

Part I, Administrative Legislation

Chapter 1

GENERAL PROVISIONS

ARTICLE I

Adoption of 1978 Code**[Adopted by L.L. No. 2-1978 (Ch. 1 of the 1978 Code)]****§ 1-1. Title.**

This codification of enactments whether formerly ordinances or local laws or new enactments are and are intended to be a complete compilation of all ordinances and local laws of a general nature formerly effective in the Village of New Paltz, in the County of Ulster and State of New York and are and shall be the "Village of New Paltz Municipal Code" and is hereby enacted as a local law pursuant to the authority contained in Subdivision 3 of § 20 of the Municipal Home Rule Law.

§ 1-2. Definitions.

- A. Specific terms. When used in this Code, unless otherwise expressly stated or unless the context or subject matter otherwise requires:

AGRICULTURE USE — Land used for the production of crops and/or livestock and livestock products (as those terms are defined at Section § 301 of the New York State Agriculture and Markets Law).**[Added 2-13-2013 by L.L. No. 1-2013]**

APPLICATION — In the context of natural gas and oil exploration, extraction, or production byproducts, the physical act of placing natural gas and oil production byproducts on one or more Village roads or one or more pieces of Village property. Each physical act shall be deemed a separate violation. Each time a person stops the placement of natural gas and oil production byproducts for any reason, including but not limited to stopping a vehicle used in the placement or reloading or replacing any material or equipment and then resuming placement shall be deemed a separate application.**[Added 11-28-2012 by L.L. No. 14-2012]**

ASSESSOR or VILLAGE ASSESSOR — The Assessor of the Village of New Paltz, New York.

BOARD OF APPEALS or ZONING BOARD OF APPEALS — The Board of Appeals of the Village of New Paltz, New York appointed in accordance with the provision of Chapter 212 of this Code and § 7-712 of the Village Law.

BOARD OF TRUSTEES, VILLAGE BOARD or BOARD — The Board of Trustees of the Village of New Paltz, New York.

BUILDING INSPECTOR — The Building Inspector of the Village of New Paltz, New York appointed by the Mayor, subject to the approval of the Board of Trustees to enforce zoning, housing, building and unsafe building regulations within the Village of New Paltz.

CODE — Unless otherwise specifically qualified means the Village of New Paltz Municipal Code.

COUNTY — The County of Ulster in the State of New York.

COUNTY CLERK — The County Clerk of the County of Ulster in the State of New York.

FIRE CHIEF or CHIEF OF THE FIRE DEPARTMENT — The Fire Chief of the Village of New Paltz, New York.

FIRE PREVENTION CODE INSPECTOR — The official of the Village of New Paltz designated to enforce the State Fire Prevention Code.

HEALTH OFFICER — The official who serves as the Health Officer of the Village of New Paltz, New York.

INDUSTRIAL WASTES — Any discarded matter, including any liquid, gaseous or solid substance, or combination thereof, resulting from any industrial user, excluding natural gas and oil production byproducts.**[Added 11-28-2012 by L.L. No. 13-2012]**

INJECTION WELL — A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semisolids) are injected into the subsurface and less than 90% of such fluids return to the surface within a period of 90 days.**[Added 2-13-2013 by L.L. No. 1-2013]**

LAND APPLICATION FACILITY — A site where any natural gas and/or petroleum extraction, exploration or production wastes are applied to the soil surface or injected into the upper layers of the soil.**[Added 2-13-2013 by L.L. No. 1-2013]**

MAYOR — The Mayor of the Village of New Paltz, New York.

MUNICIPAL CODE — The Village of New Paltz Municipal Code.

NATURAL GAS — Methane and any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.**[Added 2-13-2013 by L.L. No. 1-2013]**

NATURAL GAS AND OIL EXPLORATION — The use of land for geological or geophysical activities related to the search for natural gas, oil or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, oil or other subsurface hydrocarbon deposits.**[Added 11-28-2012 by L.L. No. 13-2012; 11-28-2012 by L.L. No. 14-2012]**

NATURAL GAS AND OIL EXTRACTION — The use of land for the purpose of extracting, developing and producing natural gas, oil or other subsurface hydrocarbons from subsurface deposits. Natural gas and oil extraction includes storage or construction staging yards associated with an oil or gas extraction operation, and gas pipelines,

water lines and other gathering systems and components, including but not limited to drip stations, vent stations, injection stations and valve boxes associated with a natural gas or oil extraction operation.**[Added 11-28-2012 by L.L. No. 13-2012; 11-28-2012 by L.L. No. 14-2012]**

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS — Any refuse, sludge or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semisolid, or contained gaseous material that results from, is associated with or produced as a byproduct of natural gas and oil exploration or extraction, including, without limitation, production brine, produced waters, flowback, flowback fluids or hydraulic fracturing fluids.**[Added 11-28-2012 by L.L. No. 13-2012; 11-28-2012 by L.L. No. 14-2012; 2-13-2013 by L.L. No. 1-2013]**

NATURAL GAS AND/OR PETROLEUM EXPLORATION ACTIVITIES — Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons, including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise make any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.**[Added 2-13-2013 by L.L. No. 1-2013]**

NATURAL GAS AND/OR PETROLEUM EXTRACTION ACTIVITIES — The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum, or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.**[Added 2-13-2013 by L.L. No. 1-2013]**

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES — **[Added 2-13-2013 by L.L. No. 1-2013]**

