site inspection at least once every 30 calendar days. The owner or operator shall notify the Stormwater Management Officer in writing prior to reducing the frequency of inspections.
- (6) For construction sites where soil disturbance activities have been shut down with partial project completion, the qualified inspector can stop conducting inspections if all areas disturbed as of the project shutdown date have achieved final stabilization and all post-construction stormwater management practices required for the completed portion of the project have been constructed in conformance with the SWPPP and are operational. The owner or operator shall notify the Stormwater Management Officer in writing prior to the shutdown. If soil disturbance activities are not resumed within two years from the date of shutdown, the owner or operator shall have the qualified inspector perform a final inspection and certify that all disturbed areas have achieved final stabilization, and all temporary, structural erosion and sediment control measures have been removed, and that all post-construction stormwater management practices have been constructed in conformance with the SWPPP by signing the "Final Stabilization" and "Post-Construction Stormwater Management Practice" certification statements on the notice of termination.
- (7) The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.

B. Maintenance easement(s). Prior to the issuance of any approval that has a stormwater

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

- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:
- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
  - (2) Written procedures for operation and maintenance and training new maintenance personnel.
  - (3) Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 134-11C.
- D. Maintenance agreements.
- (1) The Village of Solvay shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be in a form acceptable to the Village.
  - (2) The Village of Solvay, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility and creation of a drainage district, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

**§ 134-12.1. Amendments, ownership changes and termination.**

- A. The owner or operator must keep the SWPPP current so that it at all times accurately documents the erosion and sediment control practices that are being used or will be used during construction and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the owner or operator shall amend the SWPPP:
- (1) Whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;
  - (2) Whenever there is a change in design, construction or operation at the construction site that has or could have an effect on the discharge of pollutants; and
  - (3) To address issues or deficiencies identifies during an inspection by the qualified inspector, the Department or other regulatory authority.

- B. The owner or operator shall notify the Stormwater Management Officer in writing of any planned amendment or modifications to the post-construction stormwater management practice component of the SWPPP. Unless otherwise notified by the Stormwater Management Officer, the owner or operator shall have the SWPPP amendments or modifications reviewed and accepted by the Stormwater Management Officer prior to commencement of construction of the post-construction stormwater management practice.
- C. When property ownership changes or when there is a change in operational control over the construction plans and specifications, the original owner or operator must notify the new owner or operator, in writing, of the requirement to obtain permit coverage by submitting a NOT to the Department. Once the new owner or operator obtains permit coverage, the original owner or operator shall then submit a completed notice of termination (NOT) with the name and permit identification number of the new owner or operator to the Department. If the original owner or operator maintains ownership of a portion of the construction activity and will disturb soil, they must maintain their coverage under the permit.
- D. Prior to termination of any SPDES permit obtained in accordance with this chapter, the owner or operator shall have the Stormwater Management Officer sign the "MS4 Acceptance" statement on the NOT. Prior to signing this statement, the Stormwater Management Officer shall determine that it is acceptable for the owner or operator to submit the NOT in accordance with the requirements of the applicable SPDES permit. The Stormwater Management Officer can make this determination by performing a final site inspection themselves or by accepting the qualified inspector's final site inspection certificate(s).

### ARTICLE III

#### **Administration and Enforcement**

##### **§ 134-13. Construction inspection.**

- A. Erosion and sediment control inspection. The Village of Solvay Stormwater Management Officer may require such inspections as necessary to determine compliance with this chapter and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this chapter and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Solvay enforcement official at least 48 hours before any of the following as required by the Stormwater Management Officer:
  - (1) Start of construction.
  - (2) Installation of sediment and erosion control measures.
  - (3) Completion of site clearing.
  - (4) Completion of rough grading.
  - (5) Completion of final grading.
  - (6) Close of the construction season.
  - (7) Completion of final landscaping.

- (8) Successful establishment of landscaping in public areas.
- B. If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.
- C. Stormwater management practice inspections. The Village of Solvay Stormwater Management Officer is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.
- D. Inspection of stormwater facilities after project completion.
  - (1) Inspection programs shall be established on any reasonable basis, including but not limited to:
    - (a) Routine inspections;
    - (b) Random inspections;
    - (c) Inspections based upon complaints or other notice of possible violations;
    - (d) Inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher-than-usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and
    - (e) Joint inspections with other agencies inspecting under environmental or safety laws.
  - (2) Inspections may include, but are not limited to:
    - (a) Reviewing maintenance and repair records;
    - (b) Sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and
    - (c) Evaluating the condition of drainage control facilities and other stormwater management practices.
- E. Submission of reports. The Village of Solvay Stormwater Management Officer may require monitoring and reporting from entities subject to this chapter as are necessary to determine compliance with this chapter.
- F. Right of entry for inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Solvay the right to enter the property at reasonable times and in a reasonable manner for the purpose of

inspection as specified in Subsection D above.

**§ 134-14. Performance guarantee.**

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Solvay in its approval of the stormwater pollution prevention plan, the Village of Solvay may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Solvay as the beneficiary. The security shall be in an amount to be determined by the Village of Solvay based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Solvay, provided that such period shall not be less than one-year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Solvay. Per-annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.
- B. Maintenance guarantee. [Amended 9-27-2011 by L.L. No. 5-2011]
- (1) Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity, prior to construction, may be required to provide the Village of Solvay with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction, and until the facilities are removed from operation. If the developer or entity landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Solvay may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.
  - (2) In addition to or in lieu of the foregoing, where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by an entity that owns or manages a commercial or industrial facility, the developer or entity landowner, prior to construction, may be required to enter into an agreement with the Village of Solvay setting forth maintenance and operation requirements for said stormwater management and erosion and sediment control facilities and enforcement alternatives, in a form acceptable to the Village.
    - (a) If said stormwater management and erosion and sediment control facilities are not properly operated and maintained in accordance with said agreement or approved plans, the Village shall give the developer and/or entity landowner 30 days' written notice to comply with the operation and maintenance provisions of said agreement or approved plans.
    - (b) If the developer and/or entity landowner shall fail to so comply with the

operation and maintenance provisions of said agreement or approved plans within said thirty-day period, the Village may take such remedial steps as are necessary to bring said facilities into compliance with said operation and maintenance requirements of said agreement or approved plans, and the cost of such remedial measures shall be assessed as a lien on the property and shall be charged to the landowner's tax bill.

**§ 134-15. Recordkeeping.**

The Village of Solvay shall require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

**§ 134-16. Enforcement; penalties for offenses.**

- A. Notice of violation. When the Village of Solvay determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:
- (1) The name and address of the landowner, developer or applicant;
  - (2) The address, when available, or a description of the building, structure or land upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
  - (6) A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within 15 days of service of notice of violation.
- B. Stop-work orders. The Village of Solvay may issue a stop work order for violations of this chapter. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Solvay confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- C. Violations. Any land development activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.
- D. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense, both of which

were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

- E. Withholding of certificate of occupancy. If any building or land development activity is installed or conducted in violation of this chapter, the Stormwater Management Officer may prevent the occupancy of said building or land.
- F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Solvay may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**§ 134-17. Fees for services.**

Any person undertaking land development activities regulated by this chapter shall reimburse the Village for all expenses and costs associated with compliance with these requirements, including, but not limited to, engineering and legal expenses.

**§ 134-18. Severability.**

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

## STORMWATER MANAGEMENT

*134 Attachment 1*

Village of Solvay

### Schedule A

<b>Stormwater Management Practices Acceptable for Water Quality</b> <i>(From: New York State Stormwater Management Design Manual, Table 5.1)</i>		
<b>Group</b>	<b>Practice</b>	<b>Description</b>
<b>Pond</b>	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
<b>Wetland</b>	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
<b>Infiltration</b>	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.

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<b>Group</b>	<b>Practice</b>	<b>Description</b>
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
<b>Filtering Practices</b>	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
<b>Open Channels</b>	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

## Chapter 136

### STREETS AND SIDEWALKS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay: Art. I, as Ch. 7, Secs. 7-2 - 7-3, of the 1975 Code; Art. II, as Ch. 11, Art. I, of the 1975 Code; Art. III, as Ch. 11, Art. II, of the 1975 Code; Art. IV, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Sections 136-3, 136-21 and 136-30 added and §§ 136-7A, 136-14 and 136-22 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Bicycles — See Ch. 52.  
Throwing stones or missiles in streets — See Ch. 126, Art. I.  
Trees and shrubs — See Ch. 147.  
Utilities — See Ch. 153.  
Vehicles and traffic — See Ch. 160.  
Zoning — See Ch. 165.

#### ARTICLE I

##### Debris on Streets and Sidewalks

**[Adopted as Ch. 7, Secs. 7-2 - 7-3, of the 1975 Code]**

**§ 136-1. Owner or occupant responsible for keeping sidewalk clean.**

The owner or occupant of premises shall keep the contiguous sidewalks free from dirt, filth, weeds and other deleterious or offensive matter.

**§ 136-2. Permitting debris to flow onto streets or sidewalks.**

No person shall allow soil, gravel, silt or other debris to flow from his land onto any of the streets or sidewalks of the village as a result of construction, development or neglect of his land or property.

**§ 136-3. Penalties for offenses.** <sup>1</sup>

An offense against the provisions of this Article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

#### ARTICLE II

##### Miscellaneous Restrictions

**[Adopted as Ch. 11, Art. I, of the 1975 Code]**

**§ 136-4. Definitions.**

For the purposes of this Article, the following terms shall have the meanings respectively ascribed herein:

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

**CROSSING or CROSSWALK** — Includes that portion of a public highway clearly indicated for pedestrian crossing by lines or other markings and the extension of the sidewalk space across intersecting streets or public highways.

**CURB** — Refers to the boundaries in a street or roadway, whether marked by curbstones or not.

**SIDEWALK** — Refers to that portion of a public highway, outside of the street or roadway, used or set aside for the use of pedestrians.

**STREET INTERSECTION** — The area bounded by the side lines, real or projected, of two or more streets or public highways which meet or cross each other.

**§ 136-5. Street numbers on buildings.**

- A. It shall be the duty of every owner or tenant of a building to cause to be displayed thereon the correct street number of said premises and at all times to maintain the same.
- B. The figure or figures comprising said number shall be placed on said premises in such a manner as to be plainly legible from the center of the street at all times between sunrise and sunset. The color of said figures shall be in sharp contrast to the color of their background.

**§ 136-6. Changing grade of street, gutter or sidewalk.**

No person shall change the grade of any street, lane, gutter or sidewalk without written permission for making such change from the Board of Trustees.

**§ 136-7. Obstructing or encumbering street, sidewalk or gutter.**

- A. No person shall obstruct or encumber or cause to be obstructed or encumbered any public street or sidewalk or gutter in any manner whatsoever without first obtaining written consent of the Board of Trustees or the Public Works Superintendent, and then only upon such terms and conditions as shall be deemed necessary and appropriate.<sup>2</sup>
- B. No person shall obstruct any sidewalk in loading or unloading any vehicle for a longer time than necessary and in no case longer than 30 minutes without a written permit from the Chief of Police.
- C. No person shall willfully obstruct any street, crosswalk, sidewalk or any passage into any church, theater, restaurant or public place.

**§ 136-8. Awnings over streets or sidewalks.**

No person shall hang, place or erect any awning over any public street or sidewalk or any part thereof, unless the same shall be so hung or placed as to be at least 11 feet over and above such public street and nine feet over such sidewalk.

**§ 136-9. Signs or marquees projecting over streets or sidewalks.**

No person shall erect or place or permit to be erected or placed any sign or marquee on any

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

building or otherwise which shall project into or over any public street, highway or sidewalk without first obtaining the written permission of the Board of Trustees and posting a corporate surety bond, in such form and amount as shall be approved by said Board of Trustees, indemnifying and saving harmless the village from any and all injuries and damages.

**§ 136-10. Erection of poles or wires upon streets.**

No person shall erect upon any public street any pole, post, bracket or any similar structure or string any wires, except by written permission of the Board of Trustees or its duly authorized agent. All such work shall be performed under the direction and supervision of the Superintendent of the Light Department.

**§ 136-11. Hanging of material from public poles or posts.**

No person shall hang or place any merchandise of any description on any of the public poles, lamps or lampposts or in any other way impede, encumber or obstruct the same.

**§ 136-12. Removal of pavement, sidewalk or gutter.**

No person shall dig, take up or remove any portion of any pavement, sidewalk or gutter without first having obtained written permission from the Board of Trustees or its duly authorized agent.

**§ 136-13. Tapping or connecting with water mains, hydrants or sewers.**

No person shall make a tap or connection with any water mains, hydrants or sewers in a public street without first having obtained written permission from the Board of Trustees or its duly authorized agent.

**§ 136-14. Interference with warning lights or barricades.** [Amended 10-8-1991 by L.L. No. 4-1991]

No person shall remove, damage, destroy or in any manner interfere with any red lights or flares, signs or barriers or barricades of any kind erected in and about the public streets or highways by the Public Works Superintendent or other persons with authority or by order of the Board of Trustees.

**§ 136-15. Moving of buildings.**

No person shall move any dwelling, house, barn, garage or other building or structure in, upon or over any public street except by written permission of the Board of Trustees.

**§ 136-16. Depositing of material making street unsafe for traffic.**

No person shall scatter, deposit or leave in any street of the Village any mud, debris, thing or substance which might tend to make the surface of the street unsafe for vehicular traffic or which might cause damage to other persons or property. If any such mud, debris, thing or substance shall be scattered, deposited or left in any street of the Village, it shall be the duty of the driver and owner of the vehicle depositing, scattering or leaving such mud, debris, thing or substance forthwith to completely remove the same from the street or pavement.

**§ 136-17. Depositing of snow, ice or water on streets or sidewalks.** [Amended 12-28-1999 by L.L. No. 12-1999]

No person shall throw or deposit any snow, ice or water upon any public street or sidewalk nor shall the owners of any building or structure cause or permit such building or structure to cast, shed or deposit water upon any public street or sidewalk.

**§ 136-18. Travel on streets under construction.**

No person shall travel upon or over any street or portion thereof while such street or any of the appurtenances thereto are being repaired or improved or are under construction.

**§ 136-19. Public auctions.**

No person shall conduct any public auctions upon any of the public streets or sidewalks except by written permission of the Board of Trustees.

**§ 136-20. Playing on streets and sidewalks.**

No person shall play baseball, football or basketball or slide or coast<sup>3</sup> in or upon any of the streets or sidewalks except such as may be designated by the Board of Trustees.

**§ 136-21. Penalties for offenses.** [Added 10-8-1991 by L.L. No. 4-1991]

An offense against the provisions of this article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

### ARTICLE III

#### Excavations

[Adopted as Ch. 11, Art. II, of the 1975 Code]

**§ 136-22. Supervision of work.** [Amended 10-8-1991 by L.L. No. 4-1991]

All work performed pursuant to this article shall be subject to the supervision and approval of the Public Works Superintendent.

**§ 136-23. Permit required.**

No person shall open or cause to be opened by cutting or digging the surface, pavement or soil in any street, highway or public ground for any purpose without first securing the written permission of the Board of Trustees, and then only upon such terms and conditions as shall be prescribed by the Board of Trustees.

**§ 136-24. Indemnification of village; surety bond.**

A. Agreement required. Every person applying for a permit to cut or open any street shall agree to indemnify and save harmless the village against any and all loss, damage or expense sustained or recovered on account of any negligence, omission or act of the

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3. Editor's Note: The Board of Trustees included the word "skateboarding" in the word "coast" by resolution on 7-26-2005.

applicant for such permit, or any of his servants or agents, arising or resulting, directly or indirectly, by reason of such permit or consent or any excavation, construction or other act done, made or permitted under authority of any such permit or consent and further agree to pay the necessary cost of surfacing or resurfacing any such openings or cuts.

- B. Authority to require bond. In addition, the Board of Trustees may require the applicant for such permit to post a corporate surety bond in such form and in such amount as may be approved by said Board to cover the subject matters outlined herein.

**§ 136-25. Fees.** [Amended 8-14-1984 by L.L. No. 1-1984]

Every person applying for a permit to cut or open any street, sidewalk, highway or other public ground for any purpose whatsoever shall pay the sum of \$10 and an additional sum equal to the square footage of said cut times \$0.50, which total shall be the fee for the issuance of such permit.

**§ 136-26. Emergency cuts or openings.**

In case of emergencies, openings or cuts may be made before obtaining the permit required herein, but the same must be obtained as soon as practical and, in every case, within 24 hours from the time of the making of such cut or opening.

**§ 136-27. Safety precautions.**

All openings regulated herein shall be properly guarded with barricades and lights and furnished with bridges as may be required for the safety and convenience of the public.

**§ 136-28. Refilling, backfilling and restoring surface.**

All openings and trenches regulated herein shall be refilled within 24 hours after the opening thereof and shall be properly backfilled with bank-run gravel or crushed stone, well tamped, after which the surface of the street shall be restored by the village. The necessary costs and expenses of surfacing or resurfacing such street shall be borne by the applicant or property owner and shall be paid within 20 days after the rendering of a bill by the village.

**§ 136-29. Authority of public service corporation to surface or resurface cuts or openings.**

A public service corporation having the necessary equipment and facilities may surface or resurface any cuts or openings made or performed by it, but only in accordance with the standards and specifications of the village and approval by the Village Engineer.

**§ 136-30. Penalties for offenses.** <sup>4</sup>

An offense against the provisions of this Article shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

ARTICLE IV

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

**Notification of Defects**  
**[Adopted at time of adoption of Code<sup>5</sup>]**

**§ 136-31. Restriction on liability.**

No civil action shall be maintained against the village for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert unless written notice of the defective, unsafe, dangerous or obstructed condition or of the existence of the snow or ice, relating to the particular place, was actually given to the Village Clerk and there was a failure or neglect within a reasonable time after the receipt of such notice to repair or remove the defect, danger or obstruction complained of or to cause the snow or ice to be removed or the place to otherwise be made reasonably safe.

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5. Editor's Note: See Ch. 1, General Provisions, Art. I.

## Chapter 140

### SWIMMING POOLS

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 5-16-2006 by L.L. No. 2-2006.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 89.

Zoning — See Ch. 165.

#### § 140-1. Applicability.

This chapter shall apply to all swimming pools in the Village of Solvay.

#### § 140-2. Definition.

For the purpose of this chapter, "swimming pool" shall be defined as follows:

SWIMMING POOL — Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, and spas.

#### § 140-3. Building permit required.

No swimming pool shall be installed until a building permit has been issued by the Code Enforcement Officer. The building permit shall be posted conspicuously on the premises before installation.

#### § 140-4. Building permit application.

No building permit for the installation of a swimming pool shall be issued except upon an application which shall be accompanied by a map or a survey showing the exact location of the pool with reference to lot setback lines, the existing buildings and water supply system, the drainage and water disposal system and all appurtenances pertaining to the pool. The application shall also describe the manner and method of disposal of wastewater.

#### § 140-5. Compliance with other standards.

Any application and ensuing installation or removal of a swimming pool shall also be subject to the provisions of Article I and Article II of Chapter 89 of this Code. In instances of a conflict between Chapter 89 and this chapter, the provisions of this chapter shall govern. In addition, such application, installation or removal shall be in compliance with the laws and regulations of New York State and the Onondaga County Department of Health.

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1. Editor's Note: This local law also repealed former Ch. 140. Swimming Pools, adopted 7-3-1976 by L.L. No. 3-1976, as amended.

**§ 140-6. Location of pools.**

Swimming pools shall be allowed only in rear yards as set forth in § 165-34B of this Code.

**§ 140-7. Fees.**

Each application shall be accompanied by a fee in § 89-23 of this Code.

**§ 140-8. Duration of permit.**

- A. A building permit for a swimming pool other than an inflatable pool shall be effective to allow installation of the pool for a period of six months from its issuance. The Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding three months each.
- B. A building permit for an inflatable pool shall be effective to allow installation of such a pool for a period of 30 days from its issuance. Subject to the limitations in Subsection C below, the Code Enforcement Officer may allow a maximum of two extensions for periods not exceeding 30 days each.
- C. Installation of inflatable pools shall be seasonal only. The property owner must apply for a new permit for an inflatable pool each year.

**§ 140-9. Penalties for offenses.**

Any person or persons, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, pay a fine not exceeding \$250 for each violation or be subject to imprisonment for a term not exceeding 15 days, or both. Each day a particular violation continues shall constitute a separate violation. The Board of Trustees may also enforce this chapter by injunction or any other remedy available by law.

## Chapter 144

### TAXATION

[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as indicated in article histories. Amendments noted where applicable.]

#### ARTICLE I

##### Utility Tax

[Adopted 1-28-1969 by L.L. No. 1-1969]

**§ 144-1. Imposition of tax; effective date.** [Amended 10-8-1991 by L.L. No. 4-1991]

A utility tax of 1% is imposed upon all utilities doing business within the Village of Solvay, pursuant to § 5-530 of the Village Law and § 186-a of the Tax Law, this article to take effect March 1, 1969.

#### ARTICLE II

##### Business Investment Exemption

[Adopted 2-14-1978 by L.L. No. 1-1978]

**§ 144-2. Purpose.**

The State of New York has granted a business investment exemption to real property constructed, altered, installed or improved subsequent to the first day of July 1976 for the purpose of commercial, business or industrial activity, and the Village of Solvay has determined that to allow such an exemption to stand unaltered would be detrimental to the functions and services provided to the people of the Village of Solvay.

**§ 144-3. Percentage of exemption allowed.**

Pursuant to § 485-b, Subdivision 7, of the Real Property Tax Law, henceforth, the percentage of exemption allowed in the Village of Solvay as a business investment exemption to real property constructed, altered, installed or improved subsequent to the first day of July 1976 for the purpose of commercial, business or industrial activity shall be according to the following table:

<b>Year of Exemption</b>	<b>Percentage</b>
1	25%
2	20%
3	15%
4	10%
5	5%
6	0%

From the sixth and subsequent years, exemption will be zero percent 0%.

ARTICLE III  
**Veterans Proportional Exemption**  
[Adopted 1-28-1997 by L.L. No. 1-1997<sup>1</sup>]

**§ 144-4. Title.**

This Article III shall be known as the "Veterans Exemption Law of the Village of Solvay."

**§ 144-5. Purpose.**

The purpose of Article III shall be to adopt the provisions of § 458 as amended, of the Real Property Tax Law of the State of New York.

**§ 144-6. Applicability.**

The provisions of Real Property Tax Law § 458 as amended, relative to Veterans Exemptions shall apply to village real property taxes levied by or on behalf of the Village of Solvay.

**§ 144-7. Requirements.**

- A. Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or 2 of Real Property Tax Law § 458, if the total assessed value of the real property for which such exemption has been granted increase or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment is certified for the assessment roll pursuant to the rules of the State Board, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of exemption as recomputed pursuant to this subsection to the local officer having custody and control of the roll, and such local assessor is hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.
- B. Owners of property who previously received an exemption pursuant to this section, but opted instead to receive exemption pursuant to § 458-a within one year from the adoption of this article, are hereby authorized to again receive an exemption pursuant to this section. The Assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the cumulative change in level of assessment certified by the State Board measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to § 458-a; provided, however, that if an exemption pursuant to this section was initially granted to a parcel on a late assessment roll, the cumulative change in level factor to be used in recomputing the exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refund or retroactive entitlement shall be granted.
- C. Alternative veteran's exemption increasing the maximum exemption allowed by the following. [Amended 4-28-1998 by L.L. No. 3-1998; 8-28-2007 by L.L. No. 8-2007]

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1. Editor's Note: This local law repealed former Art. III, Veterans Proportional Exemption, adopted 12-23-1980 by L.L. No. 4-1980.

- (1) Veterans: 15% of assessed value to a maximum of from \$18,000 to \$36,000.
- (2) Combat zone: 10% of assessed value to a maximum of \$12,000 to \$24,000.
- (3) Disability rating: percentage of assessed value equal to 1/2 of service-connected disability rating, to a maximum of \$60,000 to \$120,000.

D. Such adjustments shall be made by the Assessor in the manner provided in § 458. Subdivision 1 (3), of the Real Property Tax Law of the State of New York and no application, therefore, need be filed by or on behalf of any owner of any eligible property.

**§ 144-8. Exemption to be retroactive.**

This Article III shall be applied retroactively to an assessment roll prepared on the basis of a taxable status date of occurring on or after March 1, 1994.

**§ 144-9. Severability.**

If any part of this Article III shall be found to be invalid, such invalidity shall apply only to such part, and the remainder of this Article III shall remain valid and effective.

**§ 144-10. Repealer.**

All local laws or ordinances or parts of local laws or ordinances in conflict with any part of Article III are hereby repealed.

ARTICLE IV  
**Senior Citizens Tax Exemption**  
[Adopted 1-28-1996 by L.L. No. 2-1997<sup>2</sup>]

**§ 144-11. Purpose.** [Amended 2-27-2001 by L.L. No. 2-2001]

The purpose of this article is to adopt for the Village of Solvay the provisions contained in § 467 of the Real Property Tax Law of the State of New York, including amendments thereto which may be enacted after the effective date of this article (hereinafter referred to as "RPTL § 467), with respect to the granting of a partial exemption from taxation of real property owned by persons who are 65 years of age or over.

**§ 144-11.1. Definitions.** [Added 4-28-1998 by L.L. No. 2-1998; amended 2-27-2001 by L.L. No. 2-2001]

The meanings of words and expressions as used in this article shall be identical to their meanings as used in RPTL § 467.

**§ 144-11.2. Exemption.** [Added 2-27-2001 by L.L. No. 2-2001]

A. Real property owned by persons 65 years of age or over shall be exempt from taxation by the Village of Solvay to the extent determined from time to time by resolution adopted by

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2. Editor's Note: This local law repealed former Art. IV. Senior Citizens Tax Exemption, adopted 10-8-1991 by L.L. No. 4-1991.

the Village Board of Trustees after a public hearing in accordance with RPTL § 467.

- B. Except as stated in this chapter or by resolution adopted pursuant to Subsection A above, the entitlement to, eligibility for and the procedural requirements for applying for and obtaining said tax exemption shall be as set forth in RPTL § 467.
- C. The Village Board of Trustees shall cause notice of the public hearing required by Subsection A above to be published in the official newspaper of the Village of Solvay not less than 10 nor more than 20 days before the date set for said hearing.
- D. No person who otherwise qualifies for a tax exemption pursuant to § 467 of the Real Property Tax Law of the State of New York and this article shall be denied such exemption if, during any year after the effective date of this subsection, said person becomes 65 years of age after the taxable status date and before December 31 of the same year.
- E. In computing the income of owners of property for the purposes of determining the amount of the exemption to which such owners shall be entitled under this article, such income shall not include veterans disability compensation as defined in Title 38 of the United States Code.

**§ 144-12. Schedule of eligibility.** [Amended 2-27-2001 by L.L. No. 2-2001<sup>3</sup>; 8-28-2007 by L.L. No. 6-2007; 2-19-2008 by L.L. No. 2-2008]

Until such time as the Village Board of Trustees adopts a resolution pursuant to § 144-11.2A of this chapter establishing a different amount of tax exemption, real property owned by persons 65 years of age or over shall be exempt from village taxes according to the following schedule:

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2008</b>
50%	\$27,000
45%	\$28,000
40%	\$29,000
35%	\$30,000
30%	\$30,900
25%	\$31,800
20%	\$32,700
15%	\$33,600
10%	\$34,500
5%	\$35,400

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2008</b>
50%	\$28,000
45%	\$29,000
40%	\$30,000

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3. Editor's Note: This local law provided that this schedule of eligibility applies to assessment rolls whose taxable status dates occur on or after 3-1-2001.

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2008</b>
35%	\$31,000
30%	\$31,900
25%	\$32,800
20%	\$33,700
15%	\$34,600
10%	\$35,500
5%	\$36,400

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2010</b>
50%	\$29,000
45%	\$30,000
40%	\$31,000
35%	\$32,000
30%	\$32,900
25%	\$33,800
20%	\$34,700
15%	\$35,600
10%	\$36,500
5%	\$37,400

**§ 144-13.Application for exemption.** [Amended 2-27-2001 by L.L. No. 2-2001]

Application for such exemptions must be made by the owner or all of the owners of the property on forms presented by the State Board to be furnished by the Assessor's office at the Town of Geddes, 1000 Woods Road, Solvay, New York, and shall furnish the information and be executed in the manner required or prescribed in such form and shall be filed in such Assessor's office on or before the appropriate taxable status date.

**§ 144-14.Filing.**

- A. Application for such exemption shall be filed in the Assessor's office of the Town of Geddes, 1000 Woods Road, Solvay, New York, at least 90 days before the day for filing the final assessment roll. [Amended 2-27-2001 by L.L. No. 2-2001]
- B. Application for such exemption must be filed with the Assessor's office of the Town of Geddes for each succeeding year and at least 90 days before the day for filing the final assessment roll of each succeeding year.

**§ 144-15.Other information.**

Said Assessors may require any applicant to furnish such other and further information as may be reasonably necessary to establish qualifications for exemption of such applicant and may establish such rules and procedures and take such other steps as may be necessary to implement

the provisions of this article.

ARTICLE V  
**Exemption for Persons with Disabilities and Limited Incomes**  
[Adopted 2-27-2001 by L.L. No. 3-2001]

**§ 144-16. Statutory authority; definitions.**

This article is adopted pursuant to authority of Real Property Tax Law § 459-c. All definitions, terms and conditions of such statute shall apply to this article.

**§ 144-17. Exemption established.**

Real property owned by a person with disabilities whose income is limited by such disabilities, and used as the legal residence of such person, shall be entitled to a partial exemption from taxation to the extent and in accordance with the schedule set forth in § 144-18.

**§ 144-18. Eligibility.** [Amended 8-28-2007 by L.L. No. 7-2008; 2-19-2008 by L.L. No. 3-2008]

Subject to the provisions of the Real Property Tax Law of the State of New York (RPTL), § 459-c, real property owned by a person with disabilities whose income is limited by such disabilities and which property is used as the legal residence of such person shall be exempt from town taxes according to the following schedule:

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2008</b>
50%	\$27,000
45%	\$28,000
40%	\$29,000
35%	\$30,000
30%	\$30,900
25%	\$31,800
20%	\$32,700
15%	\$33,600
10%	\$34,500
5%	\$35,400

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2009</b>
50%	\$28,000
45%	\$29,000
40%	\$30,000
35%	\$31,000
30%	\$31,900
25%	\$32,800
20%	\$33,700
15%	\$34,600
10%	\$35,500
5%	\$36,400

<b>Exemption</b>	<b>Income Limits Commencing 3-1-2010</b>
50%	\$29,000
45%	\$30,000
40%	\$31,000
35%	\$32,000
30%	\$32,900
25%	\$33,800
20%	\$34,700
15%	\$35,600
10%	\$36,500
5%	\$37,400

ARTICLE VI  
**Volunteer Fire Fighters and Ambulance Workers Exemption**  
**[Adopted 10-25-2005 by L.L. No. 6-2005]**

**§ 144-19. Statutory authority.**

This article is adopted pursuant to the authority of New York Real Property Tax Law § 466-g. All definitions, terms and conditions of such statute shall apply to this article.