- (1) Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from any statutory or regulatory definition(s) of "industrial waste," "hazardous," or "toxic," and whether or not such substances are generally characterized as waste:
 - (a) Below-regulatory-concern radioactive material, or any radioactive material which is not below regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Village, whether naturally occurring or otherwise, and in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons;

- (b) Natural gas or petroleum drilling fluids;
 - (c) Natural gas or petroleum exploration, drilling, production or processing wastes;
 - (d) Natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semiliquid material);
 - (e) Any chemical, waste oil, waste-emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum;
 - (f) Soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum;
 - (g) Drill cuttings from natural gas or petroleum wells; or
 - (h) Any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum.
- (2) This definition specifically intends to include some wastes that may otherwise be classified as "solid wastes which are not hazardous wastes" under 40 C.F.R. § 261.4(b).
- (3) The definition of "natural gas and/or petroleum extraction, exploration or production wastes" does not include:
- (a) Recognizable and nonrecognizable food wastes; or
 - (b) Waste generated by agriculture use.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DISPOSAL/STORAGE FACILITY — Any of the following: **[Added 2-13-2013 by L.L. No. 1-2013]**

- (1) Tanks of any construction (metal, fiberglass, concrete, etc.);
- (2) Impoundments;
- (3) Pits;
- (4) Evaporation ponds; or
- (5) Other facilities, in any case used for the storage or treatment of natural gas and/or petroleum extraction, exploration or production wastes that:
 - (a) Are being held for initial use;
 - (b) Have been used and are being held for subsequent reuse or recycling;
 - (c) Are being held for treatment; or

(d) Are being held for storage.

NATURAL GAS AND/OR PETROLEUM EXTRACTION, EXPLORATION OR PRODUCTION WASTES DUMP — Land upon which natural gas and/or petroleum extraction, exploration or production wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.**[Added 2-13-2013 by L.L. No. 1-2013]**

NATURAL GAS AND/OR PETROLEUM SUPPORT ACTIVITIES — Any one or more of the following:**[Added 2-13-2013 by L.L. No. 1-2013]**

- (1) Natural gas compression facility;
- (2) Natural gas processing facility;
- (3) Natural gas and/or petroleum extraction, exploration or production wastes disposal/storage facility;
- (4) Natural gas and/or petroleum extraction, exploration or production wastes dump;
- (5) Land application facility;
- (6) Underground injection; or
- (7) Underground natural gas storage.

OWNER — A person who has the legal title, alone or with other, or exercised dominion or control over property both real and personal.

PERSON — One or more persons of either sex, natural person, corporations, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

PIPELINE — All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), whether or not laid in public or private easement or private right-of-way within the Village. This includes, without limitation, gathering lines, production lines, and transmission lines. Notwithstanding the foregoing definition, those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting, requirements, and specifically production lines and gathering lines, are not subject to regulation by this Code.**[Added 2-13-2013 by L.L. No. 1-2013]**

POLICE CHIEF or CHIEF OF POLICE — The Police Chief of the Joint Police Department of the Town and Village of New Paltz, New York.

REGISTRAR OF VITAL STATISTICS — The Registrar of Vital Statistics of the Village of New Paltz, New York.

SEALER OF WEIGHTS AND MEASURES — The Sealer of Weights and Measures of the County of Ulster in the State of New York.

SOIL MINING — The use of land for the purpose of extracting and selling stone, sand, gravel or other minerals, and not including natural gas or oil exploration and extraction.**[Added 2-13-2013 by L.L. No. 1-2013]**

STATE — The State of New York.

SUPERINTENDENT or SUPERINTENDENT OF PUBLIC WORKS — The Village official in charge of the Village Department of Public Works in the Village of New Paltz, New York.

TENANT — A person occupying real property under an oral or written lease or who is in possession of real property under the actual or tacit consent of the owner. Whenever a person, not the owner, occupies real property, it shall be presumed that he occupies same as a tenant.

TRUSTEE — A Trustee of the Village of New Paltz, New York.

UNDERGROUND INJECTION — Subsurface emplacement of natural gas and/or petroleum extraction, exploration or production wastes, including emplacement by or into an injection well.**[Added 2-13-2013 by L.L. No. 1-2013]**

UNDERGROUND NATURAL GAS STORAGE — Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.**[Added 2-13-2013 by L.L. No. 1-2013]**

VILLAGE, THIS VILLAGE or VILLAGE OF NEW PALTZ — The incorporated Village of New Paltz in the County of Ulster and State of New York.

VILLAGE ATTORNEY or ATTORNEY — The Village Attorney of the Village of New Paltz, New York.

VILLAGE BOARD — The Board of Trustees of the Village of New Paltz, New York.

VILLAGE CLERK or CLERK — The Village Clerk-Treasurer of the Village of New Paltz.

VILLAGE ENGINEER — The engineer or engineering firm retained by the Village of New Paltz, New York, to serve in the capacity of engineer or consulting engineer to the Village of New Paltz, New York.

VILLAGE TREASURER — The Village Clerk-Treasurer of the Village of New Paltz, New York.

- B. Other words. All other words used in this Code and not otherwise specifically defined shall be construed in the matter that they are normally used unless the context or subject matter requires otherwise; but words that have acquired a technical meaning in law and are so used shall be construed and understood in accordance with such meaning.

§ 1-3. Rules of construction.

- A. Words used in present tense include the future tense.
- B. The singular number includes the plural.
- C. A word importing the masculine gender only shall also be construed to include females, corporations, partnerships, associations, joint-stock companies, societies, and all other entities capable of being sued.

§ 1-4. Repeal of prior ordinances and local laws.