**§ 144-20. Exemption established.**

- A. Real property located in the Village of Solvay and owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Village of Solvay shall be exempt from taxation to the extent of 10% of the assessed value of such property for real property taxation, special district or fire district purposes, exclusive of special assessments; provided, however, that such exemption shall in no event exceed \$3,000, multiplied by the latest state equalization rate for the assessing unit in which such real property is located.
- B. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated volunteer ambulance service unless:
  - (1) The applicant resides in the Village of Solvay and the Village of Solvay is served by such fire company, fire department or ambulance service in which the applicant is an enrolled member;
  - (2) The property is the primary residence of the applicant;
  - (3) The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and
  - (4) The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the

incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary ambulance service for at least five years.

- C. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Village of Solvay.
- D. Application for such exemption shall be filed with the assessing authority for the Village on a form as prescribed by the State Board of Real Property Services.
- E. No applicant who is a volunteer fire fighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

ARTICLE VII  
**Cold War Veterans Exemption**  
**[Adopted 11-24-2009 by L.L. No. 3-2009]**

**§ 144-21.Purpose.**

New York State Real Property Tax Law § 458-b allows local municipalities to establish a category of tax exemption for Cold War veterans. The state law sets forth specific parameters for persons to qualify for such an exemption, as well as directions to municipalities as to the application of the law. The Village Board of the Village of Solvay desires to enact a local law in accordance with said state law, permitting qualified residents to receive this tax exemption.

**§ 144-22.Definitions.**

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

**ACTIVE DUTY** — Full-time duty in the United States Armed Forces, other than active duty for training.

**ARMED FORCES** — The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

**COLD WAR VETERAN** — A person, male or female, who served on active duty in the United States Armed Forces during the time period from September 2, 1945, to December 26, 1991, and was discharged or released therefrom under honorable conditions. [Amended 5-22-2012 by L.L. No. 4-2012]

**LATEST CLASS RATIO** — The latest final class ratio established by the State Board pursuant to Title 1 of Article 12 of the Real Property Tax Law for use in a special assessing unit as defined in § 1801 of the Real Property Tax Law.

**LATEST STATE EQUALIZATION RATE** — The latest final state equalization rate or special equalization rate established by the State Board pursuant to Article 12 of the Real Property Tax

Law. The State Board shall establish a special equalization rate if it finds that there has been a material change in the level of assessment since the establishment of the latest state equalization rate, but in no event shall such special equalization rate exceed 100. In the event that the state equalization rate exceeds 100, then the state equalization rate shall be 100 for the purposes of this exemption. Where a special equalization rate is established for purposes of this exemption, the Assessor is directed and authorized to recompute the Cold War veterans exemption on the assessment roll by applying such special equalization rate instead of the latest state equalization rate applied in the previous year and to make the appropriate corrections on the assessment roll, notwithstanding the fact that such Assessor may receive the special equalization rate after the completion, verification and filing of such final assessment roll. In the event that the Assessor does not have custody of the roll when such recomputation is accomplished, the Assessor shall certify such recomputation to the local officers having custody and control of such roll, and such local officers are hereby directed and authorized to enter the recomputed Cold War veterans exemption certified by the Assessor on such roll.

**QUALIFIED OWNER** — A Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

**QUALIFIED RESIDENTIAL REAL PROPERTY** — Property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation, and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this article. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War veteran, unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

**SERVICE CONNECTED** — With respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty on active military, naval or air service.

**§ 144-23.Amount of exemption.**

Pursuant to the provisions of Chapter 655 of the 2007 Laws of the State of New York amending the Real Property Tax Law of the State of New York, the maximum veterans exemption from real property taxes allowable pursuant to § 458-b of the Real Property Tax Law is established as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$12,000 or the product of \$12,000 multiplied by the latest state equalization rate for the Village of Solvay or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the Cold War

veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by 50% of the Cold War veteran's disability rating; provided, however, that such exemption shall not exceed \$40,000, or the product of \$40,000 multiplied by the latest state equalization rate for the Village of Solvay, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

**§ 144-24.Limitations.**

- A. The exemption from taxation for Cold War veterans shall be applicable to Village taxation.
- B. If the Cold War veteran receives the exemption under § 458 or 458-a of the Real Property Tax Law, the Cold War veteran shall not be eligible to receive the exemption under this article.
- C. The exemption provided by this article shall be granted for a period of 10 years. Where a qualified owner owns qualifying residential real property on the effective date of this article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of this article. Where a qualified owner does not own qualifying residential real property on the effective date of this Article, such ten-year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least 60 days after the date of purchase of Qualifying Residential Real Property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within 60 days after the date of purchase of residential real property, such ten-year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subsection for the unexpired portion of the ten-year exemption period.
- D. This article applies to any real property held in trust solely for the benefit of a person or persons who would otherwise be eligible for the exemption, pursuant to the Real Property Tax Law, were such person or persons the owner or owners of such real property.
- E. Cooperative apartment corporations.
  - (1) Title to the portion of real property owned by a cooperative apartment corporation in which a tenant-stockholder of such corporation resides and which is represented by his or her share(s) of stock in such corporation as determined by its or their proportional relationship to the total outstanding stock of the corporation, including that owned by the corporation, shall be deemed to be vested in such tenant-stockholder.
  - (2) Provided that all other eligibility criteria are met, that proportion of the assessment of real property owned by a cooperative apartment corporation determined by the relationship of such real property vested in such tenant-stockholder to such real property owned by such cooperative apartment corporation in which such tenant-stockholder resides shall be subject to exemption from taxation, and any

exemption shall be credited by the Village of Solvay against the assessed valuation of such real property; the reduction in real property taxes realized shall be credited by the cooperative apartment corporation against the amount of such taxes otherwise payable by or chargeable to such tenant-stockholder.

- (3) Notwithstanding Subsection E(2) of this section, a tenant-stockholder who resides in a dwelling that is subject to the provisions of Article II, IV, V or XI of the Private Housing Finance Law shall not be eligible for an exemption.



## Chapter 147

### TREES AND SHRUBS

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 13 of the 1975 Code. Sections 147-2A, C and D, 147-3, 147-5, 147-6, 147-7, 147-8, 147-9 and 147-10 amended and 147-11 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 56.

#### § 147-1. Trees likely to cause damage restricted.

- A. No person shall set out or plant within the street boundaries of any street, highway or public place any tree or trees known as "poplar" or set out or plant any kind of shrubs or trees whose roots are liable to cause damage to sewers, water pipes, sidewalks, curbs or pavement; nor shall any person, owner or occupant of premises permit or allow the roots of any trees or shrubs to grow or develop to such an extent as may cause damage to sewers, water pipes, sidewalks or pavements.
- B. It shall be unlawful for any person to plant or have or keep growing a poplar, box elder, basswood, willow or evergreen tree within any public highway or upon any public place or anywhere within the limits of the village, the roots of which will penetrate over, on or under the surface of any public highway or other public place.

#### § 147-2. Removal of prohibited trees.

- A. Notice required. The Public Works Superintendent is hereby authorized, empowered and directed to cause to be served upon the owner of any premises having thereon any tree or trees enumerated in § 147-1B a notice directing such owner to remove such tree or trees within 10 days after the receipt thereof.<sup>1</sup>
- B. Service of notice. Such notice may be served by delivering the same personally to such owner or by leaving the same with any person of suitable age and discretion residing at or upon such premises or by affixing the same to such premises in a conspicuous place thereon.
- C. Removal by village. If, at the expiration of such period, the owner of such premises shall not have removed such tree or trees or caused the same to have been removed, the Public Works Superintendent is hereby authorized, directed and empowered to enter upon such premises and remove such tree or trees.<sup>2</sup>

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

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

- D. Cost of removal by village. The Public Works Superintendent shall thereafter mail to the owner or agent of such premises at his last known address a statement of the cost and expense of removing such tree or trees with the demand that the owner pay to the village within 30 days from the date of such statement the amount thereof, and if such amount shall not have been paid within 30 days, the cost and expense of doing such work shall be collected in an action at law, and the village is hereby authorized and empowered to prosecute and maintain an action therefor.<sup>3</sup>

**§ 147-3. Interference with utilities and fire hydrants.** <sup>4</sup>

No person, owner or occupant of premises shall permit the growth or development of any trees or shrubs in such manner as to interfere with any electric or telephone pole, wires or appurtenances thereof or fire hydrants. In the event that such trees or shrubs interfere with any such electric or telephone pole, wires or appurtenances thereof or fire hydrants, the Public Works Superintendent or other officer of the village designated for such purpose shall have the power to remove or trim the same.

**§ 147-4. Interference with vehicular and pedestrian traffic.**

- A. Overhanging branches. It shall be the duty of every owner or occupant of property to keep the trees and shrubs in front of his premises so trimmed as not to interfere with passersby on the sidewalk or roadway. All overhanging limbs shall be at least nine feet above the center of the sidewalk and 11 feet above the roadway.
- B. Shrubbery at intersections. It shall be the duty of the owner or occupant of property located at street intersections to keep all hedges, bushes, flowers or other growing plants so trimmed as not to obscure the vision of motorists approaching the corner of any intersecting street. A maximum height of three feet to the top of such hedge, bush or growing plant from the level of the roadbed of the contiguous street shall be permissible hereunder.
- C. Trimming by village. Any owner or occupant of property who has been notified by the Village Clerk that the trees or shrubs on his premises are in violation of Subsection A or B hereof and shall fail to correct the condition within five days of the sending of such notice to his last known address by mail shall be in violation of this section, and in addition to the penalties otherwise enforceable, the village may thereafter trim offending trees and shrubbery to correct the prohibited conditions and assess the costs thereof against said owner or occupant. Such costs, if not paid, shall be assessable against the property as a tax thereon.

**§ 147-5. Powers and duties of Public Works Superintendent.** <sup>5</sup>

- A. The Public Works Superintendent, under the direction and supervision of the Board of Trustees, shall have charge of all shade trees in public streets and highways, with the power

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

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

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

to prosecute complaints for any malicious injury or unlawful act with respect thereto, subject to the provisions of § 153 of the Highway Law.

- B. The Public Works Superintendent shall have the power to prohibit the setting out or removal of any trees in any streets or highways, including state highways and county roads, within the limits of the village without his written consent.
- C. Power to plant, maintain and remove trees in public places.
  - (1) The Village Public Works Superintendent shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lands, lanes, squares and public grounds as may be necessary to ensure safety or preserve the symmetry and beauty of such public grounds.
  - (2) Under the power here given, the Village Public Works Superintendent may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers or other public improvements or is affected with any injurious fungus, insect or other pest.

**§ 147-6. Trimming, treating or removing trees on private property.** <sup>6</sup>

Whenever, in the opinion of the Village Public Works Superintendent, trimming, treatment or removal of any tree or shrub located on private grounds shall be deemed wise, said officer shall have the power to trim, treat or remove any such tree or shrub or cause or order the same to be trimmed, treated or removed.

**§ 147-7. Right of entry on private grounds to treat infected or infested trees.** <sup>7</sup>

The Public Works Superintendent of the village shall have the power to enter upon any private grounds in the village and to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub or plant infected or infested by any parasite or insect pest when it shall be necessary, in his opinion, so to do to prevent the breeding or scattering of any parasite or animal pest and to prevent danger therefrom to trees and shrubs planted in the public streets or other public places.

**§ 147-8. Notice to remove tree.** <sup>8</sup>

Notice to remove a tree shall be served personally at least 10 days before such removal on the owner or agent of the property or abutting property as the case may be, unless, in the opinion of the Public Works Superintendent, immediate removal is necessary for the public safety.

**§ 147-9. Cost of removal.** <sup>9</sup>

The cost of removal of a tree by the Public Works Superintendent shall be a charge upon the real

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

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

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

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

property on or in front of which such tree shall be removed. Such cost shall be certified by said officer to the village and shall thereupon become and be a lien upon such property, to be included in the next annual tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against such property.

**§ 147-10. Interference with village employees.** <sup>10</sup>

It shall be unlawful for any person to prevent, delay or interfere or cause or authorize or procure any interference or delay with the Public Works Superintendent or any of his employees, agents or servants while they are engaged in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees, plants or shrubs as authorized herein or in removing any device attached to such tree, plant or shrub or in removing a stone, cement, sidewalk or other material or substance as may be necessary for the protection and care of any such trees, plants or shrubs.

**§ 147-11. Penalties for offenses.** <sup>11</sup>

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

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

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

## Chapter 153

### UTILITIES

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 14 of the 1975 Code. Sections 153-3 and 153-9 amended and § 153-4 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]**

#### GENERAL REFERENCES

Electrical standards — See Ch. 72.  
Fire prevention and building construction — See Ch. 89.  
Streets and sidewalks — See Ch. 136.  
Utility tax — See Ch. 144, Art. I.

#### ARTICLE I General Provisions

##### § 153-1. Scope.<sup>1</sup>

The rules and regulations contained in this chapter shall apply to the village and all other areas serviced by the village.

##### § 153-2. Violations.

Except as otherwise may be provided herein, any person violating any of these rules and regulations shall be subject to the penalties provided in § 153-4.

##### § 153-3. Imposition of penalties; payment of legal costs.<sup>2</sup>

Upon conviction of a violation of this chapter, the Village Justice shall impose the penalties prescribed herein and may also require the defendant to pay the costs of the proceedings.<sup>3</sup>

##### § 153-4. Penalties for offenses.<sup>4</sup>

An offense against the provisions of this chapter shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.

#### ARTICLE II Electric Service

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1. Editor's Note: Former Sec. 14-1, Designation of provisions, which immediately preceded this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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

3. Editor's Note: Former Secs. 14-5, Imprisonment for failure to pay penalty, costs; and 14-6, Action to recover penalty, which immediately followed this section, were deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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

**§ 153-5. Application for service to constitute contract.**

The application of a consumer for electric service shall constitute a contract between the consumer and the village when accepted by the village. The contract shall automatically continue and remain in force until canceled as provided herein and in accordance with specific provisions of the service classifications under which service is taken.

**§ 153-6. Filing of application for service.**

Application for the use of electricity shall be made, in writing, to the Board of Trustees of the village upon a form prescribed and furnished by the village. Said application must be made and signed by the proposed consumer or by his duly authorized agent and shall, among other things, state the various uses or needs for such electricity.

**§ 153-7. Deposit to accompany application.**

Every application for the use of electricity, made as provided in § 153-6, shall be accompanied by a deposit from the prospective consumer of such service in the amount of \$15.

**§ 153-8. Service installations.**

- A. A consumer requiring overhead electrical service shall extend his service wires at least 36 inches beyond the outside of the building and to a point nearest the village line.
- B. Underground service shall be installed and paid for by the consumer in accordance with plans and specifications of the village.
- C. All service installations shall be approved by the department.

**§ 153-9. Inspection of installations; certificate of compliance.** <sup>5</sup>

The village shall not be responsible for the inspection of wiring and electrical installations on the premises of the applicant or consumer. A certificate of compliance, as provided in Chapter 72, Electrical Standards, shall be accepted as satisfactory evidence that all wiring and electrical installations are of proper type, properly installed and in condition for receiving service.

**§ 153-10. Responsibility for costs of changes or alterations.**

All changing or alteration of electric wiring requested by consumers shall be made at their expense.

**§ 153-11. Liability for condition of electrical installation.**

The consumer shall be responsible at all times for the proper and safe condition of the electrical installation, including wires, structures and equipment, and shall assume all risk of loss, damage or injury to persons, including injury causing death or loss or property, arising out of or in any way connected with the installation, maintenance and operation of his electric installation upon his premises.

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

**§ 153-12. Variation in voltage and frequency.**

The village, by virtue of these provisions, does not guarantee against variation in the voltage and frequencies as stated in the several classifications contained herein. When a consumer requires any particular degree of regulation, he shall furnish the necessary equipment and maintain the same on the premises at his own expense.

**§ 153-13. Increase in service to consumer.**

Reasonable advance notice shall be given by the consumer for any increase in electric service. This notice shall be in writing and shall state the approximate amount of kilowatts and the expected duration of the additional load. The village may require the consumer to make a reasonable contribution for the expense of the additional facilities if the consumer requires more than 100 kilowatts.

**§ 153-14. Consumer taking three-phase electric energy.**

The consumer, in taking three-phase electric energy, shall maintain as nearly as is reasonably possible equal currents in the three phases at the point of taking. If at any time the current in any phase shall exceed the average of the currents in the three phases by more than 5%, the amount to be paid by the consumer for the period within which the unbalance occurred may be increased by a percentage equal to the unbalance.

**§ 153-15. Charges for special service.**

A cost charge of labor and material plus 15% shall be made to a consumer for each and every special service requested by the consumer, except jobbing work.

**§ 153-16. Refusal or withdrawal of service.**

Village electric service may be refused or withdrawn when the consumer's wiring or equipment is so designed or operated as to interfere with the village service to other consumers.

**§ 153-17. Interruption or discontinuance of service.**

The village, by virtue of these provisions, does not guarantee continuous, uninterrupted service and reserves the right at any time to temporarily cut off the supply of electricity if deemed necessary. In case the supply of electricity should fail due to natural causes or accidents in any way, the village shall not be liable in any event for damage to person or property arising, occurring or resulting from the use of electricity.

**§ 153-18. Meters.**

The village shall furnish and install the necessary meters to measure the electric current used by a consumer in accordance with the provisions of the rate classification applicable to the service. The consumer shall furnish sufficient space and a proper service panel for the installation of the meter.

**§ 153-19. Service classifications.**

Service classifications upon which rates and charges for electric service shall be based are established and designated as follows:

- A. Service Classification No. 1, which shall be applicable to residential use only.
- B. Service Classification No. 2, which shall be applicable to all uses except those provided for in Service Classification No. 1 and Service Classification No. 4, at the option of the company.
- C. Service Classification No. 4, which shall be applicable to all uses not otherwise specifically provided for in other service classifications when active demand is 75 kilovolt-amperes or more.

**§ 153-20. Deposits from customers in Classification No. 4.**

The municipality may require a prospective customer in Service Classification No. 4 to make a deposit equal to his estimated bills for two months' use of service. Interest at the rate of 4% per annum shall be paid on such deposits and shall be credited on the next bill for service following October 1 of each odd-numbered year. The deposit, less any amount owing to the village for electric service, shall be refunded when service is discontinued or may be refunded by the village at any prior time.

**§ 153-21. Minimum charges fixed according to service classifications.**

Minimum charges for electrical service shall be as specified in the individual service classifications.

**§ 153-22. Rates and charges.**

The rates and charges applicable to consumers of electric energy shall be fixed and determined or the various service classifications in accordance with the directions of the Power Authority.

**§ 153-23. Rendering of bills.**

Bills for electric service shall be rendered monthly and shall be due on or before the 15th day of the month following the reading. Bills addressed to the consumer at the premises where service is furnished, deposited in the United States Post Office or in any receptacle provided and maintained by the United States Post Office, shall be deemed rendered.

**§ 153-24. Right of access for village authorities.**

In order that the village may properly guard its interests, the consumer shall permit the village or its authorized agent, during reasonable hours, to have access to the premises where electricity is used for the reading, testing, removal or inspection of meters and other apparatus and to determine compliance with the rules and regulations herein.

**§ 153-25. Authority to discontinue service.**

- A. Generally. The village shall have the right to shut off and discontinue the service of electricity to any premises upon the giving of a five-day written notice to the consumer in the event that such consumer shall fail or neglect to pay a bill within 30 days after it has been rendered or for any violation of any of the rules and regulations herein. Electrical service may be restored when the consumer makes a reapplication and pays all bills and money owing to the village.
- B. Fraud. The village shall have the right at any time to discontinue the service and to remove meters and all its equipment for fraudulent representations in relation to the consumption of electricity on the consumer's premises. Service will not be restored to such consumer until the village has been paid for all damages and the cost and expense for such fraud or misrepresentations and the expense of removal and restoration of meters and other equipment.

**§ 153-26. Interference with apparatus.**

No person shall meddle or interfere with any electric wire, electric light or meter or change or alter the same for any purpose or make any connection or disconnection therewith except by the authority of the Superintendent of the Light Department.<sup>6</sup>

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<sup>6</sup> Editor's Note: Former Art. III, Water, of Ch. 14 of the 1975 Code, which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. The Village of Solvay entered into a lease agreement with the Onondaga County Water Authority on December 13, 1985, for water service.



## Chapter 154

### MUNICIPAL ELECTRIC DEPARTMENT COMMISSION

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 7-26-2005 by L.L. No 3-2005. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Officers and employees — See Ch. 26.

Electrical standards — See Ch. 64.

Utilities — See Ch. 153.

#### **§ 154-1. Purpose and intent; statutory authority.**

- A. It is the intention of the Village of Solvay Board of Trustees that the Village of Solvay Electric Department be operated in a sound businesslike manner that best assures an effective utility offering reliable electric service and the best possible electric rates to its customers. In furtherance of this intention, the Village of Solvay has determined to create a Municipal Electric Department Commission to work together with the Village Board of Trustees and to further the success of the Electric Department.
- B. It is the intention of the Board of Trustees that this Commission be created pursuant to the authority set forth in New York State Village Law § 3-308. Accordingly, the Commission shall perform its duties subject to the approval of the Board of Trustees. Pursuant to the Village Law, the Commission shall not be an independent body, but a subsidiary body acting for and at the pleasure of the Board of Trustees.

#### **§ 154-2. Creation.**

Pursuant to New York State Village Law § 3-308, there is hereby established the Village of Solvay Municipal Electric Department Commission ("Commission").

#### **§ 154-3. Number and qualifications of members.**

- A. The Commission shall be made up of five members, including the Mayor who shall serve as an ex-officio member of the Commission. In this regard, the Mayor shall have all the voting and participating rights which are vested in the other appointed members of the Commission.
- B. All members of the Commission shall meet the qualifications set forth in New York State Village Law § 3-300. Except the Mayor, neither Village officers or employees nor individuals employed by or officially connected to any competing utility or any financial institution doing business with the Village will be eligible to serve as members of the Commission.

**§ 154-4. Appointment of members.**

Members of the Commission shall be appointed by the Mayor subject to the approval of the Board of Trustees:

**§ 154-5. Term of office for members.**

The term of office for each appointed member of the Commission shall be four years. However, the first appointed members of the Commission shall be appointed to serve terms of approximately one, two, three, and four years respectively, which terms shall commence upon appointment and expire on a staggered annual basis on March 31, beginning as of March 31, 2006. Successors to former appointees, the terms of whose offices have then expired, shall thereafter be appointed for a full term of four years.

**§ 154-6. Removal of members.**

A member of the Commission may be removed for cause at any time during said member's term of office by the following procedure:

- A. A letter shall be sent to the Village Board of Trustees, with four signatures from members of the Commission, stating the reason(s) removal is requested, or in its discretion the Board of Trustees may remove a Commissioner.
- B. Upon either occurrence as set forth in Subsection A, the Board of Trustees shall conduct a hearing in the presence of the member whose removal is at issue, the remaining members of the Commission and the Board of Trustees. Upon conclusion of said hearing, the Board of Trustees will vote on removal and said member may be removed from service on the Commission by majority vote of the Board of Trustees.

**§ 154-7. Compensation of members.**

- A. The members of the Commission shall serve with the following compensation:
  - (1) Chair: \$5,000 per year.
  - (2) Member: \$2,500 per year.
- B. The members of the Commission shall be reimbursed for actual and necessary expenses in accordance with Chapter 26, Officers and Employees, of the Code of the Village of Solvay.

**§ 154-8. Chair.**

The Mayor shall appoint one member of the Commission to serve as Chair of the Commission. The first Chair shall be appointed following the effective date of this chapter and shall serve a term through March 31, 2006. Thereafter, the Chair shall be appointed at the annual organizational meeting to serve a one-year term from April 1 to March 31. Following the initial inception of the Commission, only a member who has served at least one full year as a member of the Commission at the time of appointment may be appointed Chair. The Mayor may not serve as Chair of the Commission.

**§ 154-9. Powers and duties.**

- A. Within its approval budget, and subject to the approval of the Board of Trustees, the Commission shall maintain, operate and manage the electric utility, including actions that are necessary, convenient or desirable in order to operate, maintain, preserve, and promote an orderly, economic, efficient and businesslike administration of the electric utility. Duties of the Commission shall include and be limited as follows:
- (1) The Commission shall establish or eliminate and set compensation for nonrepresented job positions within the Electric Department, while the Mayor shall retain all power of appointment in accordance with Village Law § 4-400.
  - (2) The Commission shall establish and maintain written policies governing electric utility operations, including customer services, rules and regulations for electric service, procedures for termination of electric service (in accordance with appropriate tariffs and filings), long-range planning and establishing employee duties (within the parameters of the Village's collective bargaining agreements);
  - (3) Other necessary and appropriate activities in accordance with the foregoing statement of duties;
  - (4) Preparation and submission to the Village Board of Trustees, by March 31 of each year, of a proposed annual budget and capital budget for the upcoming fiscal year for review, consideration and action to approve or disapprove by the Village Board of Trustees;
  - (5) The Commission may retain necessary consultants, with the exception of legal consultants whose services shall continue to be provided to the Commission and the Electric Department by legal counsel appointed by the Village;
  - (6) Submission of a monthly report to the Village Board of Trustees setting forth Electric Department activities and expenditures for the preceding month;
  - (7) Submission of an annual report to the Village Board of Trustees which will include a financial report for the purpose of identifying maintenance, building needs, system needs, needed repairs of Department infrastructure and plans to address same for the ensuing year.
- B. The following powers are specifically reserved to the Village Board and/or Mayor:
- (1) As the bargaining unit for represented Electric Department employees also includes the Village's Highway Department employees, all actions relating to the negotiation and approval of collective bargaining agreements and the handling of grievances shall be undertaken by the Village Board of Trustees;
  - (2) Appointments of officers and employees shall be made in accordance with the applicable provisions of the New York Village Law, by the Mayor, subject to the approval of the Village Board of Trustees;
  - (3) Other than routine day-to-day purchases, all contracts with the Village Electric Department shall be signed by the Mayor or, in the absence of the Mayor, the Deputy Mayor. For routine day-to-day purchases in an amount to be set from time to time by

the Village Board of Trustees, the Electric Department Superintendent shall be authorized to sign purchase orders upon review and authorization of the Commission.

**§ 154-10. Vacancies.**

The Commission shall inform the Village Clerk, in writing, of any vacancy. Subject to the approval of the Board of Trustees, the Mayor shall make an appointment to fill the vacancy within 45 days of the creation of the vacancy.

**§ 154-11. Conflict with Village Law.**

Should there be any conflict between the provisions of this chapter and the New York State Village Law, specifically including Village Law § 3-308 and Village Law § 4-400, the provisions of the New York State Village Law shall prevail.

**§ 154-12. Severability.**

If any part or provision of this chapter is found to be unenforceable by a court of competent jurisdiction, all remaining provisions of this chapter shall remain in full force and effect.

## Chapter 157

### OUTDOOR STORAGE OF MOTOR VEHICLES, MECHANIZED EQUIPMENT OR OTHER MATERIAL

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay at time of adoption of Code 10-8-1991 by L.L. No. 4-1991 (see Ch. 1, General Provisions, Art. I); amended in its entirety 10-26-1999 by L.L. No. 9-1999. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 96.  
Lost property — See Ch. 112.  
Streets and sidewalks — See Ch. 136.  
Vehicles and traffic — See Ch. 160.

#### § 157-1. Purpose.

The outdoor storage of abandoned, unlicensed, junked or discarded motor vehicles or any parts thereof, mechanized equipment or other material upon public or private property within the Village of Solvay is dangerous, unsightly and a detriment to the preservation of public health, the protection of property and the safety and welfare of the residents of the Village of Solvay. The outdoor storage of abandoned, unlicensed, junked or discarded motor vehicles or any parts thereof, mechanized equipment or other material upon such properties constitutes an attractive nuisance to children and a peril to the safety and welfare of the residents of the Village of Solvay, since the fuel tanks frequently contain gasoline or gasoline fumes and may be subject to explosion in case of fire. Such storage depreciates the value of neighboring properties and is unsightly and discourages the orderly, progressive development of the Village of Solvay. The control of the outdoor storage of abandoned, unlicensed, junked or discarded motor vehicles or any parts thereof, mechanized equipment or other material upon public or private property is, therefore, regulated for the preservation of the public health, safety and welfare of the residents of the Village of Solvay.

#### § 157-2. Definitions.

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

**ABANDONED** — With regard to a motor vehicle, the intent of the owner of the motor vehicle not to use the motor vehicle on the public highways. The intent of the owner of the motor vehicle may be determined by the physical condition of the motor vehicle, the length of time since the motor vehicle has last been used on the public highway and whether the motor vehicle is licensed or unlicensed.

**DISCARDED** — Any motor vehicle which the owner thereof does not intend to recover possession thereof or any motor vehicle to which ownership cannot be reasonably determined.

**JUNKED** — Any motor vehicle in such condition as to cost more to repair to place such motor vehicle in operating condition than the maximum retail value of the motor vehicle.

MOTOR VEHICLE — Every vehicle so defined as such by the New York Vehicle and Traffic Law and as the same may be amended.

UNLICENSED MOTOR VEHICLE — Any motor vehicle which is not validly licensed with the proper authorities.

**§ 157-3. Outdoor storage prohibited.**

It shall be unlawful for any person, firm or corporation, either as an owner of a motor vehicle or as an owner, occupant, lessee or tenant of any public or private property within the Village of Solvay, to store or deposit or cause or allow or permit to be stored or deposited, an abandoned, unlicensed, junked or discarded motor vehicle or any parts thereof, mechanized equipment or other material upon any public or private property outdoors, within the limits of the Village of Solvay.

**§ 157-4. Notice.**

- A. If the provisions of the foregoing section are violated, the Chief of Police or Codes Enforcement Officer or any other village employee charged with giving such notices shall cause a ticket to be affixed to such motor vehicle in a prominent location. The notice shall be in substantially the following form:

TO THE OWNER OF THE MOTOR VEHICLE OR THE OWNER, OCCUPANT,  
LESSEE OR TENANT OF THE PROPERTY WITHIN THE VILLAGE OF SOLVAY,  
KNOWN AS \_\_\_\_\_

NOTICE IS HEREBY GIVEN that an abandoned, unlicensed, junked or discarded motor vehicle (or any parts thereof, mechanized equipment or other material) has been stored or deposited on the above - described property in the Village of Solvay in violation of Chapter 157 of the Code of the Village of Solvay. Violation of Chapter 157 constitutes an offense. The motor vehicle (mechanized equipment or other material) must be removed within 10 days from the date of this notice. Failure to remove in accordance with the notice may subject you to a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both.

Please advise the following of your compliance with this notice:

Village Department: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Dated: \_\_\_\_\_

- B. In addition, a copy of said notice shall be served upon the last known owner of the motor vehicle (according to New York Department of Motor Vehicles records) or the owner, occupant, lessee or tenant of such real property upon which the offending motor vehicle, equipment or material is located.

**§ 157-5. Powers of Chief of Police.**

In addition to any other remedies provided herein, and in furtherance of the purposes herein

stated, to preserve the public health, safety and welfare, the Chief of Police is hereby authorized and empowered to remove and dispose, in accordance with the New York Vehicle and Traffic Law, of any motor vehicles, equipment or material found to be in violation of this chapter.

**§ 157-6. Exceptions.**

The provisions of this chapter shall not apply to the following:

- A. Mechanized equipment or other materials temporarily stored at and in connection with a duly permitted construction site.
- B. Stock-in-trade, mechanized equipment or other materials stored on duly zoned commercial or industrial property, provided that such equipment or material is properly screened from any adjoining residentially zoned property.

**§ 157-7. Penalties for offenses.**

An owner of a motor vehicle or an owner, occupant, lessee or tenant who shall neglect or refuse to remove an abandoned, unlicensed, junked or discarded motor vehicle, or any parts thereof, or who fails to remove mechanized equipment or other material as directed by this chapter, shall be, upon conviction thereof, fined a sum of not more than \$250 or imprisoned for not more than 15 days, or both. Each day's continued violation shall be considered a separate violation.

**§ 157-8. Saving clause.**

The invalidity of any clause, sentence, paragraph or provision of this chapter shall not invalidate any other provision, sentence, paragraph or part thereof.



## Chapter 159

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 12-18-2007 by L.L. No. 13-2007. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire prevention and building construction — See Ch. 89.

Stormwater management — See Ch. 134.

Zoning — See Ch. 165.

#### ARTICLE I

#### General Provisions

##### § 159-1. Purpose.

- A. It is hereby declared to be the policy of the Village of Solvay that the subdivision and development of land for residential, commercial, and industrial purposes shall be guided and regulated in such a manner as to meet the following requirements for orderly and harmonious growth. In setting forth these requirements, the Village acknowledges that it has an obligation to protect the environment for the use and enjoyment of all and in carrying out the purposes herein, the Village will be guided by Article 8 of the Conservation Law, known as the "New York State Environmental Quality Review Act"; in Part 617 of Title VI of the New York Codes, Rules and Regulations adopted pursuant to said Act; and Village of Solvay Code, Chapter 75.
- B. The Village Board, upon review and recommendation by the Planning Board, has the power and authority to approve plats of a subdivision or resubdivision of land with or without streets or highways within the Village of Solvay. Such approval shall be in accordance with the procedures and regulations set forth herein and is prerequisite to filing of any plat for the subdivision or resubdivision of land as defined herein, in the Office of the Onondaga County Subdivision approval in accordance with the Code of the Village of Solvay and these regulations shall be a prerequisite to the issuance of any building permit or certificate of occupancy for construction or use of subdivided land.
- C. Land to be subdivided or developed shall be of such character that it can be used safely without danger to health, or peril from fire, flood, erosion, excessive noise or smoke, or other menace.
- D. Proper provisions shall be made for drainage, water supply, sewerage, and other appropriate utility services.
- E. The proposed streets shall provide a safe, convenient, and functional system for vehicular circulation. Street names shall be designated in accordance with the procedure established by Onondaga County Local Law No. 5-1972, "Right of Way Designations," effective January 1, 1973. Streets shall be of such width, grade, and location as to accommodate

prospective traffic as determined by existing and probable future land and building uses.

- F. Buildings, lots, blocks, and streets shall be so arranged as to afford adequate light, view, and air to facilitate fire protection, and to provide ample access for fire-fighting equipment to buildings.
- G. Land shall be subdivided or developed with due regard to topography so that the natural beauty of the land and vegetation shall be protected and enhanced.
- H. Adequate sites for schools, parks, playgrounds, and other community services shall be located so that residents of all neighborhoods shall have convenient access to such facilities.

**§ 159-2. Definitions.**

For the purpose of this chapter, certain words used herein are defined as follows:

DEPARTMENT OF PUBLIC WORKS — The Department of Public Works of the Village of Solvay.

OTHER TERMS — The following terms shall have definitions given to them in the Code of the Village of Solvay, Chapter 165, Zoning:

- A. Depth of lot.
- B. Width of lot.
- C. Lot area.

PLANNING BOARD — The Planning Board of the Village of Solvay.

**PLANS AND PLATS**

- A. SKETCH PLAN — An informal plan indicating salient existing features of the tract and its surroundings, and the general layout of a proposed subdivision.
- B. PRELIMINARY PLAT — A drawing showing the layout of the proposed subdivision, including but not restricted to road, layout and approximate dimensions, key plan, topography and drainage, all proposed facilities on site including preliminary plans and profiles, at suitable scale.
- C. FINAL PLAT — A drawing showing the proposed subdivision containing such detail as may be required by these regulations and the modifications, if any, required by the Village Board at the time of approval of a preliminary plat of such proposed subdivision, if such preliminary plat has been so approved.
- D. FINAL GRADING PLAN — A drawing showing the proposed grading for surface water runoff of the entire subdivision containing such detail as required by these regulations and the modifications, if any, as may be required by the Village Board prior to the approval of the final plat.
- E. EROSION AND SEDIMENT CONTROL PLAN — A drawing showing temporary erosion and sediment control measures to be implemented and maintained during

construction to minimize the risk of sediment pollution. The drawings shall include sufficient information to evaluate and identify the existing topography, vegetation, soil types, environmentally sensitive areas, the potential impacts of the proposed grading, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation. Additional measures other than those shown may be required to be implemented during construction to compensate for unanticipated field conditions or the method of the construction. The temporary methods shown shall be coordinated with the permanent measures to the extent practicable to assure continuous erosion control throughout the construction and postconstruction periods.

- F. **CONSTRUCTION PLANS** — Drawings and specifications showing the location, character, dimensions and details of the work to be performed for the installation of highways, sewers, waterworks, and drainage facilities (sometimes referred to as "contract documents").

**SIMPLE SUBDIVISION** — The following classifications of subdivisions shall be known as "simple subdivisions" and shall be considered and approved, approved with modifications or disapproved by the Code Enforcement Officer as set forth herein:

- A. Subdivisions involving the mere adjustment of existing lot lines or lot lines shown on an approved, yet unfiled, plat map, without the creation of new streets, curb cuts, infrastructure or lots.
- B. Subdivisions involving the elimination of existing lot lines so as to consolidate one or more lots into a lesser number and not involving the creation of new streets, curb cuts, infrastructure or lots.

**STREETS** — A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, drive, place, or other similar designation. The following functional classifications are used in these regulations:

- A. **ARTERIAL** — A street, road or highway which is designed to move large volumes of traffic from one area to another (intercommunity traffic) and to and from freeways.
- B. **COLLECTOR STREET** — A street designed to collect or transport through-automobile traffic from local neighborhood streets and conduct it to arterials.
- C. **LOCAL STREET** — A street designed to provide access to neighborhoods, not primarily designed to carry through traffic and where moving traffic is a secondary function.
- D. **MARGINAL ACCESS STREETS** — Local streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.
- E. **CUL-DE-SACS** — Local streets with one end open for public vehicle and pedestrian access and the other end terminating in a vehicular turnaround.
- F. **SERVICE DRIVES** — Minor private ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**SUBDIVISION** — A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds into lots or parcels, two or more in number. The term "subdivision"

includes "resubdivision."

VILLAGE BOARD — The Village Board of the Village of Solvay.

**§ 159-3. Word usage.**

In this chapter, if not inconsistent within the context, the singular may be taken for the plural and the plural for the singular, and "person" may include more than one, an association, or a partnership or corporation. The present tense includes the future; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; and the word "shall" is mandatory. The words "business districts" shall include "commercial districts"; and the word "business" shall include the "commercial."

**ARTICLE II  
Procedures**

**§ 159-4. Simple subdivision procedure.**

- A. Upon receipt of a request for a simple subdivision as defined in § 159-2 above, including a location survey plan map showing all buildings, easements, existing infrastructure, existing and proposed lot lines, as well as receipt of the fee therefor as specified by the Village Board, the Village Code Enforcement Officer shall review such request and approve the same, providing that the proposed simple subdivision plan map complies with all Village zoning and other laws, rules and regulations.
- B. In the event that such subdivision plan map does not comply with all town zoning and other laws, rules and regulations, the Code Enforcement Officer shall disapprove such request and advise of the nature of the defect.
- C. Upon approval of a simple subdivision, the Code Enforcement Officer shall endorse said map indicating his/her approval for filing in the County Clerk's office, pursuant to the authority of this Code.
- D. The applicant for simple subdivision approval shall provide such number and type of copies of the approved plan as the Code Enforcement Officer shall specify for the Village's records and shall file same in the Office of the Onondaga County Clerk in accordance with New York State statutory requirements.
- E. Notwithstanding the above, the Code Enforcement Officer may, in his/her sole discretion, refer any such request to the Village Board for its advice and/or approval.

**§ 159-5. Sketch plan.**

- A. The developer shall submit four copies, each showing the proposed subdivision, along with a written request with an informal meeting with the Village Board. A copy of the sketch plan shall be sent to the Village Engineer, the Planning Board and Village Department of Public Works Superintendent for comment. The Village shall set a time and place for the informal meeting and give all parties five days' notice of same.
- B. The Planning Board shall receive comments and at the conclusion of the meeting take action to approve the layout, with modifications, or reject the layout with comments on

reasons for rejection. If the layout is rejected, the sketch plan process shall be repeated.

**§ 159-6. Preliminary plan.**

- A. Within one year after the sketch plan meeting, the developer shall submit 20 copies of the preliminary plan conforming to the selected sketch plan along with a completed environmental assessment form and formal application for subdivision. At the first Village Board meeting after submittal of the preliminary plan, the Village Board shall send it to the Planning Board. Village Engineer and Village Department of Public Works Superintendent for review and may set up an informal meeting if the Board desires. At the next Village Board meeting, the Board shall give written notice regarding completeness of application, excluding SEQR determination. If the application is determined to be complete, the Village Board will set a public hearing within 62 days. If incomplete, the Village Board will note what additional data needs to be submitted. [Amended 5-27-2008 by L.L. No. 6-2008]
- B. Once accepted as complete, excluding SEQR determination, the developer shall submit three copies of the preliminary plan revised as required at the informal meeting. Fees and amounts as set from time to time by resolution of the Village Board shall be paid at this time and submitted with the subdivider's application. The Village Board shall call a public hearing for the first regular meeting of the Board more than 10 days after submittal of the plan. The Village Clerk shall notify the developer and owners of all adjoining properties of the date of the hearing.
- C. At the conclusion of the public hearing, a SEQR determination shall be rendered or the applicant will be notified that questions raised at the public hearing indicate that additional information is required. If a negative determination is made, the Village Board shall within 62 days then formally, conditionally approve or disapprove the preliminary plan. In the event of disapproval, the grounds of such disapproval shall be specified in the resolution; and, in the event of conditioned approval, there shall be specified in the resolution the precise conditions of the approval, including the improvements to be required. During the sixty-two-day period, the Village shall submit applications to be reviewed by the Syracuse-Onondaga County Planning Agency ("SOCPA"), when required.
- D. An applicant may omit applying for a preliminary plan approval, provided that all the provisions of preliminary plan approval are complied with when application is made for final plan approval. The filing fees for final plan approval when the subdivider chooses to omit the preliminary plat procedure shall be in an amount as determined by the Village Board.

**§ 159-7. Final plan.**

- A. Within two years after approval of the preliminary plan, the developer shall apply for final plan approval. Twenty copies of the proposed final plan shall be submitted to the Village Code Enforcement Officer along with the application for final plan approval. [Amended 5-27-2008 by L.L. No. 6-2008]
- B. The developer shall submit two copies of final plat and plans and profiles of utilities to the Village Engineer for approval. The Village Engineer shall prepare an estimate of cost for constructing and for the construction observation of utilities and shall send such estimate to

the Village Attorney and the developer. The Village Engineer shall write letters of approval of utility plans and final plans to the Village Trustees. The Village Attorney shall prepare agreements for acceptance of utilities and roads.

- C. The developer shall submit descriptions of roads and easements to be dedicated to the Village together with any deed restrictions to the Village Attorney. The developer must obtain approval of the Syracuse City Planning Commission if the subdivision is located within the three-mile limit of the City of Syracuse. The developer also must submit a letter of credit in the amount of the estimate and sign the agreement.
- D. The developer shall submit four cloth-back copies of the final plan together with the road agreement, letters of credit and deposit for construction observation fees to the Village Clerk. If the Village Board determines that the preparation of an environmental impact statement on the final plan is not required, the Village Board will render a decision within 62 days after the public hearing. If the Village Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement must be filed within 45 days of the close of the public hearing. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement will be filed within 45 days of the close of the public hearing on the final plan. Within 30 days of filing the final environmental impact statement, the Village Board must issue findings and either approve or disapprove the final plan. If approved, the Mayor will sign all four copies and return one copy to the developer.
- E. The developer shall submit proof of insurance to the Village Attorney. After the Village Attorney approves such proof, the developer may install utilities and binder course of pavement. The Village Engineer shall observe installation and certify construction. The developer shall record the final plan with the Onondaga County Clerk and the Village Clerk prior to any site construction. The developer may petition the Village Board for a reduction of letter of credit as utilities and roads are completed and certified.
- F. The Village Board may permit the final tract plan to be divided into two or more sections, subject to such conditions as it seems necessary to assure orderly development of the subdivision. Approval of the sections shall be granted concurrently with the final tract.
- G. The Village Board may allow construction of utilities after approval of construction drawings but before filing the map, provided the requirements for insurance, security and fees are satisfied. No building permits may be issued until all utilities and roads (with the exception of a road's final course) are installed and certified as complete by the Village Engineer.

**§ 159-8. Security agreement.**

- A. Before the final plan is signed by the Village, the subdivider shall place on deposit with the Village Board security in the form of cash or its equivalent in the amount of 100% of the estimated construction cost of any roads, utilities or appurtenances to be conveyed to the Village.
- B. Upon satisfactory completion of the roads, utilities and appurtenances, and certification of

completion by the Village Engineer, the Village hereby agrees to release security as follows:

- (1) Sanitary sewers. Upon written approval by the Village Engineer that the sanitary sewers have been constructed and installed in accordance with the plans and specifications, the Village shall release 90% of the sum allocated for sanitary sewers. Upon expiration of the one-year guaranty period, the Village shall release the remainder of the sum, provided that the sewers have been televised and found to be free of defects.
- (2) Storm sewers. Upon written approval by the Village Engineer that the storm sewers have been constructed and installed in accordance with the plans and specifications, the Village shall release 90% of the sum allocated for storm sewers. Upon expiration of the one-year guaranty period, the Village shall release the remainder of the sum, provided that the Village Department of Public Works Superintendent certifies that the storm sewers are operating properly.
- (3) Roads. Upon written approval by the Village Engineer that the crushed stone base and binder course have been installed in accordance with the construction plans and Village specifications, the Village shall release 50% of the sum allocated for road construction. Upon written approval by the Village Department of Public Works Superintendent that necessary repairs have been made and the top course properly installed, the Village shall release an additional 25% of the sum allocated for road construction. Upon expiration of the one-year guaranty period, the Village shall release the remainder of the sum, provided that the Village Department of Public Works Superintendent certifies that no repairs are necessary.
- (4) Any security, furnished in lieu of the installation of the required improvements, shall be the amount fixed by the resolution of the Board and shall be secured by such deposit of the developer, letter of credit or issued by such bonding or security company as shall be approved by the Village Board and shall be approved by the Village Board as to form, sufficiency and manner of execution. The security shall assure the complete installation of the required improvements within such period, not longer than three years. The Village Board, with the consent of all parties to the bond, may extend such period upon written application of the subdivider, filed with the Village Clerk prior to the expiration of such period or upon its own motion at any time prior to the declaration of default by the Village Board.
- (5) The Village Board, upon finding either that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by security or that the required improvements have been installed in sufficient amount to warrant reduction in the face amount of such security, may modify its requirements.
- (6) Except as relied on in the preceding subsection, the security shall be released only upon complete installation of the required improvements and submittal of the acceptance from the Village Engineer and the Department of Public Works Superintendent.

- (7) If the required improvements are not completely installed within the period fixed herein or extended by the Village Board, the Village Board may declare the security in default and collect the amount payable thereunder. Upon receipt of such amount, the Village shall install such improvements as are covered by the security and are commensurate with the extent of the building development which has taken place as a subdivision. Excess costs shall be billed to the developer.

**§ 159-9. Construction observation.**

- A. The developer shall be required to inform the Village Engineer of his construction schedule to enable observation during construction of all facilities which are to be conveyed to the Village of Solvay.
- B. The developer shall be required to place on deposit with the Village Board an amount equal to 10% of the estimated construction costs of the project, as determined by the Village Engineer, to defray the costs of inspection.
- C. The Village Engineer will periodically submit itemized statements to the Village, with a copy to the developer for construction observation with the invoiced amounts being deducted from the monies on deposit. In the event that the Village Engineer determines at any time the amount on deposit to be insufficient to cover future observation, the developer shall be so notified and shall then, within 30 days of said notification, deposit with the Village Board such additional sums as the Engineer shall determine. Following construction observation, any remaining monies will be paid by the Village to the developer. The developer shall be liable for any costs in excess of the above amount deposited.

**§ 159-10. Fees.** [Amended 5-27-2008 by L.L. No. 5-2008]

Application for preliminary and final subdivision of land shall be accompanied by a fee in an amount to be established from time to time by resolution of the Village Board. This fee shall be in addition to and separate from any amounts due to the Village pursuant to Chapter 64 of the Village Code.

**ARTICLE III  
Plans and Data to be Submitted**

**§ 159-11. Sketch plan.**

- A. This plan shall be prepared for submittal to the Village Board. The sketch plan shall contain:
  - (1) Title, scale, north arrow and date.
  - (2) A typographical survey as required for the proposed preliminary plan or an enlargement of the most recent United States Geological Survey Quadrangle, to a scale of one inch to 100 feet and showing contours at intervals of not more than five feet. The sketch plan may be a freehand sketch on a print of such map.
  - (3) Subdivision boundaries.

- (4) Proposed road and lot layout.
  - (5) Park and recreation areas, as proposed.
  - (6) Names of owners and approximate boundaries of all contiguous properties.
  - (7) Location and size of any other lands in the vicinity of the subdivision owned by the subdivider or in which the developer has an interest.
- B. Development and legal data shall be available in conjunction with the sketch plan, as follows:
- (1) Land characteristics of this site.
  - (2) Availability of existing and proposed utilities, schools, parks and playgrounds.
  - (3) Typical width and depth of lots.
  - (4) Total acreage of proposed subdivision and number of lots proposed, and area of each lot.
  - (5) The building type and approximate square footage of living area and dwellings.
  - (6) Name and address of subdivider.
  - (7) Name and address of owner.
  - (8) Name of proposed subdivision (as approved by Syracuse-Onondaga County Planning Agency).
  - (9) Zoning districts in accordance with the Village of Solvay Zoning Map.

**§ 159-12. Proposed preliminary plan.**

This plan shall be an update of the sketch plan that was selected and approved by the Village Board of Solvay. The proposed plan shall contain:

- A. Title, scale, north arrow and date.
- B. Sheet size and scale, 24 inches by 36 inches, one inch equals 50 feet.
- C. Bearings and distances of tract boundary lines and reference to horizontal control points.
- D. Locations and dimensions existing and proposed:
  - (1) Sections into which the final plat is to be divided, if to be drawn in more than one section.
  - (2) Streets, public facilities or land, easements and similar features.
  - (3) Facilities or land dedicated to public use.
  - (4) Utilities on and adjacent to the tract, including sanitary, storm and combined sewers, water mains, gas lines, fire hydrants, electric and telephone facilities, and streetlights, invert elevation of sewers at proposed points of connection and the location of all sewers not adjacent to tract but to which connections are proposed, together with

invert elevations at points of connection.

- E. Topography of subdivisions shall be included as follows:
  - (1) For land with an average slope of less than 2%, existing contour lines at not more than one-foot intervals.
  - (2) For land with an average slope of 2% to 10%, existing contour lines at not more than two-foot intervals.
  - (3) For land with an average slope exceeding 10%, existing contour lines at not more than five-foot intervals.
  - (4) Datum plane for all topographic information shall be that of the United States Geological Survey. Benchmarks used shall be indicated by location and elevation.
- F. Location of percolation test sites, if required.
- G. Names or filed map numbers of:
  - (1) Owners of adjoining land.
  - (2) Adjoining subdivisions.
  - (3) Proposed subdivisions.
  - (4) Proposed streets.
  - (5) Blocks and lots.
  - (6) Owner and developer.
- H. Location and neighborhood maps must be provided and shall contain:
  - (1) Subdivision location and boundaries.
  - (2) Location of adjoining tracts and subdivisions, existing and proposed streets, public facilities, and watercourses within 400 feet of any part of the subdivision.
  - (3) Scale, which may vary from one inch equals 100 feet to one inch equals 200 feet.
- I. Development data shall contain:
  - (1) Corrected and updated development data from sketch plan, or as required by sketch plan.
  - (2) Results of any percolation tests.
  - (3) Drawings showing:
    - (a) Proposed street cross sections and center line profiles.
    - (b) Preliminary sketches of any bridges or culverts.
    - (c) General feasibility of sewer design and stormwater drainage.
- J. General plans of water distribution systems.

- K. Legal data shall contain:
  - (1) Draft restrictions of all types which will run with the land to become covenants in the deed for lots.
  - (2) Drafts of offers of cession, as required.
  - (3) Applications for public hearing, obtained from the Village Clerk.
- L. Time schedule of operations.
- M. Preliminary storm drainage report.

**§ 159-13. Final plan.**

- A. This plan shall be the final development and suggested improvements which updates the preliminary plan, as approved by the Village Board. The final plan shall contain the following:
  - (1) Title, scale, north arrow and date.
  - (2) Sheet size to be 24 inches by 36 inches; scale one inch equals 50 feet.
  - (3) Corrected and final planimetric data from proposed preliminary plan, including modifications, for all street right-of-way and property lines. The following shall be shown:
    - (a) Accurate dimensions, bearing or deflection angles of all straight lines. Error of closure may not exceed one foot in 5,000 feet.
    - (b) Curved data on all curves.
  - (4) Survey data containing primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on map are referred.
  - (5) Information required for proposed preliminary plans beyond subdivision boundaries need not be shown except for boundary streets.
- B. In connection with the final plan, location and neighborhood maps must be provided and shall be corrected and updated from the proposed preliminary location and neighborhood maps. If the final plan is drawn in two or more sections, locations of the area should be indicated.
- C. Development data shall be available in conjunction with the final plans, location and neighborhood maps. Development data shall include:
  - (1) Corrected and updated development data from the proposed preliminary plan.
  - (2) Detailed drawings and specifications for the construction of:
    - (a) All improvements shown on preliminary plan development data drawings.
    - (b) Final general plan and plan and profile of sanitary sewage disposal system.
    - (c) Final general plan and plan and profile of stormwater system.

- (d) Final general plan and plan and profile of water supply system.
  - (e) Final general plan and plan and profile of highway system.
  - (f) Erosion and sediment control.
  - (g) All other improvements shown on the development data drawings for the preliminary plan.
- D. The following legal data, in conjunction with the final plan, location of neighborhood maps and development data, shall include:
- (1) Corrected and updated legal data from the proposed preliminary plan.
  - (2) Such other certificates, affidavits, endorsements or agreements as may be required by the Village Board in the enforcement of these regulations.

ARTICLE IV  
**Development Design Standards**

**§ 159-14. General requirements.**

In the layout, development and improvement of a subdivision, the subdivider shall comply with all standards, specifications, codes and ordinances of the Village of Solvay, and, in addition, these subdividers shall meet as minimums the standards of design and principles of the land subdivision as set forth in this article.

**§ 159-15. Uninhabitable land.**

Land subject to flooding and land deemed by the Village Board to be uninhabitable shall not be subdivided for residential occupancy nor for such other uses as may involve danger to health, life or property, but such land within the area of the plan shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

**§ 159-16. Street criteria.**

A. General.

- (1) The arrangement, character and extent of all streets in the subdivision shall conform to existing and approved proposed streets in the Village of Solvay in relation to topographic conditions, to public convenience and safety, and in appropriate relation to proposed pieces of the subdivision to be served by such streets.
- (2) Local streets in a residential development shall be so laid out as to discourage through traffic, but provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. If the subdivision abuts an arterial street, the Village Board may require reverse frontage with screen planting contained in a non-access reservation along the property line or such other treatment as may be necessary for adequate protection of residential properties, and to afford separation of through and local traffic. At all times, the street layout should be related to the topography of the land. Intersections of local and marginal access streets with

collector and arterial streets shall be laid out at a minimum to avoid hazard and delay. Half streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half street.

- (3) Street names shall be used which will not duplicate or be confused with the names of existing streets in the Village of Solvay or adjacent villages and towns. Streets that are extensions or are in a line with existing names of streets shall bear the name of the existing street.
- (4) No dead-end streets shall be permitted without adequate turnaround and express approval of the Village Board. Dead-end streets extending to tract boundary lines which are intended to connect to future streets in adjoining tracts and dead-end streets within a tract which are to be extended shall be provided with a temporary turnaround. An appropriate arrangement shall be made for those portions of temporary turnarounds outside of street right-of-way to revert to abutting property owners at such times as streets shall be extended.
- (5) Cul-de-sac streets shall have a maximum length of 700 feet.

B. Street alignment.

- (1) The minimum radius at the center line for curves on arterial streets shall be 500 feet; for collector streets, 300 feet; and for local, marginal access and cul-de-sac streets, 140 feet.
- (2) Arterial and collector streets shall have a tangent length of a minimum of 100 feet measured at the center line between reverse curves.
- (3) Proper braking sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, the minimum braking sight distance shall be 200 feet from arterial and collector streets and 150 feet for local, marginal access and cul-de-sac streets.
- (4) Proper sight distances shall be maintained at all intersections of streets. Measured along the center line, there shall be a clear sight triangle, a minimum of 75 feet from the point of intersection. No present or proposed building or obstruction shall be permitted in this area.

C. Street grades.

- (1) There shall be a minimum grade of at least 1/2 of 1% on all streets, a maximum grade of 8% on arterial and collector streets, and 10% on local and marginal access streets for a maximum distance of 1,500 feet.
- (2) Vertical curves shall be used in changes of grade exceeding 2% and shall be designed for braking sight distance. Intersections shall be approached on all sides by leveling areas, such leveling area shall extend for a distance of 100 feet, from the point of intersection of center line of intersecting streets and within which no grade shall exceed a maximum of 3%.

D. Street widths.

- (1) Minimum street and pavement widths shall be 13 feet from center line to inside edge of six inches asphalt kickup gutter for local and collector streets.
- (2) Additional widths may be required by the Village Board upon findings that the same are required by public safety and convenience; parking on commercial or public use areas; and existing streets which do not provide the proper widths and where, as a consequence, additional dedication is necessary.
- (3) Minimum right-of-way shall be 60 feet for local and marginal access streets and cul-de-sac streets shall have a minimum right-of-way radius of 60 feet.

E. Street intersections.

- (1) Multiple intersections involved in the junction of more than four roadways shall be avoided.
- (2) Right-angle intersections shall be used whenever practicable, especially when local and marginal access streets enter into arterial and collector streets. For intersections involving arterial and collector streets, angles and intersection may vary between 80° and 100°. When a local or marginal access street intersects with another local or marginal access street, intersection angles may vary between 75° and 105°. Minimum distance between center line offset at jogged intersections, involving arterial and collector streets, shall be 200 feet. Jogged intersections involving only local, marginal access and cul-de-sac streets shall have a minimum offset of 150 feet.
- (3) Street curb and gutter intersections shall be rounded by a tangential arc with a minimum radius of 25 feet for local, marginal access and cul-de-sac streets, and 30 feet for intersections involving arterial and collector streets.

F. Street pavement standards are according to the latest regulations of the Department of Public Works.

**§ 159-17. Type of lots.**

A. Lot arrangement (along a street).

- (1) The total length of a series of lots lining a street shall have a minimum frontage length of 800 feet with a maximum length of 1,200 feet. The length of a series of lots of a "side" street shall be at least two lot depths, exceptions being cul-de-sac streets. Modifications of the above criteria are possible in commercial and industrial developments.
- (2) In subdivisions containing parks and playgrounds bounded by lots in exceptionally long streets or where access to a school or shopping center is necessary, a crosswalk with a minimum right-of-way of 12 feet in a paved walk of six feet in width shall be provided.

B. Individual lots.

- (1) The minimum lot sizes and frontage shall be by the provisions set forth in the Village

of Solvay Zoning Regulations.<sup>1</sup> Excessive depth in relation to the width of a lot shall be avoided. A proportion of 2.5:1 will normally be considered maximum.

- (2) All lots shall abut on a street and all lot lines shall be perpendicular to the street right-of-way line.

C. General planning standards.

- (1) The lot size with depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use proposed.
- (2) Side lot lines shall be substantially at right angles or radial to street lines.
- (3) Where a subdivision abuts or contains an existing or proposed arterial street, the developer may be required to provide marginal access streets, reverse frontage lots with screen plantings contained in a non-access reservation along the real property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (4) The subdivision plan shall provide each lot with frontage on an existing public street or to a subdivision street that will be ceded to public use at the time of final plat approval.
- (5) Corner lots and lots adjacent to pedestrian crosswalks shall have extra width to permit appropriate building setback from an orientation to side streets or crosswalks.
- (6) Trees or shrubs shall not be allowed in the street right-of-way.

**§ 159-18. Building lines and utilities.**

A. Building lines. The minimum building setback is controlled by the provisions set forth in the Village of Solvay's Zoning Regulations,<sup>2</sup> as amended and as may be further amended.

B. Utilities.

- (1) Street right-of-way. If sewer, water, drainage, gas, electrical, street lighting or other public facilities are to be located within street right-of-way, their location and installation shall be coordinated so that they may be added to, repaired or enlarged at minimum cost.
- (2) Easements. If easements are used at the rear or sides of lots to provide for utilities or access to an interior park or playground, the easement shall have a minimum width of 15 feet, but exceptional circumstances may require additional width.

**§ 159-19. Dedication and reservation for public land use.**

A. An area provided for public recreation and playground use shall be approved by the Village Board before acceptance.

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1. Editor's Note: See Ch. 165, Zoning.

2. Editor's Note: See Ch. 165, Zoning.

- B. The developer shall cooperate with the Village Board to reserve a portion of the land for recreational and playground purposes.
- C. In the event the Village Board determines that a suitable park or parks cannot be located in such subdivision plat or is not otherwise practical, the developer, as a condition of approval of the subdivision plat, shall make payment to the Village of Solvay of a sum as determined by resolution of the Village Board to become part of a trust fund to be used by the Village of Solvay exclusively for neighborhood park, playground or recreation purposes including acquisition of property as near as practicable in the general vicinity of and for the benefit of the occupants of the subdivision from which such sum was derived. A copy of the resolution establishing such sum shall be on file with the Village Clerk. Building permits shall not be issued until said sum is paid in full.

**§ 159-20. Landscaping.**

Reasonable requirements for the preservation of outstanding natural features may be specified by the Village Board. These include large trees or groves, watercourses and falls, historic sites, exceptional views and similar irreplaceable assets in which there is general public interest. There shall be at least one tree per lot in space of intervals of not more than 50 feet, and two trees per lot on corner lots. No trees shall be planted within the street right-of-way. Required trees shall be located five feet to 10 feet outside the right-of-way. Trees shall be hardy, suitable to local soil and climate and of the species approved by the Village Board. New trees shall measure at least 1 1/2 inches in diameter as measured at a point four feet above the fresh grade.

**§ 159-21. Stormwater pollution prevention plan.**

- A. Preliminary subdivision plat. A stormwater pollution prevention plan ("SWPPP") consistent with the requirements of Chapter 134 of the Code of the Village of Solvay shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in Chapter 134 of the Code. The approved preliminary subdivision plat shall be consistent with the provisions of Chapter 134 of the Code.
- B. Final subdivision plat. A SWPPP consistent with the requirements of Chapter 134 of the Code of the Village of Solvay and with the terms of preliminary plat approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards set forth in Chapter 134 of the Code. The approved final subdivision plat shall be consistent with the provisions of Chapter 134 of the Code.