All ordinances and local laws of a general nature which were heretofore in existence in the Village of New Paltz, New York before the adoption of this Code are hereby repealed. The repeal of all prior ordinances and local laws shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding now pending or which may be brought by virtue of the ordinance or local law or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.

§ 1-5. Repeal of chapters contained in the Code.

- A. The repeal of a chapter, in whole or in part, contained in this Code shall not revive prior ordinances or local laws heretofore repealed.
- B. The repeal of any chapter, in whole or in part, contained in this Code shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding pending or which may be brought by virtue of the chapter or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.

§ 1-6. Effect of invalidity.

If any provision of this Municipal Code or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section, article or chapter or the application of any part thereof to any other person or circumstances and

to this end the provisions of this Municipal Code are hereby declared to be severable.

§ 1-7. Unlawful alteration of Code.

It shall be unlawful for any person to wilfully misrepresent the provisions of this Code by altering or changing any of the provisions herein, inserting or deleting pages, or by other manner whatsoever.

§ 1-8. Annotations and material contained in brackets.

Any material contained in brackets shall not be deemed to be a part of this Code. Such material contained therein is intended to show the adoption date, effective date and comments on any changes. Likewise, any commentaries, footnotes, cross references, citations of authority or other annotations shall not be deemed a part of this Code but are inserted editorially solely to assist in the use and interpretation of this Code.

§ 1-9. Conflict with other provisions.

Whenever the requirements of any chapter or portion thereof are at variance with the requirements of any other lawfully adopted rule, regulation, chapter or other enactment, the most restrictive, or that imposing the higher standards, shall govern unless a contrary intent is expressly stated.

§ 1-10. Penalty when not otherwise prescribed.

- A. Where no specific penalty is prescribed in any chapter contained in this Code, or in any other provision of law, for any act which is prohibited or for the failure to do any act which is required and is made or declared to be unlawful, the violation thereof shall constitute a violation pursuant to the Penal Law. The fine or penalty for such offense, regardless of classification as a violation, misdemeanor or felony, shall be imposed based on the fee schedule then in effect, which shall be adopted on an annual basis by resolution of the Village Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. In all cases the Board of Trustees may enforce obedience of any provision of this Code by injunction.

§ 1-11. Deputies, assistants and representatives.

- A. Whenever any officer of the Village is granted certain powers or duties or is designated as the enforcement officer of a specific chapter or portion thereof, it shall be construed to include the deputies, assistants and representatives of such officer as may be designated, delegated or authorized by such officer to exercise such powers or duties.

- B. While acting within the scope of their employment, it shall be presumed that all acts performed by such deputies, assistants and representatives were duly delegated and authorized.

§ 1-12. Interpretation.

The provisions of this Code shall be liberally construed in order to effectuate the purposes for which this Code and the ordinances contained herein are enacted.

ARTICLE II

**Adoption of Renumbered 2004 Code
[Adopted 1-5-2005 by L.L. No. 2-2005]**

§ 1-13. Legislative intent.

The local laws and legislation of the Village of New Paltz of a general and permanent nature, including the 1978 Code adopted by the Board of Trustees of the Village of New Paltz, as revised, codified and consolidated into chapters, articles and sections by General Code Publishers Corp. as set forth in the Derivation Table below, and as renumbered to consist of Chapters 1 through 212, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Village of New Paltz," hereafter known and referred to as the "Code."

Chapter/Title From 1978 Code	Location in 2004 Code
Ch. 1, General Provisions	Ch. 1, Art. I
Ch. 2, Continuity of Government	Ch. 16
Ch. 3, Salaries of Mayor and Trustees	Ch. 46
Ch. 4, Terms of Office of Elected Officials	Ch. 50
Ch. 5, Village Employee Benefits	Ch. 35
Ch. 6, Commission for Conservation of the Environment	Ch. 9, Art. I
Ch. 7, Trees	Ch. 9, Art. II
Art. I, Legislative Intent, and Art. II, Shade Tree Commission	Ch. 191
Art. III, Tree Regulations	
Ch. 8, Residence Requirements	Ch. 31, Art. I
Ch. 9, Meeting Attendance Requirements	Ch. 31, Art. II
Ch. 10, Code of Ethics	Ch. 24
Ch. 12, Bingo	Ch. 79
Ch. 14, Games of Chance	Ch. 120
Ch. 15, Blasting and Explosives	Ch. 82
Ch. 17, Peddlers and Solicitors	Ch. 155
Ch. 20, Garbage and Rubbish Collection	Ch. 171
Ch. 25, Utility Tax	Ch. 182, Art. I
Ch. 26, Building Code Enforcement	Ch. 86
Ch. 27, Housing Code	Ch. 129

Chapter/Title From 1978 Code	Location in 2004 Code
Ch. 28, Fire Prevention	Ch. 113
Ch. 29, Municipal Code Enforcement	Ch. 95
Ch. 30, Zoning	Ch. 212
Ch. 31, Subdivision Regulations	Ch. 178
Ch. 32, Environmental Quality Review	Ch. 105
Ch. 33, Unsafe Buildings	Ch. 90
Ch. 34, Commission for Historic Preservation	Ch. 9, Art. III
Ch. 43, Juvenile Curfew	Ch. 98
Ch. 44, Streets and Public Places	Ch. 175
Ch. 45, Water Service	Ch. 207
§§ 45.1 - 45.5; 45.7 - 45.20 § 45.6	Art. I, Water Service Rules
	Art. II, Cross-Connection Control Regulations
Ch. 46, Sanitary Sewers	Ch. 163
Ch. 52, Abandoned Motor Vehicles	Ch. 195
Ch. 54, Animals and Fowl	Ch. 70
Ch. 59, Air Pollution	Ch. 60
Ch. 60, Vehicles and Traffic	Ch. 198

Chapter/Title From 1978 Code	Location in 2004 Code
Ch. 65, Public Safety	Ch. 110
Art. I, Firearms	Ch. 116
Art. II, Fireworks Permits	Ch. 74
Art. III, Processions, Assemblages or Parades	Ch. 152
Art. IV, Peace and Good Order	Ch. 152
§ 65.41, Destruction of Village property	Ch. 152
§ 65.42, Destruction of traffic and safety equipment	Ch. 66
§ 65.43, Throwing stones or other missiles	Ch. 166
§ 65.44, Open beverage containers	Ch. 138
Art. V, Shopping Carts	Chs. 74; 110; 116; 138; 152; 166
Art. VI, Loitering	
Art. VI, Penalties	
Ch. 66, Anti-Littering	Ch. 135
Ch. 68, Noise	Ch. 143
Ch. 69, False Alarms	Ch. 63
Ch. 73, Grass, Rubbish and Trash	Ch. 124
Ch. 81, Aged Tax Exemption	Ch. 182, Art. II
Ch. 82, Nonprofit Realty Taxation	Ch. 182, Art. III
Ch. 83, Physically Disabled Realty Tax Exemption	Ch. 182, Art. IV
Ch. 84, Enforcement of Delinquent Taxes	Ch. 182, Art. V
Ch. 90, Appointment of a Police Commissioner	Ch. 39, Art. II
Ch. 91, Police Department Abolished	Ch. 39, Art. I
Ch. 92, Abolition of Assessment Function	Ch. 5
Ch. 93, Claims Against the Village	Ch. 146
Ch. 100, Enactment of Zoning Laws	Ch. 55

§ 1-14. Nonsubstantive changes in previously adopted legislation.

In compiling and preparing the legislation and 1978 Code for publication as the 2004 Code of the Village of New Paltz, no changes in the meaning or intent of such ordinances have been made. 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 ordinances had been previously formally amended to read as such.

§ 1-15. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article II of Chapter 1 of the Code of the Village of New Paltz, such local law to be entitled "General Provisions, Article II, Adoption of Renumbered 2004 Code," and the sections of this local law shall be numbered §§ 1-13 to 1-16, inclusive.

§ 1-16. When effective.

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

Chapter 5

ASSESSMENT

GENERAL REFERENCES

Taxation — See Ch. 182.

§ 5-1. Legislative intent.

The intent of the Board of Trustees of the Village of New Paltz 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 now provided for in the Village Law and the Real Property Tax Law. It is also the intent of this chapter to abolish the position of the Board of Assessors established on April 20, 1975 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 New Paltz.

§ 5-2. Cessation of Village as assessing unit.

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

§ 5-3. Position of Assessor abolished.

The position of Assessor and Board of Assessor in the Village of New Paltz is hereby abolished.

§ 5-4. Board of Assessment Review abolished.

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

§ 5-5. Taxes to be levied on town assessment roll.

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

§ 5-6. Fiscal year to remain unchanged.

This chapter shall not be deemed to change the fiscal year of the Village of New Paltz which will commence as of June 1 in each year.

§ 5-7. Filing with state.

Within five days of the effective date of this chapter, the Board of Trustees of the Village of New Paltz shall file a copy of such chapter with the Clerk

and Assessor of the Town of New Paltz and with the State Board of Real Property Services.

§ 5-8. When effective.

This chapter shall take effect immediately upon filing with 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 a referendum if required by petition.

Chapter 9

BOARDS, COUNCILS AND COMMISSIONS

GENERAL REFERENCES

Meeting requirements — See Ch. 31, Art. II.

ARTICLE I

Environmental Policy Board

**[Derived from Ch. 6 of the 1978 Code; amended in its entirety
7-27-2016 by L.L. No. 4-2016¹]**

§ 9-1. Legislative intent.

The Village Board finds that it is in the best interest of the health, safety and welfare of the residents of the Village of New Paltz that the Environmental Policy Commission shall now be known as the Environmental Policy Board ("EPB"). The goal and primary objectives of the Board shall continue to be:

- A. Its continuing efforts to identify and offer practical solutions to Village Officials for dealing with environmental problems;
- B. To advocate for the rights of nature; and
- C. To advise the Village Board on such issues as it deems necessary.

§ 9-2. Membership.

- A. There shall be five voting members of the Environmental Policy Board, each with a two-year term. Members shall be appointed by the Mayor with the approval of the Board of Trustees. Notwithstanding the foregoing, the initial appointees shall be appointed to staggered terms, with two having an initial term of one year, and three having an initial term of two years.
- B. Voting members shall be known as "EPB Members."
- C. The voting members of the Board shall annually, at their first meeting of each year, elect a Chair and a Secretary, and designate one voting member as a liaison to the Village of New Paltz Planning Board. The liaison to the Village Planning Board must be in attendance at Planning Board meetings. If the liaison cannot be present, it shall be the appointed liaison's obligation to arrange for attendance at the Planning Board meeting of another voting member.
- D. Each EPB Member shall nominate two volunteers for appointment by the Board as "Environmental Policy Researchers."
 - (1) Each EPB Member shall work with the two Policy Researchers nominated by them and appointed by the Board, as a team.
 - (2) Each Policy Researcher shall serve a term of one year.
 - (3) Environmental Policy Researchers may participate in Environmental Policy Board meetings, but may not vote on any matter before the Board. Notwithstanding the foregoing, when a voting member is absent from a meeting, the Chair shall appoint

1. Editor's Note: This local law also changed the title of Art. I from "Environmental Policy Commission" to its current title.

any Environmental Policy Researcher to serve as an alternate. If duly appointed as such, the Environmental Policy Researcher may be a voting member at the meeting at which he or she was duly appointed.