**§ 159-22. Driveway standards.**

- A. Driveway grades with highway boundaries shall be no less than 2% and no greater than 10%.
- B. Driveways shall not be placed over water curb boxes, sewer lateral cleanouts, catch basins, or manholes and shall be a minimum of 25 feet from temporary hammerheads.
- C. If the garage floor elevation is less than one foot above the center line elevation of the road in front of the garage, there shall be a low point in the driveway at least one foot below the

garage floor elevation and no closer than 15 feet from the front of the garage.

ARTICLE V  
**Required Design**

**§ 159-23. Design standards.**

The following design standards or requirements shall be followed by the developer:

- A. Monuments. Permanent reference monuments shall be placed at points of curvature and points of tangency of horizontal curves, but no more than 1,000 feet apart. The monuments shall be of a ferrous metal pipe embedded in concrete. All lot corners shall be marked by using markers of a minimum length of 30 inches permanently located in the ground to final grade. Locations of monuments shall be shown on the final plat.
- B. Storm and drainage design. All storm sewers and drainage facilities, catch basins and culverts shall be installed and the land graded for adequate drainage, as shown on the drainage plan submitted and approved as part of the final tract plan. These improvements shall be installed by the developer in accordance with the procedures and standards of the Village Board and approved by the Village Engineer.
- C. Sanitary sewer system. All necessary mains and laterals are connected from the lots to the public sewage system as shown in the final tract plan; layouts shall be installed by the developer. A sanitary sewer shall be constructed in accordance with the standards of Onondaga County.
- D. Streets.
  - (1) All streets shall be graded to the grades shown on the street profile and cross-section plans and be in agreement with all standards set forth in Article IV of this chapter submitted and approved with the final tract plan.
  - (2) Street lighting shall be approved by the Village Board.
  - (3) Where state and county roads and highways are involved in the subdivision, the developer must adhere to all state and county regulations governing said roads and highways.
  - (4) Permanent street signs of the same specifications used by the Village of Solvay Department of Public Works, in showing the names of the intersecting streets, shall be erected at all intersections.

ARTICLE VI  
**Waivers and Modifications**

**§ 159-24. Hardship.**

- A. Where the Village Board finds that, because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may change the regulations so that substantial justice may be done and the public interest secured, provided that no such change shall be granted which will have the

effect of nullifying the intent and purpose of the zoning regulations or any other pertinent rules, regulations, or ordinances of the Village of Solvay.

- B. In granting changes and modifications, the Village Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so changed or modified.

**§ 159-25. Unrequired or inappropriate improvements.**

- A. The Village Board may waive requirements for such subdivision improvements as in its judgment the special circumstances of a particular plan or plans are not requisite in the interest of the public health, safety and general welfare.
- B. The Village Board may also waive the requirements for such subdivision improvements as in its judgment the special circumstances of a particular plan or plans are inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity of the subdivision.

**§ 159-26. Conditions to waivers and modifications.**

In granting a waiver and modification, the Village Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.

**ARTICLE VII  
Enforcement**

**§ 159-27. Building permits.**

- A. No permit for the erection of any building shall be issued unless a street giving access to each proposed structure has been duly placed on the Official Map of the Village of Solvay or unless such street is an existing street or unless such street appears on a recorded final tract plan approved by the Village of Solvay.
- B. No such permit shall be issued unless such street has been suitably improved.

**§ 159-28. Action to prevent or abate violations.**

The Village Board may, by ordinance, provide additional remedies to prevent or abate violations and to establish penalties for violations as provided by the law.

**§ 159-29. Penalties for offenses.**

Any and every violation of these regulations is an offense punishable by fine of not more than \$250 for each offense, or by imprisonment for not more than 15 days, or both. Continuation of such violation and/or offense and failure and/or neglect to abate the same after a notice by the proper Village officer to discontinue and/or abate such violation, for a period of one week, shall thereafter each day constitute a separate violation.

**ARTICLE VIII**

## **Miscellaneous**

### **§ 159-30. Conflicts with other regulations.**

Whenever there may be a conflict between the standard in these regulations, and those of other codes, ordinances or regulations of the Village of Solvay, the most restrictive or higher standards shall prevail.

### **§ 159-31. Severability.**

If any section, paragraph, clause, phrase or provision of these regulations shall be adjudged invalid or held unconstitutional, such decision shall not affect the validity of these regulations as a whole or any part thereof other than the part so held to be invalid or unconstitutional.

### **§ 159-32. Short title.**

These regulations shall be known and may be cited as the "Land Subdivision and Regulations for the Village of Solvay."

### **§ 159-33. When effective.**

These regulations shall be effective on and from the date of their adoption in accordance with the provisions of the Village Law of the State of New York.



## Chapter 160

### VEHICLES AND TRAFFIC

[**HISTORY: Adopted by the Board of Trustees of the Village of Solvay as Ch. 12, Arts. I, III, IV and V, of the 1975 Code. Amendments noted where applicable.**]

#### GENERAL REFERENCES

Traffic Violations Bureau — See Ch. 40.  
Bicycles — See Ch. 52.  
Parks and playgrounds — See Ch. 122.  
Streets and sidewalks — See Ch. 136.  
Abandoned vehicles — See Ch. 157.

#### ARTICLE I General Provisions

##### § 160-1. Definitions.

The following terms, whenever used in this chapter, except as otherwise expressly indicated, shall have the meanings respectively ascribed herein:

**BLOCK** — That portion of any street lying between intersecting streets.

**BUS OR COACH** — Any motor vehicle equipped to carry seven or more persons used for the transportation of passengers for hire.

**CROSSING** — That portion of a street clearly indicated for pedestrian crossing by lines or other markings and the extension of the sidewalk space across intersecting streets.

**CURB** — The boundaries of a roadway, whether marked by a curbstone or not.

**DRIVER** — A person who propels or operates or who is in charge of a vehicle.

**EMERGENCY VEHICLES** — The following vehicles: United States mail, police, fire, bureau of water and Village emergency repair, ambulance and military and those vehicles of public service corporations when on emergency service and equipped as hereinafter provided.

**LOADING ZONE** — That portion of a roadway adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or merchandise.

**MOTORCYCLE** — A vehicle propelled by other than muscular power which is designed to drive on not more than three wheels in contact with the ground and so that the operator sits on the saddle and steers by turning the single front wheel of the vehicle by means of handlebars.

**MOTOR VEHICLE** — A vehicle propelled by power other than muscular power, except motorcycles, traction engines, road rollers, fire vehicles, police patrol wagons, agricultural tractors, tractor engines, power shovels, road-building machinery, well drillers, electric trucks with small wheels used in factories, warehouses and railroad stations and operated principally on private property and such vehicles as run only upon rails or tracks.

OFFICIAL TRAFFIC SIGNS AND SIGNALS — All signs, markings, devices and signals not inconsistent with this chapter, placed or erected by authority of this chapter.

ONE-WAY TRAFFIC — Traffic restricted to one direction.

OPERATOR — Any person who operates or drives a motor vehicle or motorcycle upon any street in the Village.

PARKING SPACE — That part of any street designated by this chapter or by police regulation as a place for the parking of vehicles.

PARK; PARKING; PARKED — The stopping of a motor vehicle or motorcycle upon any street and leaving such vehicle or motorcycle unattended by a person legally capable of operating it for a period longer than necessary to load or unload passengers or freight.

PEDESTRIAN — A person making use of the public highways and streets for foot passage.

ROADWAY — That part of the street intended for vehicular traffic.

ROADWAY INTERSECTION — The area bounded by the side lines, real or projected, of two or more roadways which meet or cross each other.

SIDEWALK — That portion of a street outside of the roadway, used or set aside for the use of pedestrians.

STAND; STANDING — The stopping of a motor vehicle or motorcycle upon any street with a licensed operator in attendance for a period longer than necessary to load or unload passengers or freight.

STREET INTERSECTION — The area bounded by the side lines, real or projected, of two or more streets which meet or cross each other.

TAXICAB — A licensed public vehicle for hire, designed and constructed to seat not more than seven persons and operating as a common carrier on call or demand.

THROUGH TRAFFIC STREET — A properly designated main artery of travel.

TRAFFIC CONTROL SIGNAL — A signaling device, either hand or electrically operated, in which different colors become visible for periods of time during which traffic shall comply with the meaning conveyed by the colors.

TRAFFIC INFRACTION — The violation of any provision of the State Vehicle and Traffic Law or this chapter where a penalty or other punishment is prescribed and which is not expressly declared by said state law to be a misdemeanor or felony.

VEHICLE — Any device, including an automobile and every other kind of conveyance, in, upon or by which any person or property is or may be transported or drawn upon a public highway, except a baby carriage and devices used exclusively on stationary rails or tracks.

**§ 160-2. Applicability to public employees.**

The provisions of this chapter shall apply to and include the driver of any vehicle owned or used in the service of the United States Government, this state, county or village, and no driver of any

such vehicle shall violate any of the provisions of this chapter, except as is otherwise permitted herein.

**§ 160-3. Applicability to drivers of emergency vehicles.**

The provisions of this chapter shall not apply to emergency vehicles, as defined in this chapter, while the driver of any such vehicle is operating the same in an emergency in the necessary performance of his duties, provided that the gong or siren whistle of any such vehicle is continuously sounded; but this shall not relieve the driver or owner of any such vehicle from liability for any injuries inflicted in consequence of the arbitrary or careless exercise of this right.

**§ 160-3.1. Applicability and authority of Village Board.** [Added 5-18-1999 by L.L. No. 6-1999]

- A. The provisions of this chapter shall apply to all highways, roads and streets located within the boundaries of the village, including state highways, as authorized by the provisions contained in Article 39 of the New York State Vehicle and Traffic Law.
- B. The Board of Trustees may amend the provisions of this chapter, including the enactment of additional traffic rules and regulations, by means of an order adopted by resolution, without notice or hearing, in the manner authorized by Section 20-2002 of the Village Law and Article 39 of the New York State Vehicle and Traffic Law, and such amendments and additional traffic rules and regulations shall thereafter be included in this Code.

**§ 160-4. Authority and duties of Chief of Police.**

- A. The Chief of Police is hereby authorized and empowered by police rule or regulation as follows:
  - (1) Safety zones; parking spaces; bus and cab stands: to designate safety zones, parking spaces and bus and cab or taxicab stands, respectively, in the public streets and highways of the village, not including, however, state highways, and to limit or prohibit parking in spaces or zones in such streets or highways; provided, however, that such zones, spaces and stands, excepting spaces in front of private driveway, shall be marked and indicated by suitable signs, and all persons shall obey such rules and regulations prescribed by the Chief of Police.
  - (2) One-way streets; streets closed to trucks: to designate streets or highways in the village in which vehicles shall proceed in one direction only and from which heavy trucks or trailers shall be excluded; provided, however, that such streets or highways so designated shall be so marked at all intersections by conspicuous signs which shall be visible during the hours in which such designation is to be observed. Such police rule or regulation shall not, however, bar deliveries of merchandise or other property along such designated streets or highways. No state highway shall be thus designated without approval of the State Traffic Commission.
  - (3) Crossing by pedestrians: to regulate by rule or regulation the crossing by pedestrians of public highways or streets, but with respect to state highways maintained by the state, the approval of the State Traffic Commission must be first obtained.
  - (4) Impoundment and storage of vehicles: to provide for the removal and storage of

vehicles parked or abandoned on public highways, streets or public parks and playgrounds or upon any premises owned or leased by the village in violation of any law, ordinance or police regulation or during snowstorms, floods, fires or other public emergencies and for the payment of reasonable charges for such removal or storage by the owner or operator of any such vehicle, but with respect to state highways maintained by the state, the approval of the State Traffic Commission must be first obtained.

- B. The Chief of Police may, in his discretion, during times of emergency or other special conditions and in the interest of public safety, temporarily direct, control, restrict, divert, exclude and regulate traffic on the streets, either through the Police Department or by means of posting temporary signs or signals.
- C. The Chief of Police shall make and adopt rules and regulations with reference to the display of a suitable insignia on emergency vehicles using the public streets of this village and shall cause such insignia to be displayed in accordance with such rules and regulations upon vehicles of the Fire and Police Departments and vehicles of other departments used for emergency repair.

**§ 160-5. Duties of police.**

- A. It shall be the duty of the Police Department of the Village to enforce the provisions of this chapter, strictly and impartially.
- B. Directing traffic.
  - (1) Generally. Officers of the Police Department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformity with the provisions of this chapter.
  - (2) Use of signs and lights. Orders and directions of the Police Department as to traffic at intersections shall be given by the use of traffic control signs and/or caution lights, either alone or with green arrow attachments, at such intersections where such signaling is indicated.
  - (3) Scope of authority. In the event of fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct, control, restrict and, when necessary, temporarily divert or exclude the movement of pedestrian, animal or vehicular traffic as conditions may require, notwithstanding the provisions of this chapter.

**§ 160-6. Duty to obey police officer.**

No person shall refuse or fail to comply with any reasonable order, signal or direction of a police officer.

**§ 160-7. Issuance of notices or summonses.**

- A. Infraction not involving accident or speeding. Whenever any person is found by a police officer committing any traffic infraction, other than speeding, contrary to the provisions of

this chapter, not causing or contributing to an accident resulting in injury or death to any person or causing property damage, such officer shall take the name, address and operator's license number of such person and the registration number of the motor vehicle or motorcycle involved and issue to him, in writing, on a form provided therefor, a notice to answer to the charge against him within three days, during the hours and at the place specified in the notice. The officer, upon the violator giving his written promise to answer as specified in the notice, shall thereupon release him from custody.

- B. Infraction involving accident, speeding, etc. Whenever any person is found by a police officer committing a traffic infraction causing or contributing to an accident resulting in injury or death to any person or causing property damage or committing the traffic infraction of speeding contrary to the provisions of this chapter or committing any violation of the provisions of the Vehicle and Traffic Law of the state which is expressly declared by such law to be a misdemeanor or felony, such officer shall issue a summons to such person for his appearance in Police Court at the next session thereof or shall take such person into custody for arraignment in Police Court, as the exigencies of the case may require.
- C. Parking violation notices. Whenever any vehicle is found by a police officer to be without an operator and stopped, standing or parked in such a manner as to constitute a violation of this chapter, such officer shall take any information displayed on the vehicle which may tend to identify its owner or operator and shall affix conspicuously to such vehicle a notice of such violation in writing on a form provided therefor, and the owner or operator of such vehicle shall answer the charge against him in the manner provided in § 160-77 of this chapter. [Amended 10-22-2002]
- D. Copy for Chief of Police. Whenever any officer shall have issued or affixed any notice or summons of traffic infraction as above provided, such officer shall immediately send one copy of such notice or summons to the Chief of Police.

**§ 160-8. Penalties for offenses.** [Amended 10-8-1991 by L.L. No. 4-1991]

Except as otherwise may be provided herein, any person violating any of the provisions of this chapter shall be subject to a fine of not more than \$250 or by imprisonment for not more than 15 days, or both, for each violation thereof.

**§ 160-9. Imposition of penalties; payment of costs.** [Amended 10-8-1991 by L.L. No. 4-1991]

Upon conviction of a violation of this chapter, the Village Justice shall impose the penalties prescribed therefor and may also require the defendant to pay the costs of the proceedings.

**§ 160-10. Imprisonment for failure to pay costs.** [Amended 10-8-1991 by L.L. No. 4-1991]

Unless the penalty and costs imposed upon conviction of a violation of this chapter are paid upon conviction, the Village Justice shall commit the defendant to the Onondaga County Penitentiary for a term not exceeding 15 days.

**§ 160-11. Action to recover penalties.**

An action may be maintained by the village to recover any penalty imposed for any violation of

this chapter, and, in such action, an order of arrest may be issued and executed in the manner prescribed by the Justice Court Act for orders of arrest in Justice Courts. In such action, it shall be lawful to declare or complain generally for such penalty, stating the section of this chapter under which the penalty is claimed and briefly setting forth the alleged violation. If the defendant in such action has no property out of which the judgment can be collected, the execution shall require him to be imprisoned in the Onondaga County Penitentiary for a term not exceeding 15 days.

## ARTICLE II Traffic Signs and Signals

### **§ 160-12. Authority to post signs; disobeying signs.**

All signs posted by the Board of Trustees shall be deemed as having been posted under authority granted by this chapter. Any violations of the directions of such signs or any signs to be erected hereafter shall be prosecuted as violations of this chapter.

### **§ 160-13. Installation and maintenance of signs, signals and traffic control devices.** [Amended 5-18-1999 by L.L. No. 6-1999]

The Village of Solvay Highway Superintendent shall install and maintain signs, signals and traffic control devices when and as required under the provisions of this chapter.

### **§ 160-14. Uniformity of signs and signals.**

All traffic signs and signals relating to any particular traffic regulation shall be uniform.

### **§ 160-15. Speed limit signs.**

Speed limit signs shall be posted on every main highway entering the village in accordance with the provisions of the Vehicle and Traffic Law of the state.

### **§ 160-16. Traffic control signals at intersections.**

- A. **Erection.** Traffic control signals using red, amber and green lights only, or red or green or amber light alone, shall be erected at street intersections indicated to be so signalized by the provisions of this chapter.
- B. **Violation.** It shall be a traffic infraction or offense to proceed through an intersection so controlled by a traffic control signal when the same is exhibiting a red signal.
- C. **Effect of green arrow.** At street intersections signalized by traffic control signals, where right turns are permitted while a red light is exhibited, which intersections are hereby deemed to be intersections where unusual traffic conditions exist, a green arrow shall be attached to the signal lights controlling traffic approaching such intersections and so permitted to turn. Such green arrow shall be synchronized to light with the red light.

### **§ 160-17. Prohibited turns.**

Intersections where no turns or no left turns are permitted, as indicated by the provisions below,

shall be provided with signs bearing the words NO TURNS or NO LEFT TURNS, as the case may be, one of such signs to be posted on each corner of such intersection.

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours</b>	<b>At Intersection of</b>
Caroline Avenue [Added 3-23-2004; amended 7-26-2005]	South	Left	All	Woods Road
Charles Avenue [Added 8-13-1974]	North	Left	All	Into Westvale Shopping Center

**§ 160-18. Designation of through streets.**

A sign bearing the words STOP — THROUGH TRAFFIC shall be posted on the right-hand side of each street intersecting any street designated as a through-traffic street, as indicated by the provisions of this chapter, such signs to be located at the intersection of the right curb of the roadway of such intersecting street with the boundary line of the through street or as near as possible thereto, except that no sign shall be erected and maintained at intersections where traffic is controlled by traffic control signals.

**§ 160-18.1. Designation of one-way streets.** [Added 1-22-2002]

The following are designated as one-way streets:

<b>Name of Street</b>	<b>Location</b>	<b>Direction of Travel</b>
Third Street	603 through 626 Third Street	West
William Street	From Hall Avenue to Lamont Avenue	East
Worth Avenue	100 block	North

**§ 160-19. Designation of dangerous intersections.**

Reflector or other suitable type signs bearing the words STOP — DANGEROUS CORNER or abbreviation thereof shall be posted at or near any street intersection indicated by the provisions of this chapter to be a dangerous intersection.

**§ 160-20. Designation of crossings.**

Crossings at street intersections and at other places may be established and maintained by devices, markings or lines upon the surface of any roadway.

**§ 160-21. Designation of street intersections.**

The boundaries of street intersections may be maintained by devices, markings or lines upon the surface of any roadway.

**§ 160-22. Designation of hospital or school zones.**

A sign shall be posted on the right-hand side of every street on which any hospital or school is located, not less than 100 nor more than 150 feet from such hospital or school building, such sign to bear the words CAUTION — HOSPITAL AHEAD or CAUTION — SCHOOL AHEAD, as the case may be.

**§ 160-23. Erection of signs designating parking restrictions.**

Appropriate signs and signals shall be erected in conformance with the provisions of this chapter or police regulations regulating or prohibiting parking.

**§ 160-23.1. Designation of handicapped parking spaces.** [Added 1-26-1999 by L.L. No. 2-1999]

Appropriate signs designating handicapped parking spaces shall be erected in accordance with, and at the locations designated by, the Village Board by Resolution.

<b>Name of Street</b>	<b>Side</b>	<b>Number of Spaces</b>	<b>Location</b>
Fourth Street [Added 10-24-2006]	North	1	In front of 502 Fourth Street
Fourth Street [Added 10-24-2006]	South	1	In front of 503 Fourth Street
Fourth Street [Added 10-24-2006]	South	1	In front of 513 Second Street
Fourth Street [Added 12-26-2006]	South	1	In front of 517 Second Street
Power Street [Added 8-26-2003]	North	1	Adjacent to 809 Cogswell Avenue
Power Street [Added 8-3-2005]	North	1	In front of 220 Power Street
Power Street [Added 8-26-2003]	South	1	Adjacent to 901 Cogswell Avenue
Power Street [Added 8-3-2005]	South	1	In front of 221 Power Street
Second Street [Added 10-24-2006]	North	1	In front of 514 Second Street
Second Street [Added 12-26-2006]	North	1	In front of 516 Second Street
Second Street [Added 5-27-2003]	South	2	Adjacent to St. Cecilia's Church
Williams Street South [Added 5-27-2003]	South	1	Adjacent to 109 Williams Street
Worth Avenue [Added 5-27-2003]	East	1	Adjacent to 325 Seventh Street
Worth Avenue [Added 5-27-2003]	East	1	Adjacent to 513 Third Street

**§ 160-24. Signs prohibiting parking on one side of street.**

Signs bearing the words NO PARKING THIS SIDE OF STREET shall be posted at or near the curb in and along the side or sides of streets where parking is prohibited as indicated by the provisions of this chapter or by police regulation. Such signs shall be posted not more than 300 feet apart in any block, and at least one sign shall be posted in each block on the side or sides of the street where parking is prohibited.

**§ 160-25. Signs prohibiting parking from designated point to intersection.**

Signs bearing the words NO PARKING HERE TO CORNER shall be posted at or near the curb at such distance from a roadway intersection where no parking is permitted as indicated by the provisions of this chapter or by police regulation.

**§ 160-26. Signs prohibiting parking near firehouse.**

A sign bearing the words FIREHOUSE — NO PARKING OR STANDING BETWEEN SIGNS shall be posted at or near the curb on the same side of the street upon which any fire station is located, 15 feet distant from each side of the driveway entrance to such firehouse and on the side of the street opposite such firehouse at or near the curb and 50 feet distant from each side line of such driveway entrance extended.

**§ 160-27. Signs restricting parking near schools.**

Sign bearing the words NO PARKING ON THIS SIDE OF STREET or abbreviation thereof shall be erected and maintained in and along that portion of every street abutting upon property used for school purposes, said signs to be located on the side of the street upon which the school is located at or near the curb and not more than 200 feet apart.

**§ 160-28. Marking of parking spaces.**

Parking spaces designated in this chapter shall be indicated by devices, markings or lines on the ground or surface of any roadway and/or by signs posted at each end of such spaces bearing the words PARKING SPACE.

**§ 160-29. Signs restricting parking in public parks.**

A sign shall be posted and maintained at every roadway entrance to every public park in the Village bearing the words NO PARKING OR STANDING (anywhere) IN PARK EXCEPT IN DESIGNATED PARKING SPACES or abbreviation thereof.

**§ 160-30. Designation of bus stops.**

All bus stops designated by the provisions of this chapter shall be indicated by signs bearing the words BUS STOP posted one at each end of any stop or by one such sign bearing the additional words FROM HERE TO CORNER posted at the end opposite that of a corner when such stops are bounded on one end by a street intersection.

**§ 160-31. Designation of taxicab stands or loading zones.**

Taxicab stands and loading zones designated in this chapter or by police regulation shall be indicated by signs posted at or near the curb at the ends of said stands or zones bearing the words TAXICAB STAND — NO PARKING OR STANDING or NO PARKING OR STANDING, as the case may be. When any such stand or zone is bounded on one end by a street intersection, one sign may be used instead of those above-provided, bearing the words TAXICAB STAND FROM HERE TO CORNER — NO PARKING OR STANDING or LOADING ZONE FROM HERE TO CORNER-NO PARKING OR STANDING, as the case may be.

**§ 160-32. Additional markings and wording for clarification purposes.**

In addition to the traffic signs and signals authorized or required by the provisions of this chapter, markings and/or wording not inconsistent with such traffic signs or signals may be established and maintained on the roadways of any street in clarification or in emphasis of the notice intended to be given by such signs or signals.

**§ 160-33. Signs restricting parking at entrance to public buildings.** [Amended 5-18-1999 by L.L. No. 6-1999]

The Highway Superintendent shall, upon the owner, lessee or agent of any theater, church, auditorium or other building where assemblages of persons may be held making application and paying the cost thereof, provide and maintain permanent sign holders, at or near the curb, at each end of the space 30 feet along the roadway in front of the entrance or entrances of such theaters, churches, auditoriums or buildings and provide signs with standards to fit into said sign holders, said signs to bear the words NO PARKING BETWEEN SIGNS — ENTRANCE or abbreviation thereof.

**§ 160-34. Removal of unofficial signs and signals.**

Any police officer apprehending any unofficial traffic sign or signal displayed upon or in view of any highway, which purports to be or is an imitation of or resemblance to an official traffic sign or signal or which attempts to regulate the movement of traffic or the stopping, standing or parking of vehicles or which, wholly or in part, hides from view any official sign or signal, is hereby empowered to and it shall be his duty to remove every such unofficial sign or signal without notice.

ARTICLE III  
**Operation of Vehicles**

**§ 160-35. Village speed limit.**

The driver of any vehicle shall not drive or operate such vehicle on any of the public streets of this Village at a rate of speed greater than 30 miles per hour.

**§ 160-36. Driving at dangerous rate of speed prohibited.**

No person shall operate a motor vehicle or a motorcycle upon any street or public highway in the Village at such a speed as to endanger the life, limb or property of any person or at a rate of

speed greater than will permit such person to bring the vehicle to a stop without injury to another or his property.

**§ 160-37. Reduced speed limits generally.**

A rate of speed by a motor vehicle in excess of the maximum limits provided in this section shall be unlawful:

- A. Ten-mile-an-hour limit: all motor vehicles and motorcycles when lawfully passing any interurban car or bus taking on or discharging passengers or at an intersection where a safety zone has been established or at an intersection where signs are posted reading SLOW TO 10 MILES.
- B. Twenty-mile-an-hour limit: all motor vehicles and motorcycles, except those otherwise restricted by this section to lower maximum speeds, when passing a school building between the hours of 7:00 a.m. and 6:00 p.m., during school days, as posted or when school zone beacons are flashing, indicating a school event or session. [Amended 1-25-2011 by L.L. No. 1-2011; 1-24-2012 by L.L. No. 1-2012]
- C. Twenty-mile-an-hour limit: where traffic is controlled by a peace officer or a traffic control sign.
- D. Twenty-five-mile-an-hour limit: all motor vehicles and motorcycles, except those restricted by this section to lower maximum speeds, when approaching or entering an intersection within a business or residential district where such intersection is not controlled by a peace officer or traffic control sign.

**§ 160-38. Reduced speed limits at designated intersections.**

Vehicles on each street enumerated in the first column below shall slow to 10 miles per hour on entering and passing through the street set opposite thereto in the second column below:

<b>Vehicles on</b>	<b>Shall Slow to 10 Miles Per Hour Before Entering</b>
Abell Avenue	Second Street
Center Street	Second Street
Charles Avenue	Woods Road
Cogswell Avenue	Second Street
Power Street	Center Street
Sixth Street	Alice Avenue

**§ 160-39. Speed limit for buses.**

Buses shall not be operated within the village at a rate of speed greater than 30 miles per hour.

**§ 160-40. Speed limits for railway trains.**

Railway trains, cars or engines thereof shall not be operated within the village at a rate of speed greater than one mile in four minutes.

**§ 160-41. Operation of vehicle on right side of roadway.**

The driver of a vehicle shall operate such vehicle only upon the right half of the roadway of any street except when the right half of the roadway of any street is out of repair or otherwise impassable. Such driver may, however, proceed on the left half of the roadway in passing a vehicle proceeding in the same direction, except as otherwise provided in this chapter.

**§ 160-42. Driving on right of center line.**

When the center line of the roadway of any street or part thereof is clearly defined by any device, line or lines and a sign or signs are posted in and along said street or part of the street indicating that a vehicle shall keep to the right of such center line, no driver of any vehicle shall pass to the left of such marked center line for the purpose of passing and overtaking a vehicle or for any other purpose, except to turn left into an intersecting street or driveway.

**§ 160-43. Turns on green arrow.**

Whenever traffic at an intersection is regulated by a traffic control signal equipped with a green arrow, the red light and green arrow, when lighted together, shall indicate that traffic approaching such signal shall stop and may then turn in the direction indicated by the green arrow. The driver of any vehicle approaching such signal shall, when such red light and green arrow are lighted together, stop such vehicle at the intersection and may then turn in the direction indicated by the green arrow.

**§ 160-44. Effect of sign prohibiting turns.**

No driver of any vehicle shall turn or make a turn at any intersection where turns are prohibited as indicated by suitable signs posted at such intersections, in accordance with the provisions of this chapter.

**§ 160-45. Effect of signs designating through streets.**

Whenever an official stop sign is posted on any street at or near the intersection of such street and any street designated by the provisions of this chapter as a through street, the driver of the vehicle proceeding upon any such street intersecting or entering any through-traffic street shall, immediately before entering such street intersection, bring his vehicle to a full stop as near such intersection as possible and then shall proceed with caution.

**§ 160-46. Designation of main arteries of travel.**

A. The following streets, avenues and boulevards are hereby designated main arteries of travel:

Abell Avenue  
Center Street  
Charles Avenue  
Cogswell Avenue  
Darrow Avenue  
Lionel Avenue

Milton Avenue  
Orchard Road  
West Genesee Street  
Woods Road

- B. Every driver of a vehicle shall bring his vehicle to a full stop and proceed only when safe before entering or crossing any of the above-named streets.

**§ 160-47. Designation of stop intersections.**

Vehicles on each street enumerated in the first column below shall stop and proceed only when safe before entering the street set opposite thereto in the second column below, namely:

**Vehicles on**

Abell Avenue [Added 7-23-1974]  
Abell Avenue  
Alice Avenue  
Bacon Street [Added 11-24-1992 by L.L. No. 1-1992]  
Barclay Street [Added 10-24-1995 by L.L. No. 1-1995]  
Boulder Road [Added 6-8-1976 by L.L. No. 2-1976]  
Center Street  
Center Street [Added 8-24-1986 by L.L. No. 1-1986]  
Center Street [Added 7-23-1974]  
Charles Avenue  
Conklin Avenue  
Conklin Street [Added 6-8-1976 by L.L. No. 2-1976]  
Darrow Avenue [Added 9-30-2008]  
Draper Avenue [Added 10-28-1997 by L.L. No. 4-1997]  
Fay Road  
Fay Road  
First Street  
First Street  
Freeman Avenue  
Freeman Avenue [Added 3-23-2004]  
Gere Lock Road [Added 6-9-1987 by L.L. No. 1-1987]  
Gertrude Street [Added 3-22-1977 by L.L. No. 1-1977]  
Hall Avenue  
Hardwicke Drive [Added 9-10-1991 by L.L. No. 3-1991]  
Hardwicke Drive [Added 9-10-1991 by L.L. No. 3-1991]  
Hatherleigh Road [Added 10-24-1995 by L.L. No. 1-1995]  
Hazard Street  
Heritage Circle [Added 9-10-1991 by L.L. No. 3-1991]  
Heritage Circle [Added 9-29-1982 by L.L. No. 4-1982]  
Heritage Circle [Added 9-10-1991 by L.L. No. 3-1991]

**Shall Stop Before Entering**

Second Street  
Sixth Street  
Sixth Street  
Pennock Street  
Wynthrop Road  
Oakridge Drive  
Power Street  
Second Street  
Third Street  
Milton Avenue  
Charles Avenue  
Lamont Avenue  
Third Street  
Hamilton Street  
Salisbury Road  
West Genesee Street  
Cogswell Avenue  
Gertrude Avenue  
Milton Avenue  
Woods Road  
Mathews Avenue  
Second Street  
Woods Road  
Heritage Circle  
  
Pine Hill Drive  
  
Scarboro Drive  
  
Cogswell Avenue  
Hardwicke Drive  
Heritage Circle  
Pine Hill Drive

**Vehicles on**

Lionel Avenue [Added 10-14-1980 by L.L. No. 3-1980]  
 Montrose Avenue [Added 8-24-1986 by L.L. No. 1-1986]  
 Montrose Avenue  
 Montrose Avenue  
 North Orchard Road  
 Pennock Street [Added 10-14-1980 by L.L. No. 3-1980]  
 Pennock Street [Added 10-14-1980 by L.L. No. 3-1980]  
 Piercefield Drive [Added 3-9-1982 by L.L. No. 2-1982]  
 Pine Hill Drive [Added 9-10-1991 by L.L. No. 3-1991]  
 Pine Hill Drive [Added 9-10-1991 by L.L. No. 9-1991]  
 Scarboro Drive [Added 10-24-1995 by L.L. No. 1-1995]  
 Scarboro Drive  
 Scarboro Drive  
 Second Street  
 Second Street  
 Second Street  
 Second Street [Added 3-22-1977 by L.L. No. 1-1977]  
 Second Street  
 Sixth Street [Added 12-17-1996 by L.L. No. 6-1996]  
 Sixth Street [Added 6-8-1976 by L.L. No. 2-1976]  
 Sixth Street [Added 10-14-1980 by L.L. No. 3-1980]  
 South Avenue [Added 3-22-2005]  
 Third Street  
 Trump Street [Added 8-24-1986 by L.L. No. 1-1986]  
 Woods Road  
 Woods Road [Added 3-23-2004]  
 Wynthrop Road [Added 10-24-1995 by L.L. No. 1-1995]

**Shall Stop Before Entering**

Sixth Street  
 Rosita Street  
 Salisbury Road  
 West Genesee Street  
 West Genesee Street  
 Bacon Street  
 Hazard Street  
 Wynthrop Road  
 Hardwicke Drive  
 Heritage Circle  
 Hatherleigh Road  
 Orchard Road  
 West Genesee Street  
 Abell Avenue  
 Center Street  
 Cogswell Avenue  
 Gertrude Street  
 Lionel Avenue  
 Abell Avenue  
 King Avenue  
 Lionel Avenue  
 Fourth Street  
 Center Street  
 Gillis Street  
 Charles Avenue  
 Freeman Avenue  
 Barclay Street

**§ 160-48. Duty upon approach of emergency vehicles.**

- A. On the approach of any vehicle or apparatus of the Fire Department or Police Department answering to an emergency or fire call and while sounding a siren, horn or bell, the driver of any vehicle, other than a vehicle of the aforesaid Departments or an ambulance on an emergency call, shall immediately drive as close as possible to the right-hand curb and stop and shall not follow after said vehicle or apparatus until the same shall be at least 150 feet away.
- B. No person shall drive a vehicle in such manner as to impede or obstruct the operation or progress of any fire apparatus or vehicle of the Fire or Police Department or any official or employee in the discharge of his official duty.

**§ 160-49. Duty at railway grade crossings.**

Whenever a clear, visible and positive signal at any railway grade crossing gives warning of the

approach of a railroad train or car, the driver of any vehicle approaching such railway crossing shall bring his vehicle to a stop before traversing such crossing.

**§ 160-50. Trains blocking streets restricted.**

A directing officer or any person operating any railway train shall not direct the operation of or operate the same in such a manner as to prevent the use of any street for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

**§ 160-51. Truck exclusions.** [Amended 3-23-2004 by L.L. No. 2-2004]

A. General exclusion.

- (1) All trucks, commercial vehicles, tractors, and tractor - trailer combinations having a total gross weight in excess of five tons are hereby excluded from all highways within the Village of Solvay except for the following specified highways:
  - (a) New York State Route 5;
  - (b) 500 block of Charles Avenue;
  - (c) Bridge Street;
  - (d) Mathews Avenue;
  - (e) Boyd Avenue north of Milton Avenue;
  - (f) Gere Lock Road;
  - (g) Industrial Drive;
  - (h) Milton Avenue, from Bridge Street west to Village line.
- (2) This exclusion shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways within the Village from which such vehicles are otherwise excluded.

B. Exemptions. The provisions of this section shall not apply to municipal vehicles, emergency vehicles, or public utility vehicles working on highways within the Village.

**§ 160-52. Vehicles on sidewalks or crosswalks.**

No person shall drive any automobile, truck, carriage, wagon, motorcycle or other vehicle on or along any public sidewalk or crosswalk or permit the same to stand on any public sidewalk or crosswalk in any manner likely to break or damage such public sidewalk or crosswalk or to interfere with the use thereof or travel thereon.

ARTICLE IV  
**Stopping, Standing and Parking**

**§ 160-53. Compliance required.**

- A. No driver shall fail, neglect or refuse to comply with any regulation prohibiting parking displayed on official traffic signs installed or placed in any street.
- B. No driver shall fail, neglect or refuse to comply with any regulation limiting or restricting the parking or standing of vehicles displayed on official traffic signs installed or placed in any street.

**§ 160-54. Parallel parking; exceptions.**

No person shall park a vehicle upon any public highway within the village except parallel to the curb, with both right front and right rear wheels (passenger side of vehicle) not more than 12 inches from the curb, except on one-way streets, in which case it shall be permissible for the left front and left rear wheels to be parallel to the curb and no further than 12 inches therefrom and except in such parts of streets as shall be designated for angle parking by official signs; and no vehicle shall park on any public sidewalk.

**§ 160-55. Parking on sidewalks.**

No person shall park a vehicle upon any sidewalk on any street or in any space between the sidewalk and curb of any street.

**§ 160-56. Parking near fire hydrants.**

Parking within 15 feet of any fire hydrant anywhere within the village is prohibited.

**§ 160-57. Parking near fire station.**

Parking on the same side of the street upon which any fire station is located, within 20 feet distant from each side of the driveway entrance to such fire station and on the side of the street opposite such fire station at or near the curb and 75 feet distant from each side line of such driveway entrance extended, is hereby prohibited at any time.

**§ 160-58. Parking near emergency vehicle.**

No vehicle, except by direction of the Chief of the Fire Department or his assistant or a member of the Police Department, shall approach or park within 500 feet of any fire apparatus or police vehicle responding to an emergency or fire call after said apparatus or vehicle shall have arrived at its destination.

**§ 160-59. Parking on street abutting school property.**

Parking along that portion of any and every street abutting upon property used for school purposes, on the side of such street upon which said school property is situated and within 100 feet in either direction from such school property, is hereby prohibited on school days between the hours of 7:30 a.m. and 6:00 p.m.

**§ 160-59.1. Designation of no stopping zone, Woods Road Elementary School.** [Added 4-15-1999 by L.L. No. 4-1999]

Both sides of the 700 block of Woods Road in the village are hereby designated to be a "no stopping zone," as that term is defined by Article 32 of the New York State Vehicle and Traffic Law.

**§ 160-60. Parking in parks or playgrounds.** [Amended 10-8-1991 by L.L. No. 4-1991]

No vehicle shall stand or be parked upon any public park or playground or upon any real property owned or leased by the village, except pursuant to police regulation or local law.

**§ 160-60.1. Parking, standing and snow removal on Village property.** [Added 1-26-1999 by L.L. No. 1-1999]

- A. Other than village employees who are actually working for the village at the time in question, no person shall park or stand any motor vehicle, other than a village-owned vehicle, on any village-owned parking lot, village park, Village Hall, Village Police Station, Village Highway Garage, Village Electric Department, Village Library or any other village property between the hours of 6:00 a.m. and 8:00 a.m. between the dates of November 1 of each year through and including April 15 of the next succeeding calendar year.
- B. It shall be unlawful for any person to park or stand any motor vehicle, other than a village-owned motor vehicle, on any village-owned parking lot, village park, Village Hall, Village Police Station, Village Highway Garage, Village Electric Department, Village Library or any other village property at any time for the purposes of vehicular repair or sale.
- C. With the exception of village-owned motor vehicles, parking or standing on any village-owned parking lot, village park, Village Hall, Village Police Station, Village Highway Garage, Village Electric Department, Village Library or any other village property by motor vehicles which are rated in excess of five tons' gross vehicle weight is prohibited without the express prior permission of the Village Highway Superintendent, the Village Board, the Mayor or the Village Police Chief.
- D. No person, other than duly authorized village personnel, shall plow, snowblow or otherwise remove snow from any village-owned property.
- E. Any person who violates this section shall be subject to the fines and penalties provided in § 160-8 of this chapter. Each twenty-four-hour period shall be considered a separate and distinct violation.
- F. With the exception of village-owned equipment, no person shall park, stand, place or store any equipment, trailer or other item of personal property on any village-owned parking lot, village park, Village Hall, Village Police Station, Village Highway Garage, Village Electric Department, Village Library or any other village property without the express prior permission of the Village Board, the Mayor, the Village Highway Superintendent or the Village Police Chief.

- G. In addition to any fine which may otherwise be applicable, any motor vehicle which is found to be in violation of this section may, under the direction of the Village Highway Department, the Village Police Department or any other law enforcement agency, be removed or conveyed, by towing or otherwise, to a vehicle impound or storage area at the owner's expense. Within 24 hours from the time of removal of any motor vehicle under the authority granted by this section, notice of the fact that the motor vehicle was removed shall be sent, by the Village Police Department, other law enforcement agency or the village to the owner of record of said motor vehicle as recorded by the New York State Department of Motor Vehicles. Said notice shall designate the place from which such motor vehicle was removed, the reason for its removal and impounding and the location in which it is impounded. Before the owner shall be permitted to remove a motor vehicle which has been towed or removed, he or she must:
- (1) Furnish satisfactory proof to the person in charge of the place in which the motor vehicle is being stored of his/her identity and ownership of the subject motor vehicle.
  - (2) Pay all charges for towing or removing said motor vehicle and all storage charges, if any.
  - (3) Sign a written receipt acknowledging delivery of said motor vehicle.
- H. Between the hours of 6:00 a.m. and 6:00 p.m. vehicles parked in the Village-owned public parking lot located on the north side of the 2300 block of Milton Avenue shall not remain or be so parked in said lot for more than two hours during any one such twelve-hour period. [Added 10-23-2001]

**§ 160-61. Blocking of driveway.**

Except in an emergency or in compliance with the directions of a peace officer or unless the vehicle is actually in charge of some person capable of driving it, no vehicle shall be stopped or left standing in front of a private driveway.

**§ 160-62. Blocking of another vehicle.**

Except in an emergency or in compliance with the directions of a peace officer, no vehicle shall be stopped or left standing in such a position as to prevent another vehicle already stopped near the curb from moving away therefrom.

**§ 160-63. Parking near street crossing or intersection.**

No person shall park a vehicle upon any street within 20 feet of any crossing or intersection or upon any street within 50 feet of any crossing or intersection of a street designated by the provisions of this chapter as a through-traffic street where an official stop sign is posted, as prescribed herein.

**§ 160-64. Parking of vehicle on street for sale purposes.**

No person shall park a vehicle upon any roadway of any street for the express purpose of displaying such vehicle for sale.

**§ 160-65. Parking or standing in official taxicab stand.**

No driver shall park or stand any vehicle other than a taxicab in any part of any roadway designated by official signs as a taxicab stand, except in an emergency or in compliance with the direction of a police officer or an official traffic control signal or sign.

**§ 160-66. Parking or standing in loading zone restricted.**

Except as otherwise permitted in this chapter, no driver shall park or stand any vehicle, except on Sunday, in any part of any roadway designated by official signs as a loading zone, except in an emergency or in compliance with the direction of a police officer or an official traffic control signal.

**§ 160-67. Time limit for parking or standing in loading zone.**

No driver shall park or stand any vehicle in any part of any roadway designated by official signs as a loading zone for a period of time longer than necessary for the expeditious unloading and delivery or pickup and loading of material. In no case shall a stop for loading or unloading exceed 30 minutes.

**§ 160-68. Special permit for backing vehicle against curb while loading or unloading.**

The Chief of Police is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials a special permit, renewable annually, and to state therein the details and conditions thereof, allowing the driver of such vehicle the privilege of loading and unloading while the vehicle is backed against a curb, if, in the opinion of said Chief of Police, such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic or public safety.

**§ 160-69. Permit for sidewalk obstruction during loading or unloading.**

The Chief of Police is hereby authorized to issue written permits permitting a sidewalk to be obstructed for a period of time not exceeding 30 minutes in loading and unloading a vehicle, when, in his judgment, he deems it necessary.

**§ 160-70. Parking or standing in bus stop.**

No driver shall park or stand any vehicle in any part of a roadway designated by official signs as a bus stop, except in an emergency or in compliance with the direction of a police officer or an official traffic control signal or sign.

**§ 160-71. Buses, to take on or discharge passengers only at bus stops.**

Any person operating any bus shall stop the same to take on or discharge passengers only at such places designated by official signs as bus stops.

**§ 160-72. Buses not to stop or stand in street crossing or intersection.**

Buses shall not be stopped or allowed to stand partly or wholly on or within any crossing or

street intersection.

**§ 160-73. Parking vehicle without lights turned on.**

Except as otherwise prohibited or restricted by the provisions of this chapter, a motor vehicle or motorcycle may be parked without the lights thereon being lit on any street or part of a street from 1/2 hour after sunset to 1/2 hour before sunrise if parked within 100 feet of any lighted streetlight.

**§ 160-73.1. Parking prohibited in designated areas.**

Parking shall be prohibited in the following designated areas:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Bacon Street [Added 8-22-2000]	Both	From Gills Street to Pennock Street
Charles Avenue [Added 2-28-2006]	Both	From its intersection with West Genesee Street (NYS Route 5) to its intersection with Milton Avenue
Cogswell Avenue [Added 2-28-2006]	Both	From its intersection with Milton Avenue to its intersection with Bacon Street
Cogswell Avenue [Added 7-25-2000; repealed 2-28-2006]		
Fourth Street [Added 3-27-2001]	Both	300 Block (Monday through Friday, 8:00 a.m. through 3:00 p.m.)
Stanton Avenue [Added 8-24-2004]	Both	301 to 307 Stanton Avenue
Worth Avenue [Added 1-24-2012]	East	From the northern border of 109 Worth Avenue to its southern terminus
Worth Avenue [Added 1-24-2012]	West	From its intersection with Third Street to the southern border of 411 Center Street (rear)

**§ 160-73.2. Fifteen-minute parking zones.** [Added 2-28-2006]

Notwithstanding the applicability of any other alternate parking prohibition pursuant to § 160-74 or designated no parking, area pursuant to § 160-73.1, limited-duration fifteen-minute parking shall be permitted at the following locations:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Cogswell Avenue	East	Frontage at 305 Cogswell Avenue

**§ 160-73.3. Seasonal parking prohibited in designated areas.** [Added 7-28-2011 by L.L. No. 4-2011]

Parking is seasonally prohibited in the following designated areas between November 1 of each year and April 1 of the next succeeding year:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Caroline Avenue (300 block)	Both	From its intersection with Woods Road south to its terminus
Worth Avenue [Added 1-24-2012]	West	From the southern border of 411 Center Third Street (rear) to its intersection with Fifth Street

**§ 160-74. Alternate parking.** [Amended 10-22-2002]

Except as otherwise posted, a system of alternate parking shall be in effect for all streets within the Village. Pursuant to this system, parking shall be permitted on the odd-numbered side of the street from 9:00 a.m. on odd-numbered days until 9:00 a.m. on the following day, and on the even-numbered side of the street from 9:00 a.m. on even-numbered days until 9:00 a.m. on the following day.

**§ 160-75. Presumption of violation by registered owner of vehicle.**

Proof of the stopping, standing or parking on public streets of a motor vehicle or motorcycle contrary to the provisions of this chapter shall be presumptive evidence that the person in whose name such motor vehicle or motorcycle is registered is the person who parked, stopped and left standing such motor vehicle or motorcycle contrary to such provisions.

**§ 160-76. Penalties for stopping, standing or parking violations.** [Added 10-22-2002]

An initial fine to be charged for any violation of this chapter with respect to stopping, standing and parking shall be \$25.

**§ 160-77. Response to stopping, standing or parking violations.** [Added 10-22-2002]

A. Response to first violation notice.

- (1) Plead guilty. As set forth in Chapter 40 of the Code of the Village of Solvay, whenever the owner of a vehicle has been issued a notice of violation of parking, standing or stopping regulations, that owner may answer the charges listed on the notice in person or through an attorney at the Traffic Violations Bureau within eight days of its issuance by paying the prescribed fine and applicable surcharge, if any, waiving in writing the holding of a hearing and pleading guilty to the violation. Acceptance of the same by the Traffic Violations Bureau shall be deemed complete satisfaction of the violation and the violator shall be given a receipt.
- (2) Request hearing. As an alternative to pleading guilty to a violation, and upon reasonable grounds therefor, whenever the owner of a vehicle has been issued a notice of violation of parking, standing or stopping regulations, that owner may, within eight days of the issuance of the violation, request a hearing before the Village Justice by appearing in person or through an attorney at the regularly appointed times for the conduct of Justice Court or by contacting the Traffic Violations Bureau. Failure to request such a hearing within eight days of the issuance of the violation shall be deemed a waiver of the right to the same.

- (3) New York State Department of Motor Vehicle records shall be considered presumptive evidence of ownership.

B. Failure to respond to first violation notice.

- (1) Additional penalties. The failure to respond to a notice of a stopping, standing or parking violation as set forth in this section may subject the owner to additional penalties as follows:

<b>Number of Days from Issuance of First Notice of Violation</b>	<b>Penalty In Addition to the Initial Fine and Mandatory State Surcharge</b>
1 through 8	No additional penalty; liable for the initial fine
9	Initial fine, plus first penalty equal to amount of initial fine
31 to 60	Total of above, plus second penalty of \$30
61 or more	Total of above, plus third penalty of \$50
90	Total of above, plus deemed an admission of liability, subject to default judgment and/or towing and fees therefor

- (2) Second violation notice upon failure to respond. Upon an owner's failure to respond to the first notice of violation within 30 days of the violation, a second notice shall be issued by the Traffic Violations Bureau by regular first class mail and include, at a minimum, the following information:

- (a) That failure to respond to the notice of violation for a parking violation may subject the owner to additional penalties as well as default judgment and/or towing of the vehicle.
- (b) That the failure to respond to the notice of violation for a parking violation may result in the suspension and nonrenewal of the owner's registration.
- (c) That submission of a plea of guilty to the parking violation makes the owner liable for payment of the stated fine and additional penalties, and that such payment will satisfy the violation.

- (3) Third violation notice upon failure to respond. Upon an owner's failure to respond to the second notice of violation within 30 days of the second notice, a third notice shall be provided by the Traffic Violations Bureau by certified mail and include, at a minimum, the following information: [Amended 1-28-2003]

- (a) That failure to respond to the notice for a parking violation may subject the owner to additional penalties as well as default judgment and/or towing of the vehicle.
- (b) That the failure to respond to the notice of violation for a parking violation may result in the suspension and nonrenewal of the owner's registration.
- (c) That submission of a plea of guilty to the parking violation makes the owner liable for payment of the stated fine and additional penalties, and that such

payment will satisfy the violation.

- (4) Default judgment. Where an owner has been given notices pursuant to this section and has failed to respond to such notices of violation within 30 calendar days from the date of the third notice, such failure shall be deemed an admission of liability and shall subject the owner to a default judgment being entered thereon in amounts not greater than the amount of the original fine, accrued penalties and any other sums provided in the New York State Vehicle and Traffic Law. A notice of entry of default judgment shall be provided to the owner. A default judgment may be satisfied by payment of any and all fines, penalties and other sums due to the Traffic Violations Bureau.
- (5) Immobilizing and impounding vehicles. [Amended 1-28-2003; 7-22-2008 by L.L. No. 9-2008]
  - (a) Intent.
    - [1] The Village finds that significant numbers of vehicle owners fail to respond to parking summonses issued for violations of parking orders, rules, regulations and local laws; that a significant number of such owners are persistent violators.
    - [2] By reason of the foregoing, the Village finds that the health, welfare, and safety will be served by enactment of a local law providing additional means of enforcing parking orders, rules, regulations, and local laws in the case of vehicle owners who fail to timely respond to summonses issued for parking violations or have outstanding fines for parking violations.
  - (b) Immobilization, impoundment and/or towing of vehicles.
    - [1] The Chief of Police and/or any officer of the Police Department is hereby authorized to provide for immobilization or towing of any unattended vehicle found illegally parked on a street or on any Village-owned property or property under the jurisdiction or control of the Village which is owned by or registered to a person against whom at least one default judgment has been taken pursuant to this section in response to a violation of any state or local law, ordinance, rule or regulation concerning parking, stopping or standing of vehicles, which judgment has not been satisfied and which vehicle also has received at least one other notice of parking violations which remain unpaid.
    - [2] Such vehicles may be immobilized and left where found, secured by the use of a steel lock or such other immobilization device as may be designated by the Chief of Police, and/or any officer of the Police Department or, in the alternative, may be removed and impounded by or under the direction of any officer of the Police Department giving authorization to a commercial towing or wrecker service to tow the vehicle and store it in a safe place until claimed by the owner.
    - [3] Such immobilization and/or towing shall be at the expense of the owner of

the vehicle and shall include all storage charges and/or any other charge attributable thereto, including all fines and penalties due for parking violations.

- [4] Any vehicle that has been immobilized and not lawfully released or lawfully removed by the owner of the vehicle for 72 hours from the time of such initial immobilization may be impounded and towed at the direction of the Chief of Police and/or any Police Officer, which removal and storage shall be at the expense of the owner of the vehicle.
  - [5] The officer causing such removal and impoundment shall immediately notify the Traffic Violations Bureau of the same. The Traffic Violations Bureau shall immediately provide notice by means of first class mail to the owner of the vehicle stating that the vehicle was removed and impounded, the reason for such removal and impoundment, the place at which the vehicle is being stored and the manner in which the owner can secure the release of the vehicle.
- (c) Notice and warning to the owner. When an immobilization device is used, the Police Department or its agent shall attach to the vehicle, in such form as may be directed by the Chief of Police, a notice containing the following information:
- [1] The location and identifying characteristics of the vehicle.
  - [2] The date and time of placement of the device and signature of the installer.
  - [3] Notice that further parking restrictions will be waived during the immobilization period for a period of three days from the date of immobilization.
  - [4] Notice that any person tampering with the device or the vehicle will be subject to criminal prosecution and liable for any loss to the Village.
  - [5] The steps which the owner must take to obtain the release of the vehicle.
  - [6] Such other information, statements, notices, and warnings as the Chief of Police may from time to time determine to be appropriate.
- (d) Tampering or attempted removal prohibited.
- [1] No person shall attempt to or tamper with, deface, remove or destroy an immobilization device or move a vehicle immobilized as herein provided.
  - [2] A violation of the section shall be punished by a fine not exceeding \$5,000, or by imprisonment for up to 15 or both.
- (e) Vehicle release to owner.
- [1] Any vehicle immobilized as herein provided shall be promptly released to its owner upon:
    - [a] Payment of the expenses of immobilization, hereby found to be \$100

and the costs of towing, storage and all incidental charges, together with payment of all fines and penalties for delinquent parking tickets or judgments against the owner arising from such nonpayment.

[b] An order of the Village Justice Court authorizing such release. The Village Justice Court shall coordinate with an officer of the Police Department to ascertain that the expense of immobilization and all other costs referenced in this section have been paid prior to authorizing the release of the vehicle.

[c] The owner furnishing security for appearances in the Village Justice Court to answer parking summonses outstanding such vehicle and the expense of immobilization or towing and storage.

[d] Prior to the release of such vehicle, the owner or other persons lawfully entitled to the possession of such vehicle must produce proof of ownership, proof of current automobile registration, proof of a currently valid driver's license and an insurance identification card or other acceptable proof of current insurance coverage on the vehicle.

[2] The operator or owner will be issued a receipt authorizing pickup of the vehicle or to have the boot removed. Payment shall be by cash, certified check, bank check or money order.

[3] The amount of such security shall not exceed the total of the maximum fines permitted upon conviction of the offenses charged in outstanding summonses against the vehicle or the vehicle owner's failure to timely answer, plus the expense of the immobilization.

[4] While a vehicle is immobilized as herein provided, any parking restriction of which such vehicle may be in violation, except as provided herein, shall be suspended as they apply to such vehicle for a period of three days from the initial date of immobilization.

(6) Challenges to fees; hearings and appeals.

(a) The owner or person entitled to possession of a vehicle who is aggrieved by accrued fines, penalties, and/or removal and impoundment fees may file a challenge to the same in person or in writing before the Village Justice within 20 days after towing of a vehicle or within 10 days after mailing of a notice to a vehicle owner that a vehicle has been removed, whichever date is later. The Village Justice shall hear and determine such challenges in the same manner as charges of parking violations are heard and determined.

(b) Failure to challenge the fees in a timely manner or to appear at a scheduled hearing shall constitute a waiver of the right to challenge such fees and a forfeiture of fees already paid.

(c) Following the hearing, the Village Justice shall issue a determination as to its findings, and may order a reduction and/or refund of the fines, penalties, and

removal and impoundment fees as necessary.

ARTICLE V  
**Snow Emergency Routes**  
[Added 11-26-2002]

**§ 160-78. Declaration of snow emergency.**

- A. A snow emergency will automatically go into effect upon the accumulation of any six inches of snow, during a twenty-four-hour period.
- B. At any time there is an accumulation of snow and/or ice tending to cause hazardous or dangerous roadway conditions for vehicular or pedestrian traffic, the Mayor may declare a snow emergency. In the Mayor's absence such declaration may be made by the Deputy Mayor. In the absence of both the Mayor and the Deputy Mayor, the Village Chief of Police is authorized to issue such a declaration.
- C. In order to promote public awareness of the implementation of the snow emergency, the Mayor, or other declaring official, shall make it known as soon as possible by press, radio, or television announcement.

**§ 160-79. Designation of snow emergency routes.**

- A. The main arteries of travel within the Village, as set forth in § 160-46 of this chapter, are hereby designated as snow emergency routes, along with any other street as hereinafter designated as snow emergency routes, along with any other street as hereinafter designated by the Village Board.
- B. The following streets and roads are designated as snow emergency routes: [Added 12-17-2002]

Bacon Street  
Gillis Street  
Montrose Avenue  
Scarboro Drive  
Second Street

**§ 160-80. Snow emergency standing and parking prohibitions.**

The following regulations shall apply during snow emergencies:

- A. It shall be unlawful for any person to park or stand a vehicle or allow the same to remain parked or standing on any street designated as a snow emergency route.
- B. Whenever a vehicle becomes stalled for any reason on any part of a snow emergency route, the person operating the vehicle shall take immediate action to have the vehicle towed or pushed off the traveled way of such emergency route. No person shall abandon or leave his vehicle in the traveled way of a snow emergency route, regardless of whether it is indicated that the vehicle is stalled.
- C. Nothing in this section shall be construed to permit parking at any time or place where it is

forbidden by any other provision of law or regulation.

**§ 160-81. Special penalties and enforcement.**

- A. Tickets and fines. If, at any time during a snow emergency, a person shall park or stand or allow a motor vehicle to remain parked on a snow emergency route, that person shall be guilty of a violation of this article and, upon conviction, shall be sentenced to pay a fine of \$100 for the first offense and \$200 for a second offense occurring within 18 months of the first violation and \$300 for any subsequent offense within 18 months of the first violation.
- B. Removal and impoundment of vehicles. Any police officer of the Village of Solvay may remove and impound, at the owner's expense, any vehicle parked, standing or otherwise inoperative on a snow emergency route in violation of this article when such vehicle constitutes a hazard to public safety and/or jeopardizes the orderly performance of snow removal or the access of police and emergency personnel within the Village.
- C. Notification of owner. Whenever a vehicle is removed as provided for herein, the officer causing the removal of the vehicle shall immediately report the removal to the Traffic Violations Bureau. The Traffic Violations Bureau shall provide notice by first class mail to the owner setting forth the reason for the removal, the location where the vehicle is impounded and the manner by which the owner may remove the vehicle.
- D. Payment of costs. Before the owner of a vehicle shall secure release of such vehicle from the place where it has been impounded, said owner shall furnish proof of identity and ownership and shall further pay the costs of removal and impoundment, as well as any applicable fines assessed.
- E. Response to ticket. Any person may respond to a ticket issued hereunder by paying the fine or requesting a hearing before the Village Justice as provided in § 160-77 of this chapter.
- F. Failure to respond. Failure to respond to a ticket within eight days of the violation shall render the ticketed party, or the owner in the case of a ticket issued to a car without an operator, liable for any and all additional penalties, default judgment and/or impoundment of the vehicle as provided in § 160-77 of this chapter.
- G. Request hearing regarding removal and impoundment costs. Any person aggrieved by removal and impoundment costs may appeal to the Village Justice as provided in § 160-77B(6) of this chapter.

**§ 160-82. Termination of driving and parking prohibition.**

The snow emergency shall continue in full force and effect until the Mayor or other declaring official as provided for in § 160-78 shall declare it to be over by press or radio announcement.

## Chapter 165

### ZONING

**[HISTORY: Adopted by the Board of Trustees of the Village of Solvay 6-28-1983 by L.L. No. 2-1983. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Amusements — See Ch. 48.  
Environmental quality review — See Ch. 75.  
Fees for certificates of occupancy — See Ch. 82, Art. I.  
Fire Prevention and building construction — See Ch. 89.  
Licensing of convalescent and nursing homes — See Ch. 109, Art. II.  
Streets and sidewalks — See Ch. 136.  
Swimming pools — See Ch. 140.  
Subdivision of land — See Ch. 159.

#### ARTICLE I General Provisions

##### § 165-1. Title.

This chapter shall be known and cited as the "Revised Zoning Local Law of the Village of Solvay, Onondaga County, New York."

##### § 165-2. Purpose.

The general purposes of this chapter shall be to establish building lines and to require that buildings hereafter erected, altered or repaired be within such lines; to regulate the character and location of buildings hereafter erected, altered or repaired; to regulate and limit the height and bulk of buildings hereafter erected, altered or repaired; to regulate and determine the area of yards, courts and other open spaces; to provide adequate light and air; to avoid undue concentration of population; to regulate, restrict and segregate the location of trades and industries, the several classes of businesses and other callings and occupations, the location of apartments, group residences, single and two-family houses, clubrooms and the classes of public and semipublic buildings and the location of buildings designed for specified uses; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and, for such purposes, to divide the Village into districts in order to promote the public health, safety, comfort and convenience and the public interest and general welfare, with reasonable consideration, among other things, to the most desirable and appropriate use for which the land of each district in the municipality may be adapted, the character and peculiar suitability for particular use of a district, the conservation of property values and the direction of building development in accordance with a well-considered Comprehensive Plan; to establish penalties for the violation of these regulations, restrictions and determinations and limitations; and to divide the Village into such districts as are deemed necessary to carry out the provisions of this chapter.