- E. The policies to be researched shall be decided on at the first meeting in June each year, and may be amended from time to time at the discretion of the Chair.

§ 9-3. Duties of EPB Members.

The duties of EPB members shall be to:

- A. Research and propose policies that will:
 - (1) Prevent, minimize, remediate or mitigate continuing or future harm to the environment.
 - (2) Propose measures to remediate/undo past harm to the environment.
 - (3) Each EPB Member shall be responsible for the completion of at least one policy per year that will, upon approval by the Board, be reported to the Village Board of Trustees by the first regular meeting of the Village Board in May of a given year.
 - (4) No two EPB Members may use the same policy to meet the criteria in this section.
- B. Educate Village residents about the causes and prevention of environmental problems, what they can do individually, and what we all can do collectively to mitigate, remediate, reverse and prevent past, current and future damage to the environment.
- C. Maintain an open space inventory and open space map as defined in the New York State General Municipal Law which shall prioritize open areas within the Village for conservation based on natural, scenic and cultural values. Upon adoption of the open space inventory and open space map by the Village Board, the EPB, while remaining advisory, shall participate and issue a formal opinion with respect to the environmental review process related to any proposed actions on properties listed in the open space index.
- D. Coordinate the efforts of environmentally based community groups, SUNY New Paltz student clubs, nonprofits, environmental groups, and government agencies at the local, county, regional, state and federal levels to achieve positive environmental outcomes.
- E. Offer advice related to the State Environmental Quality Review ("SEQR") process to the Village Planning Board in connection with land-use applications for which SEQR review is mandated.

§ 9-4. Reports.

The Secretary of the Environmental Policy Board shall file two reports annually with the Village Clerk:

- A. By April 1 of each year, the Secretary shall file a report containing:
 - (1) A status report on each policy currently being researched and/or implemented, including work performed to date, work still to be done and estimated time lines for completion.
 - (2) An executive summary of all formal opinions written for land use referrals from the Planning Board.
- B. By December 31 of each year, the Secretary shall file a report containing:
 - (1) A status report on each policy currently being researched and/or implemented, including work performed to date, work still to be done and estimated time lines for completion.
 - (2) An executive summary of all formal opinions written for land use referrals from the Planning Board.
 - (3) A schedule of trainings to be attended in the coming year.
 - (4) Recommendations on Environmental Policy Board reorganization, structure, staffing or other major administrative, organizational or resource needs, based on the final budget of the coming fiscal year.
 - (5) A report containing the requested Environmental Policy Board tentative budget for the coming fiscal year, as adopted by the Board.

§ 9-5. through § 9-8. (Reserved)

ARTICLE II

Shade Tree Commission

[Adopted by L.L. No. 2-1986 (Ch. 7, Arts. I and II, of the 1978 Code)]

§ 9-9. Legislative intent.

The Board of Trustees declares that the protection, preservation and maintenance of trees is necessary to protect the health and general welfare of the residents of the Village of New Paltz since trees are aesthetically appealing, provide environmental benefits and generally enhance the quality of life in the Village. The Board of Trustees hereby establishes a Shade Tree Commission, in accordance with the authority granted by Village Law § 17-1732, to exercise responsibility for the care and control of shade and ornamental trees and shrubbery on lands owned by the Village and promulgates regulations for the protection of trees throughout the Village.

§ 9-10. Establishment of Shade Tree Commission.

The Board of Trustees of the Village of New Paltz hereby creates a commission which shall be known as the "Village of New Paltz Shade Tree Commission," hereinafter called the "Commission."

§ 9-11. Membership. [Amended 9-1-2004 by L.L. No. 7-2004]

- A. The Commission shall consist of five members who shall be appointed by the Board of Trustees and who shall serve for a term of three years, to commence at the start of the official year of the Village, except that two of the initial members appointed shall hold office for a term of one year and two years, respectively, and the successors of all three initial appointees shall thereafter be appointed for full terms of three years. The fourth and fifth members the Commission shall be appointed to one- and two-year terms, respectively, and successors to said terms shall be appointed for full terms of three years. Vacancies on the Commission shall be filled in the same manner as the original appointment except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.
- B. Persons residing within the Village of New Paltz who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as a member of the Commission. However, no person shall serve on the Commission who is a member of the Board of Trustees of the Village.

§ 9-12. Officers, meetings and committees.

The Board of Trustees shall designate a member of the Commission to act as Chairman thereof. The Commission's members shall elect from among

themselves a recording secretary. The Commission shall adopt rules and procedures for its meetings. It shall file an annual report as provided in § 9-14 of this article.

§ 9-13. Responsibilities.

The Commission shall be responsible for the regulation, planting, care and control of all shade and ornamental trees and shrubbery of lands owned by the Village and the use of the premises surrounding such shade and ornamental trees and shrubbery to the extent of enabling their proper growth, care and protection. The Commission shall be responsible for planting, replanting, removal, trimming, spraying and general care of such trees and shrubbery. The Commission shall also exercise such additional duties as may be delegated to it by the Board of Trustees. The Commission shall also be responsible for the administration of the regulations set forth in Chapter 191, Trees, of this Code.