**§ 165-3. Interpretation of provisions.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

**§ 165-4. Definitions.**

For the purpose of this chapter, certain terms and words are herewith defined as follows:

**ADDRESS SIGN** — A sign containing only the name of an occupant, a building number and/or the street address of the property on which the sign is located. [Added 10-8-1991 by L.L. No. 4-1991]

**ADULT ARCADE** — An establishment where, for any form of consideration, one or more still or motion-picture projectors, slides projectors, or similar machines, or other image-producing machines, for viewing for five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical activities. [Added 9-26-2000 by L.L. No. 2-2000]

**ADULT BOOKSTORE OR VIDEO STORE** — A business which derives 25% or more of its gross income from the sale or rental of, or utilizes 25% or more of its retail selling area for, or has stock comprised of 25% or more of, any of the following: books, magazines, periodicals, films, motion pictures, videocassettes, slides, compact discs and/or computer generation or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas. [Added 9-26-2000 by L.L. No. 2-2000]

**ADULT CABARET** — A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, whether or not alcoholic beverages are served, which features: [Added 9-26-2000 by L.L. No. 2-2000]

- A. Persons who appear nude or in a state of nudity or semi - nudity; or
- B. Live performances which are characterized by the exposure of specified anatomical activities or by specified activities; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical activities.

**ADULT LIVE ENTERTAINMENT** — A business where an adult male or female exposes parts of their body identified in specified anatomical activities. [Added 9-26-2000 by L.L. No. 2-2000]

**ADULT MOTEL**[Added 9-26-2000 by L.L. No. 2-2000] — A hotel, motel or similar business which:

- A. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical activities and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public

right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

- B. Offers a sleeping room for rent for a period of time less than 10 hours; or
- C. Allows a tenant or occupant to subrent the sleeping room for a period of time less than 10 hours.

**ADULT MOTION-PICTURE THEATER** — An enclosed or unenclosed building or structure or portion of a building or structure or drive-in theater used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities for observations by patrons therein. [Added 9-26-2000 by L.L. No. 2-2000]

**ADULT NOVELTY STORE** — A business which derives 25% or more of its gross income from the sale or rental of, or utilizes 25% of its retail selling area for, or has stock comprised of 25% or more of, any of the following: instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. [Added 9-26-2000 by L.L. No. 2-2000]

**ADULT USE** — Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical activities, including but not limited to adult arcades, adult bookstores, or video stores, adult live entertainment, adult motels, adult motion-picture theaters, adult novelty stores and massage establishments [Added 9-26-2000 by L.L. No. 2-2000]

- A. "Specified anatomical activities" include any of the following:
  - (1) Less than the completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
  - (2) Human male genitals in a discernible turgid state even if completely and opaquely covered.
- B. "Specified sexual activities" include any of the following:
  - (1) Human genitals in a state of sexual stimulation or arousal.
  - (2) Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
  - (3) Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
  - (4) Excretory functions as part of or in connection with any of the activities set forth in Subsection B(1) through (4) of this definition.<sup>1</sup>

**ADVERTISING SIGN** — A sign, including those that are composed of light rays only,

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<sup>1</sup>. Editor's Note: The former definition of "Boarding or rooming house," which immediately followed this definition, was repealed 1-22-2008 by L.L. No. 1-2008.

calculated to attract the attention of the public to a product, service or undertaking encompassing activities off the property where such sign is situated, including what is commonly termed "posters" or "symbols," and similar devices of varying composition and size. [Added 12-20-2011 by L.L. No. 6-2011]

**A-FRAME SIGN** — A temporary sign that remains movable and self-supporting, placed directly on the ground surface with two sides connected or hinged at the top, each side being capable of displaying text. [Added 12-20-2011 by L.L. No. 6-2011]

**ALLEY/ALLEYWAY** — A vehicular way located to the rear of a lot, intended for purposes of service and/or parking access. [Added 1-22-2008 by L.L. No. 1-2008]

**ANIMATED SIGN** — Any portion of a sign or attachment to a sign that moves by electronic, mechanical or natural means, including, by way of illustration, rotating signs, wind signs, and signs where movement is simulated by an illumination device using flashing and intermittent light. [Added 12-20-2011 by L.L. No. 6-2011]

**AWNING SIGN** — Any lettering or graphic display painted on, attached to or incorporated into the surface material of an awning or canopy projecting from a building facade. [Added 12-20-2011 by L.L. No. 6-2011]

**BANNER SIGN** — A temporary sign suspended from a building or structure, either with or without a frame, possessing written communication applied to a nonrigid material. [Added 12-20-2011 by L.L. No. 6-2011]

**BILLBOARD** — Any device, object or building facade larger than 40 square feet in area, situated on private premises and used for advertising goods, services or places other than those directly related to the premises on which such sign is situated. [Added 12-20-2011 by L.L. No. 6-2011]

**BUILDING** — Any structure with exterior walls and a roof resting upon a support or foundation.

**BUILDING, ACCESSORY** — A building subordinate to the principal building on a lot, structurally apart from the principal building and used for purposes customarily incidental to those of the principal building, including but not limited to garages, sheds and the like.

**BUILDING HEIGHT** — The vertical distance measured from the ground to the highest point on the surface of a flat roof, to the deckline of a mansard roof and to the mean height level between eaves and ridges for a gable, hip or gambrel roof, provided that chimneys, spires and similar projections shall not be included in the height.

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which said building is situated. [Added 10-8-1991 by L.L. No. 4-1991]

**BUSINESS** — Any commercial enterprise, establishment, association or arrangement for profit. [Added 9-26-2000 by L.L. No. 2-2000]

**BUSINESS SIGN** — A sign identifying and directing attention to a business offering a commodity, service, industry or other activity that is sold, offered or conducted directly on the property upon which such sign is situated. [Added 12-20-2011 by L.L. No. 6-2011]

**BUSINESS USE** — A commercial activity of a retail, service or wholesale nature, including but

not limited to stores, shops, offices, public garages, restaurants and entertainment facilities.

CODE — Code of the Village of Solvay, as amended. [Added 9-26-2000 by L.L. No. 2-2000]

COMMUNITY CENTER — A facility under the direct supervision of a charitable, religious, social service or similar eleemosynary institution, including not-for-profit corporations, designed primarily to provide a place of congregation or meeting for purposes of education, training, counseling, active or passive recreation or similar pursuits, including social facilities incidental thereto, but expressly excluding private clubs, golf courses, higher or secondary education or retail business activities.

COMMUNITY SIGN — A temporary sign advertising an activity or event on a specified date and location. Examples include garage sales or fundraising activities. [Added 12-20-2011 by L.L. No. 6-2011]

DAY-CARE FACILITY — An activity providing for the care and supervision of minors as a daily program, such as nurseries, preschool programs and day-care centers, but expressly excluding child care within a family dwelling unit involving fewer than seven persons daily.

DENSITY — The relationship between the number of dwelling units on a lot and the area of the lot, expressed either as the number of dwelling units per acre or the square footage of lot area per dwelling unit. For the purposes of clarity, "density" shall be deemed to increase as the number of dwelling units increases relative to the size of the lot. Expressed in terms of square feet per unit, "density" increases as the square footage per unit decreases.

DISPLAY SIGN — A sign, sign screen, billboard, advertising device or any kind of structure that is arranged, intended, designed or used for advertisement, announcement or direction.

DISSEMINATION — The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a person, customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities. [Added 9-26-2000 by L.L. No. 2-2000]

DWELLING, MULTIPLE-FAMILY — A building containing three or more dwelling units.

DWELLING, ONE-FAMILY — A building containing a single dwelling unit.

DWELLING, TWO-FAMILY — A building containing two dwelling units.

DWELLING UNIT — A combination of one or more rooms with provision for living, sanitary and sleeping facilities arranged for use of one family.

EDUCATION, HIGHER — A college, university, professional, business or technical school or similar place of instruction, excluding secondary education.

EDUCATION, SECONDARY — Instruction of academic grades from the elementary through 12th grade, including private schools whose curriculum is substantially equivalent to that of public schools as required by the Education Law of the State of New York, but not including institutions of higher education. This term shall also include day-care facilities, nursery schools, kindergartens and similar preschool or pregrade programs where accessory to the principal use.

ELECTRONIC MESSAGE BOARD SIGN — Any sign or portion of a sign that uses an

electronic display screen or changing lights to form a message or messages in text form, wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. [Added 12-20-2011 by L.L. No. 6-2011]

FAMILY — A household constituting a single housekeeping unit composed of one or more persons. [Amended 10-8-1991 by L.L. No. 4-1991]

FREESTANDING SIGN — A sign not attached to or part of a building, but self-supported by one or more uprights, braces or other structural elements in or upon the ground. Examples include pole or pylon signs. [Added 10-8-1991 by L.L. No. 4-1991; amended 12-20-2011 by L.L. No. 6-2011]

FUNERAL HOME — An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for the observances held for a dead person as an incident to burial or cremation, but expressly excluding morgues and educational facilities engaged in teaching mortuary science.

GARAGE, PRIVATE — A garage, freestanding or part of a principal building, designed for the storage of vehicles, maintained primarily for the convenience of the resident occupants of the premises and in which no business is conducted and no service is rendered to the public.<sup>2</sup>

ILLUMINATED SIGN — A sign illuminated by artificial light. [Added 12-20-2011 by L.L. No. 6-2011]

INDUSTRIAL USE — A commercial activity characterized by the transformation of substances into new products for distribution and ultimate sale, including the assembly of component parts of manufactured products, such as are normally associated with plants, factories and mills utilizing power-driven machinery and materials-handling equipment. This term shall also include warehousing, cold storage and similar long-term retention of materials, equipment and merchandise in bulk and the incidental interim storage of consumer goods, furniture and appliances. In addition, this term shall include accessory transportation facilities designed for the handling of goods received or shipped from the industrial use as part of the normal conduct of business. This term shall not include junkyards, automobile graveyards, automobile parts recycling plants, automotive or other disassembly plants, waste disposal beds or bulk petroleum storage (except petroleum storage incidental to the operation of the primary industrial use). [Amended 10-8-1991 by L.L. No. 4-1991]

JUNKYARD — An activity characterized by the storage, processing, recycling or dismantling of discarded machinery, equipment, vehicles, paper, rags, scrap and similar materials or the sale of such materials.

LOT — An area contained within lot lines shown on a properly recorded subdivision map; or described in a deed recorded prior to June 1, 1983; or approved as a lot by any applicable regulation. Areas shown on maps or described in deeds which are contiguous shall be considered separate "lots" unless otherwise indicated or intended as one "lot" in said instrument.

LOT, CORNER — A lot situated at the junction of two or more streets or highways.

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2. Editor's Note: The former definition of "garage, public" and "hotel/motel," which immediately followed this definition, were repealed 1-22-2008 by L.L. No. 1-2008.

**LOT COVERAGE** — The percentage of a lot occupied by buildings.

**LOT WIDTH**

- A. For lots with frontage on only one street, the width of the lot along the street right-of-way.
- B. For lots with frontage on more than one street, the width of the lot along the smallest street frontage.

**MASSAGE** — A method of treating the external part of the human body by rubbing, stroking, kneading or vibrating with the hand or any instrument or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto, exposes his or her specified anatomical areas. [Added 9-26-2000 by L.L. No. 2-2000]

**MASSAGE ESTABLISHMENT** — Any business where body rubs, body shampoos, massages (as defined above) or similar services are administered. This definition shall not include persons licensed or authorized pursuant to Article 155 of the Education Law or specifically exempt from Article 155 of the Education Law. (See Education Law § 7800 et seq.) [Added 9-26-2000 by L.L. No. 2-2000]

**MONUMENT SIGN** — A permanent, freestanding sign that is a solid structure with the appearance of a continuous, nonhollow, unbroken mass, mounted on a base or other supports, where the bottom of the sign is located within three feet of ground level. [Added 12-20-2011 by L.L. No. 6-2011]

**MOTOR VEHICLE** — Any self-propelling vehicle equipped to travel over streets and highways.

**MUNICIPAL BUILDINGS AND FACILITIES** — Buildings or structures used for governmental functions.

**NONCONFORMING STRUCTURE** — Any structure lawfully existing on the effective date of this chapter or any amendment thereto affecting such structure which does not conform to the applicable provisions of this chapter, irrespective of the use to which such structure is put.

**NONCONFORMING USE** — Any use of a building, structure, lot or land or part thereof lawfully existing on the effective date of this chapter or any amendment thereto affecting such use which does not conform to the applicable provisions of this chapter.

**PARKING LOT** — An open-air facility designed for the parking of motor vehicles by the general public.

**PARKING SPACE** — An area intended for the off-street parking of a passenger vehicle, not less than eight feet six inches in width nor less than 18 feet in length, having a clear height of at least seven feet and having sufficient provisions for ingress and egress, aisles, columns and maneuvering area, that shall be accessible from a street or alley or from a private driveway leading to a street or alley.

**PERSON** — Any individual, firm, partnership, corporation, association, limited liability company, business entity or legal representative, acting individually or jointly. [Added 9-26-2000 by L.L. No. 2-2000]

**POWER-GENERATING FACILITY** — A facility where electricity and/or steam is created for

use in powering on-site or off-site industrial, commercial, residential or other activities. [Added 10-8-1991 by L.L. No. 4-1991]

**PRIVATE CLUB** — A facility under the direct supervision of a recognized fraternal organization, including recreational and social facilities normally incidental thereto, but which is not open to the general public, as distinguished from a community center, and excluding any retail business activity.

**PROFESSIONAL OFFICE AS PART OF A RESIDENCE** — An office of a physician, dentist, lawyer, architect, engineer or other similarly licensed professional when such office is part of the professional's principal place of residence, but excluding beauticians, hairdressers, cosmeticians and barbers.

**PROJECTING SIGN** — A sign that is affixed and perpendicular to any building or structure, or part thereof, and extends beyond the building or structure, or part thereof, a minimum of 12 inches, no portion of which sign projects above the roofline or parapet of a building. [Added 12-20-2011 by L.L. No. 6-2011]

**PUBLIC PARKING GARAGE** — A facility for the indoor parking of automobiles which offers spaces for rent or other fee to the general public. It may be a stand-alone facility or may be located in a building also used for other purposes. [Added 1-22-2008 by L.L. No. 1-2008]

**RELIGIOUS USE** — A church, temple, mosque or similar facility used for religious observance.

**RESEARCH FACILITY** — A commercial use whose principal activities include basic research, design, pilot or experimental product development, technical service, general research or engineering, together with accessory activities. [Added 10-8-1991 by L.L. No. 4-1991]

**RESTAURANT** — Any structure designed, intended or used, in whole or in part, for the retail sale of prepared food and/or beverages, including what are commonly termed "diners," "lunchrooms" and "snack bars," whether or not entertainment, including dancing, is provided. Temporary facilities used for distribution of food and/or beverages, such as are customarily associated with field days, carnivals, circuses, charitable, religious or institutional bazaars or similar events, shall not be considered "restaurants."

**SETBACK** — The distance between the nearest part of a building and the street line.

**SETBACK LINE** — The setback as expressed in a line parallel to the street line.

#### **SIDE LOT LINE**

A. Any property line which meets the following conditions:

- (1) Is not also a street line as defined herein.
- (2) Is not the property line located directly opposite that street frontage used to measure lot width.

B. A "side lot line" is defined with respect to each lot individually.

**SIGN** — Any material, structure, device or other representation, including any part thereof, which is comprised of lettered or pictorial material or upon which lettered or pictorial matter is placed and which is used to advertise or promote the interests of any person or business. Such

"signs" are intended to be placed in view of the general public out-of-doors or on the exterior of any structure or building, including interior and exterior window surfaces. "Signs" may include letters, words, symbols, emblems, sign frames, signboards, insignias, banners, pennants, fluttering devices, models and flags, although flags and insignias of any nation or state are not considered "signs." [Added 10-8-1991 by L.L. No. 4-1991]

**SIGN AREA** — The surface area of a sign calculated as follows: the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character, as included within the definition of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. The total "area" of all faces of signs designed to be viewed from more than one direction shall be computed and considered as one "area," such as on double-faced, V- and sandwich-type signs. [Added 10-8-1991 by L.L. No. 4-1991]

**SIGN HEIGHT** — The vertical distance from the uppermost point of a sign, including the structure or structural trim, to the average, unaltered ground level directly below the sign. [Added 12-20-2011 by L.L. No. 6-2011]

**SKYLINE SIGN** — A flat-mounted sign located at the top floor of a building, which sign does not project above the higher of the cornice or parapet of the building. [Added 12-20-2011 by L.L. No. 6-2011]

**STORY** — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

**STREET FRONTAGE** — That part of a lot which abuts the right-of-way of a street.

**STREET LINE** — A property line coincidental with the boundary of a public right-of-way, such as a street, road, avenue or boulevard.

**STRUCTURAL ALTERATIONS** — Any change in the supporting members of a building or structures, such as bearing walls, columns, beams or girders.

**STRUCTURE** — Anything constructed or erected, the use of which requires a permanent location on the soil, or attached to something having a permanent location on the soil.

**TEMPORARY SIGN** — A sign that is not permanently affixed to the ground, building or structure, or part thereof, and shall not be posted for more than 30 days. [Added 12-20-2011 by L.L. No. 6-2011]

**TRANSIENT LODGING** — Any building or portion thereof which is made available as sleeping quarters for members of the general public for periods, renewable or otherwise, of less than one week. This term includes bed-and-breakfasts, hotels, motels, hostels, inns, travel lodges and the like. [Amended 1-22-2008 by L.L. No. 1-2008]

**USE, ACCESSORY** — A use customarily incidental to the principal use of a building, occupying not more than 25% of the area of the building nor more than one floor, whichever is less.

**USE, PRINCIPAL** — An activity which may be carried on independently of any other activity

and which generally characterizes the primary purpose for which land and/or the structures thereon are intended, designed or occupied.

**UTILITY STRUCTURES** — Buildings or structures used in conjunction with public utility services, including but not limited to energy substations, transmission towers, pumping stations and communication equipment enclosures, but excluding offices, vehicle storage, warehousing or construction staging areas. [Added 10-8-1991 by L.L. No. 4-1991]

**VEHICLE SALES LOT** — A lot upon which new or used motor vehicles are offered for sale to the public, including any building located thereon. Incidental repairs to vehicles for sale are allowed. [Amended 1-22-2008 by L.L. No. 1-2008]

**VEHICLE SERVICE STATION** — A facility whose purpose is for the fueling and/or general servicing, maintenance, incidental or minor repair of motor vehicles, which may include the incidental retail sales of tires and other nominal automotive accessories; such facilities may include, but are not limited to, gasoline stations, service stations, fuel pump islands and car wash operations. Incidental sales of vehicles are permitted on site, not to exceed three vehicles for sale at any one time. [Amended 1-22-2008 by L.L. No. 1-2008]

**VILLAGE** — The Village of Solvay. [Added 9-26-2000 by L.L. No. 2-2000]

**WALL SIGN** — A sign calculated to attract the attention of the public to a product, service or undertaking encompassing on-premises activities, which sign is painted on an exterior wall of a building or structure or which is attached and parallel to the exterior of any building or structure, or part thereof, and which shall project no more than 12 inches from such building. [Added 12-20-2011 by L.L. No. 6-2011]

**WINDOW SIGN, PERMANENT** — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other transparent material, but not including graphics in connection with a customary window display or products or services rendered on the premises. [Added 12-20-2011 by L.L. No. 6-2011]

**YARD, FRONT** — The open space located between the street line(s) and the setback line, as regulated in this chapter.

**YARD, REAR** — For any lot but a corner lot, the open space extending the full width of the lot and located between the rear of the lot and the rear of the principal building as projected to the side lot lines, as regulated in this chapter.

**YARD, SIDE** — The open space located between a side lot line and a building, not including any of the areas of the front or rear yards, as defined in this chapter.

#### **§ 165-5. Word usage.**

In this chapter, if not inconsistent with the context, the singular may be taken for the plural and the plural for the singular; and "person" may include more than one, an association, a copartnership or a corporation. The present tense includes the future; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory. The words "business districts" shall include "commercial districts"; and the word "business" shall include the word "commercial."

**§ 165-6. Conformance required.**

It shall be unlawful to construct or alter any building or structure contrary to any provision of this chapter.

ARTICLE II  
**Administration and Enforcement**

**§ 165-7. Compliance with building permit requirements required.**

It shall be unlawful for any person to construct or alter any building or structure unless he first shall have complied with the building permit requirements of Chapter 89 of the Village Code.

**§ 165-8. Building permit application.** [Amended 10-8-1991 by L.L. No. 4-1991]

- A. Before the construction or alteration of any building or structure, or any part of either, or the excavation therefor is commenced, the owner or lessee, or the agent of either, or the architect or builder employed by the owner or lessee shall submit to the Code Enforcement Officer a detailed statement of such plans and structural drawings of the proposed work as the Building Code may require. Such statement shall show the purpose, cost and general design of the proposed building, structure or alteration.
- B. Said application shall be processed by the Code Enforcement Officer in accordance with all laws of the Village pertaining thereto.

**§ 165-9. Costs of permit application.**

All costs entailed by the Village in connection with the processing of an application for permit hereunder, including the cost of advertising, shall be borne by the applicant-petitioner.

**§ 165-10. Expiration of permit.** [Amended 10-8-1991 by L.L. No. 4-1991]

Every permit issued by the Code Enforcement Officer under the provisions of this chapter, or any law pertaining thereto, but under which no work is commenced within one year from the time of issuing shall expire by limitation.

**§ 165-11. Certificate of occupancy.** [Amended 10-8-1991 by L.L. No. 4-1991]

It shall be unlawful to use or permit the use of any building, structure or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, in its use or structure until a certificate of occupancy shall have been applied for and issued therefor by the Code Enforcement Officer. Such certificate shall show that such building, structure or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter or an order of the Board of Appeals.

**§ 165-12. Appeals.** [Amended 10-8-1991 by L.L. No. 4-1991]

In case the Code Enforcement Officer shall refuse to issue a building permit or shall refuse to issue a certificate of occupancy on the grounds of violation of this chapter, appeal from such decision may be made to the Board of Appeals.

**§ 165-13. Authority to amend.**

This chapter and the Village Zoning Map may be repealed, amended or revised from time to time, as provided by statute.

**§ 165-14. Amendment procedure.**

- A. Generally. The Board of Trustees may, on its own motion or on petition, amend, supplement or change the regulations and districts herein established, but no regulation, restriction or boundary or amendment shall become effective until said matter has been certified to the Planning Commission, which shall, after due and proper notice, conduct a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. Said Planning Commission, after due deliberation, shall report its findings and recommendations to the Village Board. At least seven day's notice of the time and place of any public hearing shall be published in the official paper in the Village. The Village Clerk shall also give written notice of public hearings to all property owners immediately adjacent on all sides to the area under consideration for a zone district change. (See the Village Law of the State of New York.) [Amended 10-8-1991 by L.L. No. 4-1991]
- B. Protest. The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change signed by the owners of 20% or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 2/3 of the members of the Board of Trustees. The provisions of Subsection A relative to public hearings and official notice shall apply equally to all changes or amendments.

**§ 165-15. Notice of changes.**

The Village Clerk shall give written notice to all interested property owners of any changes in or amendments to the regulations and districts herein established made by the Board of Trustees.

**§ 165-16. Variance or special permit application fee.** [Amended 10-8-1991 by L.L. No. 4-1991; 5-27-2008 by L.L. No. 5-2008]

An application for a variance or special permit shall be accompanied by a fee in an amount to be established from time to time by resolution of the Village Board. This fee shall be in addition to and separate from any amounts due to the Village pursuant to Chapter 64 of the Village Code.

**§ 165-17. Proceedings to enforce chapter.**

The Village Attorney shall be authorized to institute all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this chapter.

**§ 165-18. Penalties for offenses.** [Amended 10-8-1991 by L.L. No. 4-1991]

- A. For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist and the general agent, architect, building contractor or any person who commits, takes part or assists in such violation or who maintains any building or premises in which such violation shall exist, for each and every violation and for each and every day that said violation continues, shall be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- B. Whenever a person is notified by the Board of Trustees of the village or its duly authorized official or by service of a summons in a prosecution or in any other way that he is committing a violation of this chapter, each day that he shall so continue such violation after such notification shall constitute a separate offense punishable as provided in Subsection A above. Such fines or penalties shall be collected as like fines or penalties are now collected by law.

**§ 165-19. Proceedings to prevent, abate or remove violation.** [Amended 10-8-1991 by L.L. No. 4-1991]

Whenever the Code Enforcement Officer of the village has specified that any building or structure or any portion thereof permitted or forbidden is being used, erected, constructed, altered, relocated or repaired in violation of or not in compliance with any of the provisions or requirements of this chapter, he may, in his discretion, have the Village Attorney institute any appropriate action or proceedings at law or in equity to restrain, correct or remove such violation or the execution of any work thereon or to restrain or correct the use, erection or alteration of or require the removal of or prevent the occupation or use of the building or structure erected, constructed or altered in violation of or not in compliance with any of the provisions of this chapter.

ARTICLE III  
**Board of Appeals**

**§ 165-20. Establishment; membership.**

The Board of Trustees shall establish and the Mayor shall appoint, subject to approval of the Board of Trustees, a Board of Appeals consisting of five members, each of whom shall serve for a term of five years. The Board of Appeals shall act not only as members of the Board of Appeals but also as members of the Planning Commission.

**§ 165-21. Meetings; minutes and records.**

- A. All meetings of the Board of Appeals shall be public.
- B. The Board of Appeals shall keep minutes of its proceedings and a record of the vote of

each member on every question.<sup>3</sup>

**§ 165-22. Powers and duties.** [Amended 10-8-1991 by L.L. No. 4-1991]

The Board of Appeals shall hear and decide appeals from and may review or reverse any order, requirement, decision or determination made by the Code Enforcement Officer or the Building Inspector charged with the enforcement of this chapter or any law pertaining thereto. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter or the Village Law of the State of New York. Such appeal may be taken by any person aggrieved or by any officer or board of the village. Such Board of Appeals shall have all the rights, powers and duties now granted to or imposed upon it by the Village Law of the State of New York. The Board of Appeals shall also hear and decide applications for special permits pursuant to § 165-31.

**§ 165-23. Granting of variances.** [Amended 10-8-1991 by L.L. No. 4-1991]

Where undue or unnecessary hardship would occur or practical difficulties prevent the strict carrying out of the letter of any provision of this chapter, the Board of Appeals shall have the power in a specific case, after due notice, to conduct a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard, and to vary the application of the regulations herein contained in harmony with the general purpose and intent of this chapter, so that the public health, safety and general welfare may be secured and substantial justice done. At least seven days' notice of the time and place of any public hearing shall be published in the official paper in the Village. The Village Clerk shall also give written notice of public hearings to all property owners immediately adjacent on all sides of the area under consideration for an area or use variance or special permit.

**§ 165-24. Time limit for fulfilling variance.**

Any variance granted by the Board of Appeals shall be fulfilled within a period of one year after the date of the granting thereof.

ARTICLE IV  
**District Regulations**

**§ 165-25. Establishment and designation of districts.** [Amended 1-22-2008 by L.L. No. 1-2008]

For the purpose of this chapter, the Village is hereby divided into classes of districts, which shall be designated as follows:

- Residential-1 (R-1)
- Residential-2 (R-2)
- Residential-3 (R-3)
- Milton Avenue District (M)
- Commercial (C)
- Industrial (I)

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3. Editor's Note: Former Sec. 15-31, Time for meetings; time to file applications, which immediately followed this section, was deleted 10-8-1991 by L.L. No. 4-1991.

**§ 165-26. Zoning Map.** [Amended 8-24-1999 by L.L. No. 8-1999; 5-24-2011 by L.L. No. 3-2011]

Zoning districts, as established by this chapter, are and shall be bounded and defined on a map titled "Village of Solvay Zoning Districts, 2010," and said map shall remain on file in the office of the Village Clerk.

**§ 165-27. District uses.** [Amended 10-8-1991 by L.L. No. 4-1991; 3-12-1996 by L.L. No. 3-1996; 9-26-2000 by L.L. No. 2-2000; 1-22-2008 by L.L. No. 1-2008]

Permitted uses and uses requiring special permits are as set forth below:

P = Permitted use.

SP = Special permit required.

Use	R-1	R-2	R-3	C	I	M
Accessory building <sup>1</sup>	P	P	P	P	P	P
Adult uses <sup>2</sup>					P	
Business use (other than an activity requiring a special permit)				P	P	P
Community center			P	P		P
Day-care facility			P	P	SP <sup>3</sup>	P
Dwelling, 1-family	P	P	P	P		P <sup>4</sup>
Dwelling, 2-family		P	P	P		P <sup>4</sup>
Dwelling, multiple-family			SP	SP		SP <sup>4</sup>
Education, higher	P	P	P	P		P
Education, secondary	P	P	P	P		P
Funeral home			P	P		P
Garage, private	P	P	P	P	P	SP
Industrial use					P	
Municipal buildings and facilities	P	P	P	P	P	P
Municipal park	P	P	P	P	P	P
Parking lot				P	P	SP
Religious use	P	P	P	P	P	P
Power-generating facility					SP	
Private club				P	P	P
Professional office as part of a residence	P	P	P	P		P
Public parking garage				SP	SP	SP
Research facility				SP		
Restaurant				SP	SP	SP
Shopping center				SP		SP
Transient lodging				SP	SP	SP

Use	R-1	R-2	R-3	C	I	M
Utility structure					P	
Vehicle service station				SP	SP	
Vehicle sales lot				SP	SP	

1 NOTE: Permitted only as accessory to a principal building.
2 NOTE: Meeting the requirements of § 165-40 below.
3 NOTE: Within the Industrial District, must be accessory use to a primary business operation.
4 NOTE: Permitted only when located above a retail/business use frontage.

NOTE: For industrial uses, refer to § 165-39 for special regulations. For uses located in the Milton Avenue District, refer to § 165-41 for special regulations.

**§ 165-28. Area and dimension controls.**

Area and dimension controls for the various zoning districts are set forth in the Schedule of Area and Dimension Controls.<sup>4</sup>

**§ 165-29. Off-street parking.** [Amended 1-22-2008 by L.L. No. 1-2008]

Required off-street parking shall be as follows:

Land Use	Required Spaces
Dwellings, 1-family and 2-family	1 per dwelling unit
Dwellings, multiple-family	1 1/2 per dwelling unit
Transient lodging	1.25 per guest room
Professional offices as part of a residence	1, plus 1 additional for every 200 square feet of office space
Day-care facilities	1 for each 2 staff people, plus 1 for each 5 children
Community center, halls, auditoriums and theaters	1 for every 3 seats or, if there are no seats in the place of assembly, 1 for every 40 square feet of floor area
Religious uses	1 for each 5 seats within the main congregational room
Funeral homes	1 for each 3 fixed seats, 1 for each funeral vehicle and 1 for every 20 square feet of seating area where there are no fixed seats
Private clubs occupancy	1 for each 3 persons allowed within the maximum load or 1 for each 175 square feet of gross floor area, whichever is greater

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4. Editor's Note: The Schedule of Area and Dimension Controls is included at the end of this chapter.