§ 9-14. Reports.

The Commission shall submit an annual report to the Board of Trustees not later than the first day of March of each year, concerning the activities and work of the Commission and, from time to time, shall submit such reports and recommendations as may be necessary to fulfill the purpose of this article.

§ 9-15. Compensation and expenses.

The members of the Commission shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made available therefor.

ARTICLE III

Commission for Historic Preservation**[Adopted 11-14-2001 by L.L. No. 12-2001 (Ch. 34 of the 1978 Code)]****§ 9-16. Legislative intent.**

- A. It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as the Village of New Paltz has many significant historic, architectural and cultural resources which constitute its heritage, this article is intended to:
- (1) Protect and enhance the landmarks and historic districts which represent distinctive elements of the historic, architectural and cultural heritage of the Village;
 - (2) Focus attention on and foster civic pride in the historic resources of the Village;
 - (3) Protect and enhance the attractiveness of the Village to visitors and support and provide stimulus to the local economy; and
 - (4) Insure the harmonious, orderly and efficient growth and development of the Village.
- B. The provisions of Section 30.57² are hereby repealed, except that the designations made and permits issued pursuant to Section 30.57 shall remain in effect, jurisdiction over which is hereby vested in the Historic Preservation Commission established pursuant to this article. **[Added 1-5-2005 by L.L. No. 1-2005]**

§ 9-17. Historic Preservation Commission established.

There is hereby established a commission to be known as the "Historic Preservation Commission of the Village of New Paltz," hereinafter referred to as the "Commission."

§ 9-18. Membership; term; meetings; quorum.

- A. The Commission shall consist of five members to be appointed by the Mayor, subject to the approval of the Board of Trustees. Persons residing within the Village of New Paltz who shall have demonstrated significant interest in and commitment to the field of historic preservation, evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation, or other serious interest in the field, shall be eligible for appointments as members of the Commission. The Village

2. Editor's Note: See § 212-29.

Board of Trustees shall have the authority to remove any member of the Commission so appointed for cause, after a hearing if requested by the affected member. **[Amended 1-28-2009 by L.L. No. 4-2009]**

- (1) The local, regional, and national significance of historic Huguenot Street to the economy, culture, and history of New Paltz makes it desirable that the Commission's membership include an appropriately qualified employee or board member of the Huguenot Historical Society. This criterion is more important than the Village residency requirement, and thus the Village residency requirement may be waived for a member of the staff or Board of Directors of the Huguenot Historical Society who is otherwise eligible to serve on the Historic Preservation Commission. The waiver of residency for a member of the Huguenot Historical Society staff or Board of Directors who lives outside the Village shall be limited to one position on the Commission, not to include the Chair or Vice Chair. **[Added 3-7-2007 by L.L. No. 3-2007]**
- B. Commission members shall serve for a term of four years with the exception of the initial term of one of the members, which shall be one year, one which shall be two years, one which shall be three years, and two which shall be for four years.
- C. The Chairman and Vice Chairman of the Commission shall be appointed by the Mayor from among the members of the Commission.
- D. The Commission shall meet at least bimonthly.
- E. A quorum for the transaction of business shall consist of three of the Commission's members, but not less than a majority of the full authorized membership may render a decision regarding landmark status or grant or deny a certificate of appropriateness.
- F. Alternate members. **[Added 1-28-2009 by L.L. No. 4-2009]**
 - (1) The Village Mayor may appoint not more than two alternate members of the Commission, subject to the approval of the Board of Trustees, for terms of two years. Each such alternate member shall attend meetings of the Commission and participate in its deliberations but shall vote only in the event that a member of the Commission is absent or otherwise unable to act with respect to a particular matter. When acting pursuant to the Commission's authority provided hereby, such alternate member shall have all of the rights and privileges of a member of the Commission.
 - (2) The Chair of the Commission may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Commission. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Commission. Such designation shall be entered into

the minutes of the initial Commission meeting at which the substitution is made.

- (3) All provisions of the Village Code relating to Commission members and conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members.

§ 9-19. Powers and duties of Commission.

The powers and duties of the Commission shall include:

- A. Employment of staff and professional consultants as necessary to carry out the duties of the Commission;
- B. Promulgation of rules and regulations as necessary for the conduct of its business;
- C. Conduct of surveys of significant historical, architectural and cultural landmarks and historic districts within the Village;
- D. Proposal of identified properties to be designated as landmarks and recommendations to the Board of Trustees on the creation of historic districts; **[Amended 1-5-2005 by L.L. No. 1-2005; 10-22-2008 by L.L. No. 9-2008]**
- E. Acceptance on behalf of the Village of the donation of facade easements and development rights; the making of recommendations to the Board of Trustees concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this article;
- F. Increasing public awareness of the historic, cultural and architectural preservation of development and participating in public education programs;
- G. Making recommendations to the Board of Trustees concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the Village; **[Amended 10-22-2008 by L.L. No. 9-2008]**
- H. Making recommendations to the Planning Board regarding applications for site plan review or subdivisions of real property containing landmarks or within an historic district;
- I. Employment, where justified, of the use of special techniques or policies so as to improve the quality of the area or, where economic assistance is warranted, to provide such aids or other incentives so that privately owned properties may realize a reasonable economic return;
- J. Recommending acquisition of a landmark structure by the Board of Trustees where its preservation is essential to the purposes of this article and where private preservation is not feasible; and

- K. Approval or disapproval of applications for certificates of appropriateness pursuant to this article.