<b>Land Use</b>	<b>Required Spaces</b>
<b>Business</b>	
General retail and personal service establishments	1 per 150 square feet of gross floor area
Restaurants and eating and drinking establishments	1 for every 60 square feet of gross floor area used for the preparation and serving of food and drink in any form
<b>Offices</b>	
Banks, drive-in banks and other window services	1 for each 250 square feet of gross floor area
Furniture, heavy appliances, machinery or similar bulky merchandise establishments	1 per 175 square feet of the main floor, lobby or window servicing area, plus 5 holding spaces feeding each drive-in window or lane
Vehicle service stations	1 per 500 square feet of gross floor area
<b>Industrial</b>	
Warehouses or storage	6 for full-service gasoline pumping, 3 for self-service gasoline pumping and 5 for each car wash stall; 1 for each 100 square feet of gross floor area for repair facilities
Contractor's storage yard	1 for each 3 employees at maximum shift
Vehicular freight service	5 plus 1 for each employee at maximum shift
Manufacturing	1 per 2 employees at maximum shift
	1 for each employee on the premises at the maximum shift

ARTICLE V  
**Supplementary Regulations**

**§ 165-30. Nonconforming structures and uses.**

A. Nonconforming structures.

- (1) General maintenance and repair. Except as otherwise provided for in this section, nonconforming structures may continue to exist and be maintained and repaired.
- (2) Structural alterations, renovations and additions. Alterations, renovations and additions to a nonconforming structure may be made only to the extent that such alterations, renovations or additions do not increase the degree of nonconformity and only to the extent that any nonconforming use related to such structure is not expanded.
- (3) Damaged structures. Nonconforming structures may be repaired and restored to their former condition after damage by casualty loss or deterioration due to the elements, except where damage involves over 50% of the floor area devoted to a nonconforming use or where such damage exceeds 50% of the total replacement cost of the damaged structure.

B. Nonconforming uses. [Amended 1-22-2008 by L.L. No. 1-2008]

- (1) Except as otherwise provided for herein, nonconforming uses may continue to exist.
- (2) A nonconforming use may not be enlarged to occupy additional floor area within an existing structure or additional lot space nor be converted to any other use except in conformance with this chapter.
- (3) No nonconforming use, if changed to a conforming use, shall thereafter be changed back to a nonconforming use.
- (4) Any nonconforming use of a structure or land which has ceased for a period of six months is terminated as a nonconforming use, and thereafter such structure or land shall be used in conformity with this chapter.

**§ 165-31. Special permits.**

A. As a prerequisite to the issuance of any special permit, the following general findings shall be made:

- (1) The proposed use is in compliance with all other applicable regulations of this chapter, inclusive of specific district controls and controls applicable to all districts, and all other applicable local, state and federal regulations.
- (2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique cultural, historical, geographical, architectural or other special characteristics.
- (3) The proposed use is to be developed in such a way as to ensure maximum amenities available to the site, based upon a consideration of the site plan and functional requirements of the proposed use.
- (4) The proposed use is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect the existing land use within close proximity to the subject site.
- (5) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed use.
- (6) Controls for vehicular and pedestrian movement are designed to provide for the safety of the general public and the occupant, employees, attendants and other persons for whose benefit the use is intended. In making this determination, consideration shall be given to but need not be limited to the following:
  - (a) Location and adequacy of parking and loading facilities.
  - (b) Pedestrian rights-of-way.
  - (c) Traffic regulatory devices.
  - (d) Location, number and design of points of ingress and egress.

- (e) Accessibility by emergency vehicles, with particular emphasis on access to structures, and provision for turning and free movement.
  - (f) Provision for snow storage.
  - (g) Age and mobility of all persons for whose benefit the use is intended.
  - (h) Speed limits upon and general character of public highways in close proximity.
- B. In making a determination as to compliance with any one or more of the general findings set forth above, consideration shall be given to but need not be limited to the following elements:
- (1) Geometric characteristics of all structures and related improvements.
  - (2) Aesthetic characteristics, including design, texture, materials, colors and illumination.
  - (3) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.
- C. Prior to making any decision regarding an application for a special permit and within 62 days from the day a special use permit application is received, the Board of Appeals shall conduct a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Public notice of said hearing shall be printed in the official newspaper of the Village at least five days prior to the date thereof. The Board shall decide upon the special use permit application within 62 days after the hearing. However, the time within which the Board must render its decision may be extended by mutual consent of the applicant and the Board. [Added 5-22-2007 by L.L. No. 4-2007]
- D. A stormwater pollution prevention plan consistent with the requirements of Chapter 134 of the Code of the Village of Solvay shall be required for special permit approvals for land development activities, as that term is defined in Chapter 134 of the Code of the Village of Solvay. The SWPPP shall meet the performance and design criteria and standards in Chapter 134 of the Code of the Village of Solvay. The approved special permit shall be consistent with the provisions of Chapter 134 of the Code of the Village of Solvay. [Added 11-27-2007 by L.L. No. 11-2007]

**§ 165-31.1. Site plan review.** [Added 7-22-2003 by L.L. No. 4-2003]

- A. The following provisions are applicable to all districts and to all uses in the Village except one-family and two-family dwellings and uses accessory thereto, and for structures on a site measuring less than 200 square feet. [Amended 1-22-2008 by L.L. No. 1-2008]
- B. Before a building permit is issued, a professionally certified site plan shall be submitted for review to the Village Board relating to all proposed construction and land use and including, at a minimum and as relevant to the project:
- (1) Contours of the land.
  - (2) Traffic patterns and traffic regulatory devices.
  - (3) Points of traffic ingress and egress.

- (4) Right-of-way and cross sections of adjacent streets.
- (5) Location and design of any intersection in close proximity to the site.
- (6) Location and design of parking and loading facilities.
- (7) Location of pedestrian walkways.
- (8) Elevation of buildings.
- (9) Proposed building location and shape.
- (10) Proposed building materials.
- (11) Proposed building dimensions.
- (12) Sufficient setback from existing highway.
- (13) Sewer, water and drainage plans.
- (14) Existing and proposed utilities.
- (15) Landscape plans.
- (16) Such other and further information required by the Village Board.

C. As a prerequisite to the approval of any site plan, the Village Board shall make the following general findings:

- (1) The proposed use is in compliance with all other applicable regulations of this chapter, inclusive of specific district controls and controls applicable to all districts, and all other applicable local, state and federal regulations.
- (2) The proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood having unique cultural, historical, geographical, architectural or other special characteristics.
- (3) The proposed use is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect the existing land use in proximity to the subject site.
- (4) The proposed use will be provided with adequate supporting services such as fire and police protection, public and private utilities, and all other supporting governmental services necessary and appropriate to the proposed use.
- (5) Controls for vehicular and pedestrian movement are designed to provide for the safety of the general public and the occupants, employees, attendants, and other persons for whose benefit the use is intended.
  - (a) In making this determination, consideration shall be given to, but need not be limited to, the following characteristics:
    - [1] Location and adequacy of parking and loading facilities.
    - [2] Pedestrian rights-of-way.

- [3] Traffic regulatory devices.
  - [4] Location, number and design of points of ingress and egress.
  - [5] Accessibility by emergency vehicles, with particular emphasis on access to structures, and provision for turning and free movement.
  - [6] Provision for snow storage.
  - [7] Age and mobility of all persons for whose benefit the use is intended.
  - [8] Speed limits upon and general character of public streets in proximity.
- (b) Compliance with the off-street parking requirements found in this chapter shall not constitute a determination that the foregoing requirements have been satisfied.
- (6) The proposed use will not generate any adverse environmental impact upon the surrounding properties, including, but not limited to, the emission of dust, noise, vibration, heat, glare, odor or electronic interference. In addition, drainage facilities on the site should be appropriate for the proposed use and properly integrated into off-site drainage systems.
- D. Criteria. In making a determination of compliance with any one or more of the above general findings set forth in Subsection C above, consideration shall be given, but need not be limited to, the following elements:
- (1) Geometric characteristics of all structures and related improvements.
  - (2) Aesthetic characteristics, including design, texture, materials, colors and illumination.
  - (3) Physical attributes of the site, including size, shape, elevation, topography and natural vegetation.
  - (4) The nature and intensity of development in general proximity to the site.
- E. The Village Board, as part of its review and approval, may attach such requirements and conditions as it deems proper to accomplish the purposes of this chapter, including but not limited to the imposition of provisions for financial security to guarantee performance, time limitations on the duration of any activity associated with the use, provisions for the termination, conversion or recertification of the use, and such other conditions deemed reasonable and appropriate by the Village Board.
- F. Decisions of the Village Board shall be by resolution approving, approving with modifications and/or conditions or disapproving the site plan.
- G. Construction and land use shall be in accordance with the site plan finally approved by the Village Board. No certificate of occupancy shall be granted until the approved site plan has been complied with in all respects.
- H. Time limit on the site plan review. Approval of a site plan review by the Village Board shall be valid for a period of 180 days from the date of approval for the purpose of obtaining a building permit. Failure to secure a building permit during this period shall

cause the site plan approval to become null and void. Upon application, the Village Board may extend the period of approval for an additional 180 days from the date of original approval; only one such extension shall be granted for any site plan.

- I. Modification to a site plan use or structure. Any modifications or changes to a use or structure originally requiring a site plan review shall itself require site plan review, except for the following:
  - (1) Removal or repair of a dangerous condition in a principal or accessory structure when it is determined by an enforcement agency that circumstances exist which, if not corrected, will constitute a threat to the life, health or safety of the general public or such other persons for whose protection such regulations are intended. Such a determination may be verbal or in writing. The term "enforcement agency" shall refer to any public agency or official having jurisdiction to issue orders affecting the life, health and safety of persons within the Village of Solvay.
  - (2) Routine repair, replacement or maintenance of electrical or mechanical installations or of damaged or worn parts or surfaces, including repainting, facade repair and roof replacement of principal and accessory structures.
  - (3) Changes in ownership or management of an establishment which do not change the specific use of the property.
  - (4) Repaving or painting of driveway and parking areas without altering the approved traffic pattern.
  - (5) Routine landscaping and plant replacement or establishment of new landscaped areas without altering the approved vehicular circulation and parking pattern or pedestrian circulation pattern, consistent with any applicable controls in the approved plan concerning height, location and visibility.
  - (6) Repair or replacement of existing screening devices in accordance with the approved site plan.
- J. In addition to the requirements set forth herein, industrial uses shall be subject to the provision set forth in § 165-39.
- K. Review by Planning Commission.
  - (1) Referral and recommendation, if, in its discretion, the Village Board refers a site plan application submitted in accordance with this section to the Village Planning Commission, the Planning Commission shall respond to the Village Board with a recommendation of approval, approval with modifications or denial, unless the application is abandoned as discussed in Subsection K(2) below.
  - (2) Review. In its review of the application, the Planning Commission may require such changes in the site plan as are found to be necessary or desirable to meet the requirements of this chapter, to protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the community. The Planning Commission shall notify the applicant of such changes and may discuss the changes with the applicant. The applicant may submit to the Planning

Commission a revised site plan incorporating the changes required. Such resubmission shall be made within such time as may be allowed by the Planning Commission after the notification by the Planning Commission. If such resubmission is not so made, the application shall be deemed abandoned.

- L. Approval of a special permit required in this chapter shall be sufficient and shall supersede any requirement for site plan approval as set forth in this section.
- M. An application for site plan review as required by this chapter shall be accompanied by a fee schedule which is set from time to time by resolution of the Board of Trustees.
- N. A stormwater pollution prevention plan consistent with the requirements of Chapter 134 of the Code of the Village of Solvay shall be required for site plan approvals for land development activities, as that term is defined in Chapter 134 of the Code of the Village of Solvay. The SWPPP shall meet the performance and design criteria and standards in Chapter 134 of the Code of the Village of Solvay. The approved site plan shall be consistent with the provisions of Chapter 134 of the Code of the Village of Solvay. [Added 11-27-2007 by L.L. No. 11-2007]

**§ 165-32. Corner lots.**

- A. Corner lot frontages. On every corner lot, a minimum front yard depth shall be provided for each street frontage in accordance with § 165-28.
- B. Corner lot hedges and fences. For the purpose of maintaining unobstructed vision, no fence or hedge having a height in excess of 2 1/2 feet shall be erected, replaced or maintained closer than five feet to the point where property lines intersect at a street corner, nor shall a fence or hedge along a street line exceed 2 1/2 feet in height if placed within two feet of a driveway.

**§ 165-33. Fences and hedges.** [Amended 11-25-2003 by L.L. No. 6-2003]

- A. Permit required for fence. No fence shall be installed prior to the issuance of a building permit by the Code Enforcement Officer.
- B. Height, nature and location of fences. Except for those regulations applicable to corner lots as set forth in § 165-32, the following height and location regulations shall apply:
  - (1) Front yard. Fences permitted within required front yards may not exceed four feet in height and shall be of an open design, such as chain link, ornamental iron, rail and picket, with a uniform ration of space to fence material of at least one to one. Opaque fences, such as basket-weave or stockade, are prohibited within the required front yard. On corner lots, any portion of a lot contiguous to a public right-of-way shall be considered as front yard area for the purpose of applying the regulations herein.
  - (2) Side and rear yards. No fence shall exceed six feet in height within required side and/or rear yards.
  - (3) Within commercial or industrial districts only, fences may be up to eight feet in height in side and rear yards.

- C. Prohibitions. Barbed wire or electrified fences are prohibited.
- D. Placement and maintenance of fences and hedges:
  - (1) Fences and hedges shall be placed and maintained so that they do not project into adjoining properties and so they do not infringe upon any public right-of-way.
  - (2) All fences and hedges shall be maintained in a sound, safe and orderly condition at all times.
  - (3) All portions of a lot enclosed by a fence or hedge shall be made accessible for fire-fighting purposes.
  - (4) The finished side of a fence shall face the adjoining landowner.
- E. Nonconforming fences. Where a lawful fence exists at the effective date of adoption of this law that could not be constructed under the terms contained herein because of its height, visibility characteristics, location or any other requirement, such fence may be maintained so long as it remains otherwise lawful, subject to the following provisions:
  - (1) No such fence may be enlarged or altered in a way which increases its nonconformity, but any such fence or portion thereof may be altered to decrease its nonconformity.
  - (2) Where a fence is damaged due to any cause, including deterioration due to the elements, or is declared unsafe, and the cost of restoration or correction exceeds 50% of the replacement cost of the entire fence, then the fence shall not be corrected and restored except in compliance with the provisions of this section.
  - (3) Should such a fence or portion thereof be relocated within a lot, that portion which is relocated shall be subject to the provisions of this section.

**§ 165-34. Yards.**

- A. Front yards shall be structurally unoccupied and unobstructed from the ground upward, except for walls and fences as regulated elsewhere herein, and no more than 25% of said front yard shall be used for proper vehicle parking. [Amended 10-8-1991 by L.L. No. 4-1991; 3-12-1996 by L.L. No. 2-1996]
- B. Rear yards. [Amended 5-16-2006 by L.L. No. 2-2006]
  - (1) Rear yards shall be structurally unoccupied and unobstructed from the ground upward, except for walls and fences, swimming pools, vehicular parking facilities and accessory structures regulated herein.
  - (2) A swimming pool may be located in a rear yard, provided any pool wall, walk or equipment shall be located a maximum of five feet from the rear lot line and a minimum of five feet from the rear lot line and a minimum of five feet from the side lot line. Further, lights used to illuminate the pool or pool area shall be shielded or installed so as to prevent said lights from shining directly upon any adjacent property.
- C. Side yards shall be structurally unoccupied and unobstructed from the ground upward,

except for fences and walls as regulated herein.

**§ 165-35. Nonresidential uses abutting residential uses.**

It is the intent of this section to provide physically landscaped buffer areas or corridors around all nonresidential uses where such uses abut residentially zoned properties.

A. General regulations.

- (1) Physical buffers or corridors shall be required in all instances in nonresidential districts where properties abut residential districts.
- (2) The construction and maintenance of required physical buffers or corridors shall be the responsibility of the owner of the property for which the building permit is requested.
- (3) No parking, loading, driveway or structural encroachment shall be permitted within a required physical buffer area or corridor.
- (4) The buffer zone must be provided with shrubbery, plantings and landscaping to provide an opaque barrier between the industrial use and the adjacent residentially zoned areas. The details of the landscaping plan must be approved by the appropriate board during the site plan review procedure. [Added 10-8-1991 by L.L. No. 4-1991]
- (5) There shall be no buildings or structures constructed in the buffer zone, nor shall there be any equipment or material stored there. [Added 10-8-1991 by L.L. No. 4-1991]

B. Specific requirements. [Added 1-22-2008 by L.L. No. 1-2008]

- (1) Side yards. Along the side lot line of a nonresidential district lot adjoining a residential district, there shall be provided a yard of at least 50 feet in depth.
- (2) Rear yards. Along the rear of a nonresidential district lot abutting the side lot line of a lot in a residential district, there shall be provided a yard of at least 50 feet. This requirement does not apply to properties located within the Milton Avenue (M) District.
- (3) Where side and rear yards are required pursuant to the above subsections, there shall be provided and maintained along the lot line of such yards an effective protective screen to separate and conceal the adjoining residential zone free from the persons, activities and traffic which may result from the activities permitted in the respective nonresidential districts.

**§ 165-36. Outdoor lights.**

All permanent outdoor lights used for area lighting, building floodlighting or the like shall be steady, stationary and directed so as to avoid causing a hazard to motorists or pedestrians and to avoid causing direct illumination of neighboring properties.

**§ 165-36.1. Stormwater pollution prevention plan.** [Added 11-27-2007 by L.L. No. 11-2007]

A stormwater pollution prevention plan consistent with the requirements of Chapter 134 of the

Code of the Village of Solvay shall be required for land development activities, as that term is defined in Chapter 134 of the Code of the Village of Solvay. The SWPPP shall meet the performance and design criteria and standards in Chapter 134 of the Code of the Village of Solvay.

**§ 165-37. Abandonment of structures.** [Amended 10-8-1991 by L.L. No. 4-1991]

Within six months after work on an excavation for a building has begun or within six months after a permanent or temporary building or structure has been destroyed, demolished or abandoned, all structural materials shall be removed from the site, and the excavation thus remaining shall be covered over or filled to the normal grade by the owner. The time for compliance with this section, however, may be extended for three-month periods at the discretion of the Code Enforcement Officer.

**§ 165-38. Real estate signs.**

One real estate sign shall be permitted, not larger than three feet by four feet, on one lot, advertising the sale or letting of only the premises on which it is maintained and set back -not less than 15 feet from the street line and not less than 10 feet from each side line, except that where acreage available for or in process of subdivision is advertised for sale or letting, one real estate sign not larger than three feet high by eight feet long shall be permitted on each 500 to 1,000 feet of frontage or one real estate sign three feet high by four feet long on each 500 feet of street frontage, provided that said signs are set back not less than 30 feet from the street line. Said three feet of height shall be construed to mean the height of the main sign itself and not the height from the ground or curblin.

**§ 165-38.1. Political signs.** [Added 11-23-1999 by L.L. No. 10-1999]

In order to preserve aesthetics and ensure traffic safety in the Village of Solvay, political signs advocating the candidacy of all individual or individuals for public office are permitted, subject, however, to the following conditions:

- A. Each face of a political sign shall not exceed 32 square feet in area.
- B. Political signs shall not be attached to public utility poles, street signs, poles or within any public right-of-way.
- C. Such signs shall not be placed prior to 30 days before the election to which such signs pertain, and such signs shall be removed within seven days after the date of said election.
- D. The responsibility for maintenance and removal of such signs is upon ally party advertised upon such sign and upon the owners of any land upon which such signs are located.
- E. In the event that signs are erected or maintained in violation of these provisions, the Codes Enforcement Officer of the Village, or any other duly authorized Village representatives, shall issue a demand, in writing, to any responsible party, stating that such sign or signs are to be removed within seven days of transmittal of the notice. In the event that such signs are not removed after said notice, the Village may remove such signs and a fee, per sign removed by the Village, as set from time to time by the Village Board of Trustees, will be assessed to such responsible party.

**§ 165-39. Industrial use regulations.** [Added 10-8-1991 by L.L. No. 4-1991]

- A. Pursuant to § 165-31.1, all industrial uses shall require site plan review by the Village Board prior to the issuance of a building permit. In addition to the criteria set forth therein, industrial uses shall meet the performance standards set forth in this section. [Amended 7-22-2003 by L.L. No. 4-2003]
- B. Minimum performance standards. The Code Enforcement Officer shall ensure that the following standards are met by any use located within an industrial district. Failure to meet these standards shall be reported to the Village Board, which may take such actions as it deems necessary in accordance with this chapter, including but not limited to revoking the certificate of occupancy. These minimum performance standards shall be in addition to meeting any and all federal, New York State and Onondaga County health and safety requirements and standards.
- (1) Noise. No use within an industrial zone shall emit a measurable noise which shall be unreasonably loud or disturbing to surrounding property owners and/or users. The standards for determining whether a noise is unreasonably loud or disturbing shall be as follows:
- (a) No noise measured at a property line of an industrially zoned property shall exceed 70 decibels during the period between 6:00 a.m. and 10:00 p.m. or 60 decibels during the period between 10:00 p.m. and 6:00 a.m. The decibel limits shall be decreased by five decibels for any industrially zoned property adjacent to a residentially zoned property.
  - (b) Sound pressure levels in decibels shall be measured on the A-weighted response scale with a meter set to the slow response mode; sound level meters used shall have the characteristics defined in the American National Standards Institute publication S1.4 1971 (R1983). Measurements shall be conducted in accordance with ANSI S1-36, 1979.
  - (c) The sound level may not exceed these established sound levels by more than six decibels for a period of more than six minutes during any sixty-minute continuous period.
  - (d) Noise, as measured at the property line, shall not be objectionable due to intermittence, beat frequency, high frequency or other distributing characteristics. For noises that the Code Enforcement Officer determines to be impulsive in character (for example, hammering) or objectionable for any of the other above-noted characteristics, then the standards cited in Subsection B(1)(a) shall be reduced by five decibels. Sounds of short duration, such as impact noises, shall be measured with either an impact analyzer or a sound level meter having a standardized I (impulse) characteristic.
  - (e) Exemptions. The following uses and activities shall be exempt from the noise level regulations:
    - [1] Noises emanating from temporary construction and maintenance activities between 7:00 a.m. and 6:00 p.m.

- [2] The noises of safety signals, warning devices, emergency pressure relief valves or other emergency warning signals.
  - [3] Transient noises of moving sources such as automobiles, trucks, airplanes and railroads. Uses requiring regular deliveries by truck may be required by the board with appropriate jurisdiction to reduce noise levels to an approved level based on the proximity of residential uses. In no case shall the required noise levels be lower than those outlined above.
- (2) Odor. No use within an industrial district shall emit an odor that is unreasonably offensive, as measured at the property line of the use.
  - (3) Dirt, dust, heat, toxic emissions, radiation interference. No use within an industrial district shall create or emit dust, heat, dirt or other particulate matter, radiation, toxic emissions or electronic or radio interference which shall adversely affect uses on adjacent or neighboring properties. In reference to particulates, the minimum standard shall be a maximum particulates, concentration of 75 micrograms per cubic meter of air for the geometric mean of twenty-four-hour average concentrations during 12 consecutive months. For any twenty-four-hour period, the maximum allowable concentration of particulates shall be 250 micrograms per cubic meter of air.
  - (4) Storage. No goods, materials, waste, trash, garbage or other matter shall be stored outside of a building without being fully enclosed to provide both screening, security and containment. Any exception to this type of storage, such as storage of bulk raw materials, shall be granted by the appropriate board during the site plan review procedure. This storage approval may be revoked if a change of ownership or use occurs or if the storage results in an adverse impact on adjacent properties.
  - (5) Vibration:
    - (a) Ground-transmitted vibration shall be measured with a seismograph capable of recording simultaneously vibration vectors in three mutually perpendicular directions.
    - (b) "Vibration" is defined as the periodic displacement or oscillation of the earth.
    - (c) Measurement of particle velocity.
      - [1] For administrative purposes, vibration shall be measured at or beyond any adjacent lot line or residential district line, and such measurements shall not exceed the particle velocities as designated in Table I. The maximum vibration is given as particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 D \times F$$

Where

PV = Particle velocity in inches per second.

D = Single amplitude displacement in inches.

F = Vibration frequency (Hertz) in cycles per second.

- [2] The maximum particle velocity shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously.

**Table I**

**Maximum Peak Particle Velocity (inches per second)**

Vibration	A*	B	C
Steady state**	0.02	0.05	0.10
Impact***	0.04	0.10	0.20

- \* Reduced by 1/2 between 10:00 p.m. and 6:00 a.m.
- \*\* Steady state: vibrations which are continuous or vibrations in discrete impulses more frequent than 60 per minute.
- \*\*\* Impact: discrete impulses which do not exceed 60 per minute.
- A = Vibration velocity measured at a residential district boundary.
- B = Vibration velocity measured at the boundary of an industrial district and any other district, excluding residential districts.
- C = Vibration velocity measured at an adjacent lot line within an industrial district

- (6) Glare. No illumination shall cause direct light rays to cross any property line in an industrial district. All permanent outdoor lights, such as those used for area lighting or building floodlighting, shall be steady, stationary, shielded sources directed to avoid causing a hazard to motorists or pedestrians or causing direct light rays on other properties. The marginal increase in light as measured at any property line other than a street line shall not exceed one footcandle; only a five-tenths-footcandle marginal increase in light shall be permitted at any property line which is also a residential district line.

C. Procedure:

- (1) New application.
  - (a) In the case of any application for the establishment of a new use subject to these performance standards, the appropriate review board may require the applicant, at his own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to the above standards.
  - (b) If the appropriate review board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of his application. The report of any expert consultants shall be promptly furnished to the applicant and subsequently to the reviewing Board.

- (c) During the course of either the site plan or special permit review, the appropriate board shall determine whether the applicant's proposal will conform to the above-noted performance standards, and this determination shall be a necessary, though not exclusive, condition for granting the appropriate board's approval.
- (2) Industries which are subject to these performance standards:
- (a) The Code Enforcement Officer shall investigate any purported violation of these performance standards by industries which are not exempt from these standards because they existed lawfully at the time of enactment of this chapter. If there are reasonable grounds for assuming that there is a violation of these performance standards, the Code Enforcement Officer shall notify those responsible for the alleged violation. Such notice shall describe the particulars of the alleged violation and shall require a written response or corrective action to the alleged violation within a reasonable time limit set by the Code Enforcement Officer, but not to exceed 180 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Code Enforcement Officer within the time limit set shall constitute an admission of violation. The notice shall state that, upon request of those to whom it is directed, technical determinations can be made by experts mutually agreeable to the Code Enforcement Officer and to those responsible for the alleged violation. In the event of an inability to select a mutually agreeable expert, the Code Enforcement Officer shall select the expert. If the expert determines that the violation or alleged violation is true, then costs of the determinations shall be charged against those responsible, in addition to any penalties as may be appropriate upon terms of this chapter. However, if it is determined that no violation exists, costs of the determinations shall be paid by the Village of Solvay.
  - (b) If there is no reply to the notice within the time limits set (thus establishing an admission of violation as provided above) and/or the alleged violation is not corrected to the satisfaction of the Code Enforcement Officer within the time limit set, then the Code Enforcement Officer shall take such actions as may be appropriate under this chapter for situations where an admitted violation continues after notice to cease.

D. Signs for industrial uses shall be as follows:

- (1) Address sign: one wall sign for each building containing a principal use. Each sign shall not exceed four square feet in size and one foot in height.
- (2) No more than two freestanding signs, illuminated or nonilluminated, per curb cut solely for the purpose of traffic control on private property. Each sign shall not exceed two square feet in area.
- (3) Industrial identification sign: one wall sign for each building containing a principal use.
  - (a) The sign shall not exceed 1 1/2 square feet of sign area per linear foot of

building frontage measured at the user's main entrance, and the sign shall not exceed 100 square feet in total size.

- (b) The sign may be nonilluminated or illuminated by indirect light only.
  - (c) For industrial buildings located on a corner lot, one additional wall sign for each building containing a principal use is permitted. The sign shall not exceed 1 1/2 square feet of sign area per linear foot of building frontage measured along the intersecting street frontage. The total size of all signs on each building shall not exceed 125 square feet.
  - (d) During the site plan review process, the appropriate board shall review the placement and design of signs to ensure compatibility with surrounding land uses. In addition, the appropriate board may authorize a temporary sign during construction of a building, not to exceed 32 square feet. The sign may be a freestanding or a wall sign, nonilluminated, and may denote the architect and firm, engineering firm or contractor on the premises where construction, repair or renovation is in progress. Such sign shall be removed within 10 days after completion of the project.
- (4) General prohibitions in the industrial district.
- (a) Sign height. No sign shall be erected or maintained on the face of a building so that any portion shall extend above the base of the roofline.
  - (b) Illumination. Any illuminated sign or lighting device shall employ only lights emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. Holiday decorations and lights when displayed from November 15 to January 6 shall not be considered signs or parts of signs.

**§ 165-40. Restrictions on adult uses.** [Added 9-26-2000 by L.L. No. 2-2000]

- A. No adult use shall be allowed or permitted in any zoning district of the Village, except an Industrial District. All adult uses shall comply with the applicable provisions of the Code, including those related to structures and uses permitted in an Industrial District.
- B. No person shall construct, establish, operate or maintain, or be issued a certificate of occupancy for, any adult use within the Village unless such use meets the following standards:
  - (1) No more than one adult use shall be allowed or permitted on any one lot.
  - (2) No adult use shall be allowed or permitted on a lot that is within 600 feet of:
    - (a) A lot on which there is another adult use.
    - (b) Any Residential District (R-1, R-2, R-3).
    - (c) Any property that is utilized, in whole or in part, for residential purposes.
    - (d) Any church or other regular place of worship, community center, funeral home,

library, school, nursery school, day-care center, hospital or public park, playground, recreational area or field.

- (e) Any public buildings.
  - (f) Any hotel or motels.
- (3) Where there is a conflict between the regulations as provided in this § 165-40 and any other law, rule or regulation of the Village, including the Code, the most restrictive law, rule or regulation shall apply.
- (4) All distances set forth herein shall be measured by following a straight line, without regard to intervening structures or improvements, from the nearest point of the lot line of the parcel on which the adult use is to be located to the nearest point of the lot line of the parcel of land from which the adult use is to be separated.
- C. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical activities from any public way or from any other lot, including but not limited to any lighting, display, decoration, poster, photograph, video, sign, show, doorway, window, screen or other opening.

**§ 165-41. Milton Avenue District regulations.** [Added 1-22-2008 by L.L. No. 1-2008; amended 4-22-2008 by L.L. No. 4-2008]

- A. Pursuant to § 165-31.1, all uses in the Village except one-family and two-family dwellings and uses accessory thereto, and for structures on a site measuring less than 200 square feet, shall require site plan review by the Village Board prior to the issuance of a building permit. In addition to the criteria set forth therein, uses within the Milton Avenue (M) District shall meet the performance standards set forth in this section.
- B. Intent. The Milton Avenue corridor is the traditional "Main Street" of the Village of Solvay and is an important gateway into the Village. The intent of the District is to improve the visual appearance of the corridor, encourage mixed-use development, enhance the pedestrian environment and to preserve and promote the historic character of the District.
- C. Boundaries. This district applies to all lands zoned residential and commercial fronting on Milton Avenue from Village line to Village line, and including the first 100 feet of frontage measuring from the front lot line along both sides of Bridge Street. In addition, any commercially zoned lands at the time of adoption of this section fronting on Franklin Avenue, Cogswell Avenue, Woods Road, Lamont Avenue, Freeman Avenue, Caroline Avenue, and Charles Avenue (north of Conklin Street) shall also be rezoned to the Milton Avenue District.
- D. Building scale and streetscape. The size, location and shape of any new structure or modification to any existing structure shall be consistent with the purpose and intent of the Milton Avenue District and with the streetscape formed by the traditional structures within the District. To the extent practical, buildings or modifications shall be comparable to the height, width and setback of adjacent properties, provided that there is adequate pedestrian space, vehicular access and provisions for firesafety.

- E. Building configuration. The primary building facade fronting on a street shall not exceed 50 feet in length along the same geometric plane without a change in the front yard setback of a minimum of two feet in depth, for a distance of not less than six feet. For building facades that exceed 75 feet in length, the change in the geometric plane shall be increased to a minimum of four feet in depth. In addition, facades 50 feet or longer in length shall be designed to minimize visual monotony through changes in setback, height, material, texture and the use of plant materials. Buildings facing Milton Avenue shall be situated such that the facade is parallel to the street line of Milton Avenue.
- F. Architecture. Traditional late 19th century commercial architectural is encouraged, complementing existing older mixed-use structures on the corridor, neighborhood character and traditional design objectives.
- G. Loading and screening. Loading and delivery areas, outdoor storage space, trash collection areas and service entries are prohibited along public frontage. All areas shall incorporate suitable site and landscape features, including the use of appropriately sized deciduous and evergreen plant materials to mitigate the effects of visual impact from view of a public right-of-way. Effective landscape or opaque fence screening of rear yards is required for all properties abutting a residentially zoned property.
- H. Vehicular access management. The connection and consolidation of parking lots and driveways is encouraged. Driveways must be curbed and defined. Sidewalks crossing driveways shall be constructed of concrete or brick, Driveway access onto Milton Avenue shall be limited to a maximum of one driveway per structure. Where practicable, driveway access shall be located off side streets or alleys. The maximum permitted driveway width shall be 24 feet, with a twelve-foot maximum lane width in either direction.
- I. Off-street parking. Off-street parking areas shall be screened from street frontages and adjoining residential properties by low walls, dense landscape or a combination of these elements. Fencing shall be discouraged in favor of the aforementioned more permanent and durable screens. Parking is not permitted between the facade of a building and the right-of-way.
- J. On-street parking. On-street parking along the adjacent frontage shall count towards the parking requirements for the site.
- K. Shared or off-site parking. Wherever feasible, shared parking or the use of public parking lots shall be encouraged. Applicants may pay a fee in lieu of providing on-site parking, according to established legislation. The applicant shall provide a parking analysis justifying proposed parking during the special permit or site plan review processes.
- L. Alleys. To reduce curb cuts along Milton Avenue, alleys located to the rear of parcels fronting on Milton Avenue are encouraged and parking shall be accessed from an alley wherever feasible. Such alleys must be adequately lighted during evening hours.
- M. Sidewalks. Sidewalks are required along the facade of buildings. On corner parcels, sidewalks are required on both frontages located along a right-of-way. Sidewalks shall be a minimum of five feet wide and compliant with the Americans with Disabilities Act. Unless alternate pedestrian accommodations are provided, sidewalks shall extend between the street line and the building facade. Asphalt sidewalks are prohibited.

- N. Landscaping. Landscaping with plant materials and walls/fencing must be utilized to minimize the impacts of uses abutting any residential structure, as well as to define, break up and buffer parking areas, and to enhance the aesthetic character of the existing environment. The use of chain link fencing as buffers and screens is prohibited.
- O. Street trees. The planting of trees along Milton Avenue and Bridge Street shall have a consistent appearance through the use of tree species and spacing. Such trees shall be in addition to any on-site landscaping.
- P. Fencing. The use of chain link fencing for purposes of buffering or screening property is prohibited.
- Q. Signage. Consistent with the stated intent of the Milton Avenue District regulations, sign size, design and location shall complement and harmonize with the architectural form and detailing of the building. Any illuminated sign or lighting device shall only employ lights emitting a light of constant intensity. No sign shall be illuminated by a continuous flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be situated in such a manner so as to confuse, detract from or in any other way obstruct traffic, nor may an illuminated sign restrict vision or impair safety. [Amended 12-20-2011 by L.L. No. 6-2011]
- R. General signage prohibitions and regulations. [Amended 12-20-2011 by L.L. No. 6-2011]
- (1) Wall signs.
    - (a) Front facade. Wall signs that are flush with the front facade of a building or structure, or part thereof, shall not exceed 20% of the square footage of the front facade of such building or structure as occupied by such business. In the event that more than one business tenant is located in a building or structure, the total cumulative square footage of any and all wall signs shall not exceed 20% of the total square footage of the front facade.
    - (b) Side facade. Wall business signs that are flush with a side facade of a building or structure, or part thereof, shall not exceed 10% of the square footage of the facade of such building or structure as occupied by such business. In the event that more than one business tenant is located in a building or structure, the total cumulative square footage of any and all business wall signs shall not exceed 10% of the total square footage of the side facade.
    - (c) One wall sign, the area of which may not exceed six square feet, may be located for identification purposes at a secondary entrance situated on the rear facade of a building or structure.
  - (2) Freestanding signs. The maximum sign height of a freestanding sign shall be 20 feet, and the sign area of each side shall not exceed 30 square feet. Freestanding signs shall not tend to confuse, detract from or in any other way obstruct traffic, nor may a freestanding sign restrict vision or impair safety.
  - (3) Monument signs. The maximum sign height of a monument sign shall be six feet, and the sign area of each side shall not exceed 30 square feet. Monument signs shall not tend to confuse, detract from or in any other way obstruct traffic, nor shall a

monument sign restrict vision or impair safety.

- (4) Projecting signs. The sign area of each side of a projecting sign shall not exceed 16 square feet and shall not encroach upon Village property. Only one projecting sign per business tenant is permitted.
  - (5) Temporary signs. The placement and location of temporary signs, including inflatable items, balloons and flags, shall not tend to confuse, detract from or in any other way obstruct traffic, nor may a temporary sign restrict vision or impair safety. The sign area of each side of a temporary sign shall not exceed 12 square feet. The use of A-frame signs is limited to business hours of operation.
  - (6) Prohibited signage. Rooftop, skyline, and billboard signs are prohibited, with the exception of clocks.
- S. Nonconforming signage. [Amended 12-20-2011 by L.L. No. 6-2011]
- (1) A sign not complying with this section, but legally in place on the effective date of this section, may continue to exist and be maintained, restored and repaired. Alterations and modifications are permitted only to the extent that such alterations and modifications do not increase the degree of nonconformity. If damaged, a legal nonconforming sign may not be reestablished if the damage sustained by such sign involves over 50% of the gross area of the sign or if reconstruction exceeds 50% of the estimated replacement cost. Any sign may be altered to decrease its nonconformity.
  - (2) Any sign not complying with this section shall be terminated upon any change in the ownership or control of such business.
  - (3) An unsafe or abandoned sign is declared a public nuisance, which nuisance shall be abated.
- T. Drive-through facilities. Drive-through facilities shall be subject to site plan review, with special attention to the potential negative impacts to the pedestrian environment as a result of the proposed drive-through facility. Drive-through facilities and access thereto are limited to the rear of a parcel.
- U. Exterior finish materials. Plain concrete, concrete block, corrugated metal, plywood and press board are not permitted as exterior finish material, except as a secondary finish covering no more than 10% of a facade. This standard applies to all building facades. A minimum of 35% of a building's facade fronting on Milton Avenue must consist of clear windows that allow views of indoor nonresidential spaces or product display areas. Such windows shall measure no more than eight feet or less than two feet in height.
- V. Awnings. Matching, retractable, fire-retardant awnings provide thematic character, as well as shelter. As a temporary structure, awnings are exempt from setback requirements.
- W. Lighting. Lighting and associated equipment shall be appropriate to the character of the structure and shall not glare upon the sidewalk or adjoining properties.
- X. Outdoor eating areas. A building may be set back a distance greater than the maximum setback to accommodate an outdoor eating area. To preserve the continuity of the

streetwall, the building may be set back no more than 20 feet from the front or side street property line or at least 40% of the building facade must be located at the maximum setback line.

- Y. Entrances. Buildings shall have a primary entrance facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of shops or businesses.
- Z. Modification to front yard setbacks. Open porches, stoops, balconies, awnings and bay windows may encroach up to 50% of the established setback from the street line.

ZONING

165 Attachment 1

Village of Solvay

Schedule of Area and Dimension Controls

[Amended 10-8-1991 by L.L. No. 4-1991; 1-22-2008 by L.L. No. 1-2008; 4-22-2008 by L.L. No. 4-2008]

District	Minimum Lot Size (square feet)	Minimum Lot Width (square feet)	Maximum Lot Coverage (percentage)	Minimum Front Yard Depth (feet) <sup>1</sup>	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (feet)	Minimum Distance Between Accessory Building and Side Lot Line or Rear of Lot (feet)	Maximum Height of Principal Structures (in stories or feet, which is less)		Maximum Height of Accessory Structures (feet)	Residential Density (Lot Area Required)		
								(stories)	(feet)		First Dwelling Unit <sup>2</sup>	Second Dwelling Unit	Each Additional Unit
R-1 <sup>3</sup>	5,000	50	30	20	5	20	5	3	40	25	5,000	--	--
R-2 <sup>3</sup>	4,000	40	30	20	3	20	5	3	40	25	4,000	1,000	--
R-3 <sup>3</sup>	4,000	40	30	20	3	20	5	5	50	25	4,000	1,000	1,000
C	--	--	70	20	5	20	--	5	60	--	4,000	1,000	1,000
1	15,000	100	50	35	20	25	20	5	60	25	--	--	--
M	4,500 min/ 40,000 max	30 min/ 300 max	50 min/ 100 max	0 min/ 12 max	0 min	10 min	5	3	30 min or 60 max	25 max	50%		

NOTES:

<sup>1</sup> For any property located on a block where 50% or more of the parcels are developed and where the lots immediately adjacent to said property are developed, the required setback stated herein shall be superseded by a required setback which shall be the average of the setbacks of buildings on the immediately adjacent properties.

<sup>2</sup> Any lot in the Village which is zoned R-1, R-2, R-3 or C and which has been a lot, as defined in this chapter, on or before June 1, 1983, but is less than the minimum lot size, required herein may be developed for single-family residential use, provided that the applicable parking requirements and the requirements for maximum lot coverage, minimum front yard depth, minimum side yard width, minimum rear yard depth, minimum distance between accessory building and lot lines and the maximum structure height are met.

<sup>3</sup> Any lot in the Village which is zoned R-1, R-2 or R-3 and subdivided after January 1, 1991, shall have a minimum lot size of 7,000 square feet, a minimum lot width of 70 feet, a minimum side yard width of 10 feet and a lot area required for the first dwelling unit of 7,000 square feet.

## Chapter A170

### DISPOSITION LIST

The following list indicates the disposition of legislation of the Village of Solvay or, if not included, the reason for exclusion.

#### § A170-1. Disposition of legislation.

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 1-1969	1-28-1969	Utility tax	Ch. 144, Art. I
	11-25-1969	Electrical inspections	Ch. 72
Res.	2-9-1971	Code of Ethics	Ch. 15
	7-23-1974	Vehicle and traffic	Ch. 160
	8-13-1974	Vehicle and traffic	Ch. 160
	8-27-1974	Noise	Not desired by governing body
Res.	12-10-1974	Public access to records	Ch. 129
L.L. No. 1-1975	1-28-1975	Building permit fees	Superseded by L.L. No. 1981
L.L. No. 2-1975	1-28-1975	Certificate of occupancy fees	Ch. 82, Art. I
L.L. No. 3-1975	1-28-1975	Multiple dwellings	No desired by governing body
L.L. No. 4-1975	5-27-1975	Designation of official newspaper	NCM
L.L. No. 5-1975	6-24-1975	Fire prevention standards	Ch. 89, Art. IV
L.L. No. 6-1975	11-11-1975	Code adoption	New legislation pending; see Ch. 1, Art. I
L.L. No. 7-1975	12-19-1975	Dogs amendment	Ch. 66, Art. II
L.L. No. 1-1976	4-27-1976	Salaries and compensation	NCM
L.L. No. 2-1976	6-8-1976	Vehicle and traffic amendment	Ch. 160
L.L. No. 3-1976	7-13-1976	Swimming pools	Ch. 140
L.L. No. 1-1977	3-22-1977	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-1977	6-14-1977	Salaries and compensation	NCM
L.L. No. 3-1977	8-9-1977	Environmental quality review	Ch. 75
L.L. No. 4-1977	11-21-1977	Comptroller	Ch. 26, Art. II
L.L. No. 1-1978	2-14-1978	Business investment exemption	Ch. 144, Art. II
L.L. No. 2-1978	7-25-1978	Games of chance	Ch. 93

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 1-1980	5-13-1980	Defense and indemnification	Ch. 7
L.L. No. 2-1980	10-14-1980	Alcoholic beverages	Ch. 45
L.L. No. 3-1980	10-14-1980	Vehicles and traffic amendment	Ch. 160
L.L. No. 4-1980	12-23-1980	Veterans exemption	Ch. 144, Art. III
L.L. No. 1-1981	12-8-1981	Building permit amendment	Repealed by L.L. No. 8-2008
L.L. No. 2-1981	12-8-1981	Amusement games amendment	Ch. 48, Art. II
L.L. No. 1-1982	3-9-1982	Salaries and compensation	NCM
L.L. No. 2-1982	3-9-1982	Vehicles and traffic amendment	Ch. 160
L.L. No. 3-1982	4-13-1982	Fees for use of softball fields	Ch. 82, Art. II
L.L. No. 4-1982	9-29-1982	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-1983	7-26-1983	Swimming pools amendment	Ch. 140
L.L. No. 2-1983	6-28-1983	Zoning	Ch. 165
L.L. No. 1-1984	8-14-1984	Excavations amendment	Ch. 136, Art. III
L.L. No. 2-1984	9-25-1984	Licensing amendment	Superseded by L.L. No. 5-2012
L.L. No. 3-1984	10-9-1984	Animals amendment	Ch. 66, Art. I
L.L. No. 1-1986	8-24-1986	Vehicles and traffic amendment	Ch. 160
Res.	1-27-1987	Public access to records amendment	Ch. 129
L.L. No. 1-1987	6-9-1987	Vehicles and traffic amendment	Ch. 160
Res.	3-27-1990	Smoking policy	Ch. 132
L.L. No. 1-1990	6-12-1990	Travel expenses for village officials	Ch. 26, Art. III
L.L. No. 2-1990	7-10-1990	Solid waste collection	Ch. 96, Art. II
L.L. No. 3-1990	12-27-1990	Senior citizen tax exemption	Ch. 144, Art. IV
L.L. No. 1-1991	4-9-1991	Senior citizen tax exemption amendment	Ch. 144, Art. IV
L.L. No. 2-1991	6-25-1991	Defense and indemnification	Ch. 7
L.L. No. 3-1991	9-10-1991	Vehicles and traffic amendment	Ch. 160
L.L. No. 4-1991	10-8-1991	Adoption of Code	Ch. 1, Art. I
Res.	11-12-1991	Service charge for returned checks	Ch. 82, Art. III
L.L. No. 5-1991	12-10-1991	Peace and good order	Ch. 126, Art. III
Res.	1-28-1992	Procurement policy	Ch. 29

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 1-1992	11-24-1992	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-1995	10-24-1995	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-1996	Being researched by the village. When adopted, it will be included here.		
L.L. No. 2-1996	3-12-1996	Zoning amendment	Ch. 165
L.L. No. 3-1996	3-12-1996	Zoning amendment	Ch. 165
L.L. No. 4-1996	3-12-1996	Garbage, rubbish and refuse amendment	Ch. 96, Art. I
L.L. No. 5-1996	8-27-1996	Abolishment of Assessor	Ch. 3
L.L. No. 6-1996	12-17-1996	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-1997	1-28-1997	Veterans proportional exemption amendment	Ch. 144, Art. III
L.L. No. 2-1997	1-28-1997	Senior citizens tax exemption amendment	Ch. 144, Art. IV
L.L. No. 3-1997	9-23-1997	Curfew (temporary measure)	Not Code material
L.L. No. 4-1997	10-28-1997	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-1998	4-28-1998	Building permits amendment	Repealed by L.L. No. 8-2008
L.L. No. 2-1998	4-28-1998	Senior citizens tax exemption amendment	Ch. 144, Art. IV
L.L. No. 3-1998	4-28-1998	Veterans proportional exemption amendment	Ch. 144, Art. III
L.L. No. 4-1998	11-16-1998	Zoning Map amendment	Not Code material
L.L. No. 5-1998	11-24-1998	Cats	Ch. 66, Art. III
L.L. No. 6-1998	11-24-1998	Dogs amendment	Ch. 66, Art. II
L.L. No. 1-1999	1-26-1999	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-1999	1-26-1999	Vehicles and traffic amendment	Ch. 160
L.L. No. 3-1999	3-23-1999	Zoning Map amendment	Not Code material
L.L. No. 4-1999	4-15-1999	Vehicles and traffic amendment	Ch. 160
L.L. No. 5-1999	5-18-1999	Loitering	Ch. 111
L.L. No. 6-1999	5-18-1999	Vehicles and traffic amendment	Ch. 160
L.L. No. 7-1999	8-24-1999	Parks and playgrounds amendment	Ch. 122

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 8-1999	8-24-1999	Zoning amendment	Ch. 165
L.L. No. 9-1999	10-26-1999	Outdoor storage of motor vehicles, mechan- ized equipment or other material amendment	Ch. 157
L.L. No. 10-1999	11-23-1999	Zoning amendment	Ch. 165
L.L. No. 11-1999	11-23-1999	Moratorium on adult uses	NCM
L.L. No. 12-1999	12-28-1999	Streets and sidewalks: miscellaneous restrictions amendment	Ch. 136, Art. II
L.L. No. 1-2000		Extension of moratorium on adult uses	NCM
Order	7-25-2000	Vehicles and traffic amendment	Ch. 160
Order	7-25-2000	Vehicles and traffic amendment	Ch. 160 (rescinded by 9-26- 2000 order)
Order	8-22-2000	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-2000	9-26-2000	Zoning amendment	Ch. 165
L.L. No. 3-2000	9-26-2000	Development fees	Ch. 64
L.L. No. 4-2000	9-26-2000	Moratorium on professional offices in residences	NCM
Order	9-26-2000	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-2001	2-27-2001	Garbage, rubbish and refuse: licensing of haulers; recycling plan amendment	Ch. 96, Art. II
L.L. No. 2-2001	2-27-2001	Senior citizens tax exemption amendment	Ch. 144, Art. IV
L.L. No. 3-2001	2-27-2001	Taxation: exemption for persons with disabilities and limited incomes	Ch. 144, Art. V
L.L. No. 4-2001	3-27-2001	Fees amendments	Chs. 82 and A171
Order	3-27-2001	Vehicles and traffic amendment	Ch. 160
L.L. No. 5-2001	7-24-2001	Garbage, rubbish and refuse: general regulations amendment	Ch. 96, Art. I
Order	10-23-2001	Vehicles and traffic amendment	Ch. 160
Motion	12-18-2001	Fee for returned checks	Ch. 82
Res.	1-22-2002	Vehicles and traffic amendment	Ch. 160
Res.	4-9-2002	Increase in mileage rate for automobile usage)	Ch. 26 (footnote only)

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 1-2002	9-24-2002	Dogs amendment	Ch. 66, Art. II
Res.	10-22-2002	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-2002	11-26-2002	Unsafe buildings amendment	Ch. 59
L.L. No. 3-2002	11-26-2002	Zoning Map amendment	NCM
Res.	11-26-2002	Vehicles and traffic amendment	Ch. 160
Res.	12-17-2002	Vehicles and traffic amendment	Ch. 160
Res.	1-28-2003	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-2003	3-25-2003	Garbage, rubbish and refuse amendment	Ch. 96, Art. I
L.L. No. 2-2003	4-22-2003	Fees to reserve park shelters and areas	Chs. 82, Art. IV; 122; A171
Order	5-27-2003	Vehicles and traffic amendment	Ch. 160
L.L. No. 3-2003	7-22-2003	Garbage, rubbish and refuse amendment	Ch. 96, Art. I
L.L. No. 4-2003	7-22-2003	Zoning amendment	Ch. 165
L.L. No. 5-2003	7-22-2003	Zoning Map amendment	NCM
Order	8-26-2003	Vehicles and traffic amendment	Ch. 160
L.L. No. 6-2003	11-25-2003	Zoning amendment	Ch. 165
L.L. No. 1-2004	3-23-2004	Dogs amendment	Ch. 66
L.L. No. 2-2004	3-23-2004	Truck exclusions amendment	Ch. 160
Order	3-23-2004	Vehicles and traffic amendment	Ch. 160
L.L. No. 3-2004	8-24-2004	Moratorium on new rental units	NCM
Order	8-24-2004	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-2005	1-25-2005	Extension of moratorium on new rental units	NCM
L.L. No. 2-2005	3-22-2005	Moratorium on vehicle sales lots	NCM
Order	3-22-2005	Vehicles and traffic amendment	Ch. 160
Res.	4-6-2005	Increase in mileage rate for automobile usage	Ch. 26 (footnote only)
L.L. No. 3-2005	7-26-2005	Municipal Electric Department Commission	Ch. 23, Art. IV

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
Order	7-26-2005	Vehicles and traffic amendment	Ch. 160
Order	8-3-2005	Vehicles and traffic amendment	Ch. 160
L.L. No. 4-2005	8-23-2005	Extension of moratorium on vehicle sales lots	NCM
L.L. No. 5-2005	8-23-2005	Municipal Electric Department Commission	Ch. 154
Res.	9-27-2005	Increase in mileage rate for automobile usage	Ch. 26 (footnote only)
L.L. No. 6-2005	10-25-2005	Volunteer fire fighters and ambulance workers exemption	Ch. 144, Art. VI
L.L. No. 7-2005	10-25-2005	Parks and playgrounds amendment	Ch. 122
Order	2-28-2006	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-2006	3-28-2006	Extension of moratorium on vehicle sales lots in commercial districts	NCM
L.L. No. 2-2006	5-16-2006	Swimming pools; zoning amendment	Chs. 140 and 165
L.L. No. 3-2006	8-22-2006	Extension of moratorium on vehicle sales lots in commercial districts	NCM
L.L. No. 4-2006	9-26-2006	Building permits amendment	Repealed by L.L. No. 8-2008
L.L. No. 5-2006	10-24-2006	Zoning Map amendment	NCM
Order	10-24-2006	Vehicles and traffic amendment	Ch. 160
Order	10-24-2006	Vehicles and traffic amendment	Ch. 160
Order	12-26-2006	Vehicles and traffic amendment	Ch. 160
L.L. No. 1-2007	1-23-2007	Moratorium on subdivisions	NCM
L.L. No. 2-2007	1-23-2007	Lost and found property amendment	Ch. 112
L.L. No. 3-2007	3-27-2007	Extension of moratorium on vehicle sales lots in commercial districts	NCM
L.L. No. 4-2007	5-22-2007	Zoning amendment	Ch. 165
L.L. No. 5-2007	7-24-2007	Curfew	Ch. 62
L.L. No. 6-2007	8-28-2007	Senior citizens tax exemption amendment	Ch. 144, Art. IV

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 7-2007	8-28-2007	Tax exemption for persons with disabilities and limited incomes amendment	Ch. 144, Art. V
L.L. No. 8-2007	8-28-2007	Veterans proportional tax exemption amendment	Ch. 144, Art. III
L.L. No. 9-2007	8-28-2007	Extension of moratorium on subdivisions	NCM
L.L. No. 10-2007	9-25-2007	Extension of moratorium on vehicle sales lots in commercial districts	NCM
L.L. No. 11-2007	11-27-2007	Stormwater management; zoning amendment	Chs. 134; 165
L.L. No. 12-2007	11-27-2007	Illicit connections, activities and discharges to storm sewer system	Ch. 105
L.L. No. 13-2007	12-18-2007	Subdivision of land	Ch. 159
L.L. No. 1-2008	1-22-2008	Zoning amendment	Ch. 165
L.L. No. 2-2008	2-19-2008	Senior citizens tax exemption amendment	Ch. 144, Art. IV
L.L. No. 3-2008	2-19-2008	Tax exemption for persons with disabilities and limited incomes amendment	Ch. 144, Art. V
L.L. No. 4-2008	4-22-2008	Zoning amendment	Ch. 165
L.L. No. 5-2008	5-27-2008	Subdivision of land amendment; zoning amendment	Chs. 159, 165
L.L. No. 6-2008	5-27-2008	Subdivision of land amendment	Ch. 159
L.L. No. 7-2008	6-17-2008	Real property rental registration and inspection program	Ch. 127
L.L. No. 8-2008	6-17-2008	Fire prevention and building construction	Ch. 89
L.L. No. 9-2008	7-22-2008	Vehicles and traffic amendment	Ch. 160
Res.	7-22-2008	Developer fees amend- ment	Ch. A171
Res.	7-22-2008	Rental registration fees	Ch. A171
	9-30-2008	Vehicles and traffic amendment	Ch. 160
L.L. No. 10-2008	12-23-2008	Abatement of public nuisances	Ch. 120, Art. I
L.L. No. 1-2009	3-24-2009	Unsafe buildings amendment	Ch. 59
L.L. No. 2-2009	8-25-2009	Brush, grass and weeds amendment	Ch. 56

<b>Enactment</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>
L.L. No. 3-2009	11-24-2009	Cold war veterans tax exemption	Ch. 144, Art. VII
L.L. No. 1-2010	4-27-2010	Garbage rubbish and refuse: general regulations amendment	Ch. 96, Art. I
L.L. No. 2-2010	5-25-2010	Portable storage units and roll-off dumpsters	Ch. 126A
L.L. No. 1-2011	1-25-2011	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-2011	3-22-2011	Procurement policy amendment	Ch. 29
L.L. No. 3-2011	5-24-2011	Zoning amendment	Ch. 165
L.L. No. 4-2011	7-28-2011	Vehicles and traffic amendment	Ch. 160
L.L. No. 5-2011	9-27-2011	Stormwater management amendment	Ch. 134
L.L. No. 6-2011	12-20-2011	Zoning amendment	Ch. 165
L.L. No. 1-2012	1-24-2012	Vehicles and traffic amendment	Ch. 160
Res.	1-24-2012	Vehicles and traffic amendment	Ch. 160
L.L. No. 2-2012	3-27-2012	Tax levy limit override 2012	NCM
L.L. No. 3-2012	5-22-2012	Stormwater management amendment	Ch. 134
L.L. No. 4-2012	5-22-2012	Taxation: Cold War veterans exemption amendment	Ch. 144, Art. VII
L.L. No. 5-2012	7-24-2012	Licensing: hawkers, vendors, solicitors and peddlers	Ch. 109, Art. I
L.L. No. 6-2012	7-24-2012	Zoning Map amendment	NCM

## Chapter A171

### FEES

(The following is a list of the fees charged by the Village of Solvay for various licenses, permits, applications and other services. Consult the applicable Code sections for more detailed provisions.)

#### § A171-1. Fees.

#### LICENSES

Type	Fee	Applicable Code Section(s)
Restaurants, lunch counters and similar places	\$25 per year	§ 109-1G
Amusement centers	\$25 per year	§ 48-14
Amusement center games	\$25 per year, plus \$1 for tag, per machine	§§ 48-21, 48-25A
Taxicabs, public carriages, carts, drays, express wagons, automobiles, trucks, trailers and other vehicles for transportation of persons or property for hire	\$25 per year for each vehicle and place of business or premises	§ 109-ic
Auctioneers, collateral loan brokers, junk dealers in secondhand articles and scavengers	\$25 per year	§ 109-1A
Hawkers, vendors, peddlers and solicitors		
Milk, bread and baked goods vendors	\$25 per year per person or vehicle	§ 109-1B(1)
Ice cream vendors	\$25 per year per person or vehicle	§ 109-1B(2)
All other hawkers, vendors, peddlers or solicitors	\$25 per year for each person or vehicle	§ 109-1B(3)
Theaters and moving-picture houses	\$25 per year per premises	§ 109-1D
Bowling alleys	\$5 per year per alley	§ 109-1E
Shooting galleries	\$25 per year	§ 109-1F
Dance halls, opera houses and public halls	\$25 per year	§ 109-1H
Public exhibitions; music, amusement and entertainment productions	\$25 per year	§ 109-1I

## LICENSES

<b>Type</b>	<b>Fee</b>	<b>Applicable Code Section(s)</b>
Convalescent or nursing home	\$25 per year	§ 109-16

## PERMITS AND CERTIFICATES

<b>Type</b>	<b>Fee</b>	<b>Applicable Code Section(s)</b>
Building permit [Amended 7-22-2008]		
First \$1,000	\$20	
Every \$1,000 thereafter	\$5	
Certificate of occupancy	\$25	§ 82-1
Excavation of cut in street, sidewalk, highway or other public ground	\$10, plus \$0.50 times the square footage of the cut	§ 136-25
Pool variance application	\$25	§ 140-19

## DEVELOPER FEES

[Amended 7-22-2009]

<b>Zoning Board of Appeals</b>	<b>Application Fees</b>	<b>Deposit, Legal</b>	<b>Deposit, Engineering</b>
Use variance	\$250	\$750	
Special permit	\$75	\$750	
Area variance	\$75	\$500 \$1,000.00 w/ref	
Code interpretation	\$75		
Site plan review	\$250	\$750 \$1,500 w/ref \$2,500.00 large projects	\$500, plus \$250 per acre
Subdivision			
Minor			
1 to 3 lots	\$250	\$750	\$500, plus \$120 per lot
4 to 5 lots	\$500	\$5,000	
6 to 10 lots	\$1,000	\$5,000	
11 lots	\$2,000	\$5,000	

## OTHER

Type	Fee	Applicable Code Section(s)
Softball fields		
Jack Benny League	\$100 per year	§ 82-2A
Other softball leagues	\$150 per year	§ 82-2A
Weekend softball tournaments	\$100, plus \$25 deposit for cleaning	§ 82-2B
Gertrude Park Upper Shelter A	\$25 per day	§§ 82-5 and 122-1.1
Gertrude Park Lower Shelter B	\$20 per day	§§ 82-5 and 122-1.1
Gertrude Park Point Shelter C	\$20 per day	§§ 82-5 and 122-1.1
Residential rental property [Added 7-22-2008]		§ 127-5
Registration	\$15 per unit	
Inspection	\$25 per unit	
Public records, copies of		
Page size 8 1/2 x 11	\$0.25 per page	§ 129-5
Page size 8 1/2 x 15	\$0.35 per page	§ 129-5
Page size 11 x 17	\$0.75 per page	§ 129-5
Alien certification	\$1	N/A
FEMA letter regarding wetlands	\$5	N/A
Application for zone change	\$100	N/A
Service charge for returned checks	\$15	§ 82-3