§ 9-20. Designation of historic districts and landmarks. [Amended 1-5-2005 by L.L. No. 1-2005]

- A. Historic District: The Commission may recommend to the Village Board of Trustees the designation of a group of properties as an historic district, if it:
- (1) Contains properties which meet one or more of the criteria for designation of a landmark; and
 - (2) By reason of possessing such qualities, constitutes a distinct section of the Village.
- B. Individual property: The Commission may propose an individual property for designation as a landmark if it:
- (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
 - (2) Is identified with historic personages; or
 - (3) Embodies the distinguishing characteristics of an architectural style; or
 - (4) Is the work of a designer whose work has significantly influenced an age; or
 - (5) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood; or **[Amended 10-22-2008 by L.L. No. 9-2008]**
 - (6) Contains significant historical or cultural sites where buildings or structures have never existed or no longer exist and which may have archeological resources that are likely to yield information important to area history or prehistory.
- C. Notice. Notice of a proposed landmark designation by the Commission shall be sent by registered mail to the owner of the property proposed for designation who appears on the most recent real property tax rolls of the Village. A copy shall be sent to the Building Inspector. Notices shall describe the property proposed and announce a public hearing by the Commission to consider the designation. The hearing shall be held not less than 20 days after the date the notice is mailed to the owner. Once the Commission has issued notice of a proposed designation, no building or demolition permits shall be issued by the Building Inspector nor shall any material change be made to the appearance of the property until the Commission has made its decision.

D. Public hearing: Prior to designation of any landmark, the Commission shall hold a public hearing on the date set forth in the notice. The Commission, owner and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark. **[Amended 8-25-2010 by L.L. No. 9-2010]**

(1) Notice. **[Amended 11-20-2013 by L.L. No. 2-2014]**

(a) Public notice of such hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the public hearing.

(b) Mailing to adjoining property owners. Notice of the hearing shall be mailed, at least 10 days prior to the date of the public hearing, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the proposed designation applies and to all other owners of real property which lie within 200 feet of such boundaries.

(c) (Reserved)

(d) Property signage. The Commission may require that, at least 10 days prior to the initial public hearing, a sign giving notice of the public hearing be posted within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such road or highway. If required, the size of the sign and text shall be approved by the Commission or such Village official as the Commission may designate. The sign shall state that the property has been proposed for landmark designation and shall identify the criteria that justify the proposed designation [§ 9-20B(1) through (6)].

(2) The Commission shall make a decision in writing within 62 days of closing of the public hearing and send a copy of its decision to the owner of the property and file a copy with the Village Clerk and the Building Inspector. The Commission decision shall state the reasons for granting, modifying or denying a landmark designation.

E. The Commission shall prepare and present to the Ulster County Clerk for recording a notice of each property designated as a landmark and describing the decision of the Commission with regard to such property.

§ 9-21. Certificate of appropriateness.

A. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a building designated as a landmark or any property within an historic district, nor shall any person make any material change in the appearance of such a

property, its light fixtures, signs, sidewalks, fences, steps, paving, major landscape feature or design or other exterior elements without first obtaining a certificate of appropriateness from the Commission.

- B. The Village Building Inspector shall be responsible for administering and maintaining records of the applications for a certificate of appropriateness, whether or not they are accompanied by an application for a building permit. The Building Inspector shall have the same enforcement capability with respect to a certificate of appropriateness that the Inspector may exercise with respect to a building permit.
- C. No fees shall be collected for a certificate of appropriateness application.
- D. The Building Inspector shall refer to the Commission for its recommendations any other applications affecting the exterior of a landmark property, or of any property within an historic district, or of any structure or premises listed in the National Register of Historic Places. Such applications shall include variance, special use permit, site plan, building permit, demolition permit, sign permit, or subdivision.
[Amended 1-5-2005 by L.L. No. 1-2005]

§ 9-22. Criteria for approval of certificate of appropriateness.

- A. In passing upon an application for a certificate of appropriateness, the Commission shall not consider changes to interior spaces.
- B. The Commission's decision shall be based upon the following principles:
 - (1) Historic properties shall be retained with their historic features altered as little as possible.
 - (2) Any alternation of existing property shall be compatible with its historic character, and with the historic character of surrounding properties, if any. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
 - (3) New construction shall be compatible with the historic character of its surroundings.
- C. In determining compatibility, the Commission shall consider the following factors:

- (1) The general design, character and appropriateness to the property of the proposed alteration or new construction.
- (2) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
- (3) Texture, materials and color and their relation to similar features of other properties in the neighborhood.
- (4) Visual compatibility with surrounding properties, including proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on the streets, including setback.
- (5) The importance of historic, architectural or other features to the significance of the property.

§ 9-23. Application procedure for certificate of appropriateness.

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such certificate with the Building Inspector. The application shall state, where appropriate:
 - (1) Name, address and telephone number of the applicant;
 - (2) Location and photographs of property;
 - (3) Detailed description of proposed changes;
 - (4) Perspective and elevation drawings, including relationship to adjacent properties;
 - (5) Samples of color and/or materials to be used;
 - (6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination and a plan showing the sign's location on the property; or
 - (7) Any other information which the Commission may deem necessary in order to visualize the proposed work.
- B. No building permit for exterior work, demolition permit or sign permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Commission. The certificate of appropriateness required by this article shall be in addition to and not in lieu of any permits that may be required by any other laws or regulations of the Village. The Building Inspector shall refer any application for a certificate of appropriateness on property within the Historic Zoning District or a landmarked property to the Commission within 10 working days of receipt by the Building Inspector

or by such other deadline established by the Commission. **[Amended 1-5-2005 by L.L. No. 1-2005; 11-20-2013 by L.L. No. 2-2014]**

- C. The Commission shall approve, approve with modifications, or deny the certificate of appropriateness within 62 days from receipt of the completed application. **[Amended 10-22-2008 by L.L. No. 9-2008]**
- D. The Commission shall hold a public hearing on any application that requires a building permit for exterior work, a demolition permit or a sign permit. The public hearing shall provide the opportunity for proponents and opponents of the application to present their views. **[Added 10-22-2008 by L.L. No. 9-2008³; amended 11-20-2013 by L.L. No. 2-2014]**
- (1) Exception: Projects requiring a building permit and judged by the Commission to be sufficiently minor and to have little or no visual impact to public rights-of-way may, at the discretion of the Commission, be approved without a public hearing.
- (2) Notice.
- (a) Public notice of such hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the public hearing.
- (b) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application applies and to all other owners of real property which lie within 200 feet of such boundaries.
- (c) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the Secretary of the Commission an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
- (d) Property signage. The Commission shall require that, at least 10 days prior to the initial public hearing, the owner or applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the

3. Editor's Note: This local law also provided that former Subsection D, regarding notification of Commission decisions, be redesignated as Subsection F.

property, so that it is clearly visible to the public from such road or highway. The size of the sign and text shall be approved by the Commission or such Village official as the Commission may designate. The sign shall state that an application for certificate of appropriateness has been submitted for the property and include a description of the proposed project and such other information as the Commission may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this article for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Commission may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Commission shall set forth the basis on which it determined the waiver appropriate.

- E. The Commission shall also, at its discretion, hold a public hearing for any application it deems to have potentially significant impact upon the historic character of any property designated as a landmark or any property within a designated historic district. The public hearing shall be noticed in accordance with Subsection D(2)(a) through (d) above, and shall provide an opportunity for proponents and opponents of the application to present their views. **[Added 10-22-2008 by L.L. No. 9-2008; amended 11-20-2013 by L.L. No. 2-2014]**
- F. All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by certified mail, return receipt requested, and a copy filed with the Village Clerk and the Village Building Inspector for public inspection. The address used for such notification shall be the address of the applicant as shown on his application for the building permit. The Commission decision shall state the reasons for granting, modifying or denying any application.
- G. Expiration of approval of certificates of appropriateness. If a certificate of appropriateness is not acted upon within one year of its approval by the Historic Preservation Commission, such approval shall be void. **[Added 11-20-2013 by L.L. No. 2-2014]**
- H. Limitations. A certificate of appropriateness shall remain in effect for a period of two years from the original approval date. If the authorized project is not completed within that time, the applicant may petition the Historic Preservation Commission to extend the approval. The applicant's petition must include specific reason(s) for failure to

complete the authorized work within two years. Extensions will be granted at the sole discretion of the Commission. **[Added 11-20-2013 by L.L. No. 2-2014]**

§ 9-24. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this article shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect any such work to assure compliance. In the event work is performed that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Commission, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 9-25. Maintenance and repair required.

- A. Nothing in this article shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark, a property under consideration for landmark designation, or property within a historical district which does not involve a change in design, material, color or outward appearance.
- B. Deterioration.
 - (1) No owner or occupant of real property designated as a landmark or included within an historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of a landmark or an historic district as a whole or the life and character of the property itself.
 - (2) Examples of such deterioration include:
 - (a) Deterioration of exterior wall or other vertical supports;
 - (b) Deterioration of roofs or other horizontal members;
 - (c) Deterioration of exterior chimneys;
 - (d) Deterioration or crumbling of exterior stucco or mortar;
 - (e) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors;
 - (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.
- C. The Building Inspector shall conduct an annual survey of all buildings designated as landmarks to determine that they are not in a state of

disrepair and that no changes have been made in the features described in § 9-21A of this article without the owner having first obtained a certificate of appropriateness.

§ 9-26. Appeals regarding landmark designation.

- A. Any person aggrieved by a decision of the Commission relating to landmark designation may, within 30 days of the filing of the decision in the office of the Village Clerk, make a written application to the Village Clerk for review of the decision by the Board of Trustees.
- B. The Board of Trustees shall review the decision of the Commission at a regularly scheduled or special meeting within 30 days after the application for review is filed with the Village Clerk, at which an opportunity to comment on the appeal is afforded to all interested parties or any member of the public. A majority plus one of the membership of the Board of Trustees is required to change a decision of the Commission.
- C. In reaching its decision, the Board of Trustees shall consider the record of the case provided to the Commission. Any new issues, additional information or considerations must first be referred to the Commission for its initial determination.

§ 9-27. Appeals regarding certificates of appropriateness.

- A. Any person whose application for a certificate of appropriateness has been denied by the Commission may apply for relief on the ground of hardship, within 30 days of the filing of the decision in the office of the Building Inspector, by making a written application to the Building Inspector for review of the decision by the Village Zoning Board of Appeals.
- B. The Zoning Board of Appeals shall review the decision of the Commission at a regularly scheduled or special meeting within 30 days after the application for review is filed with the Building Inspector, at which an opportunity to comment on the application is afforded to all interested parties or any member of the public. The Zoning Board of Appeals shall decide the application within 62 days after the meeting, or any adjournments or extensions thereof. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse or modify a decision of the Commission.
- C. In order to prove hardship, the applicant shall demonstrate to the Zoning Board of Appeals that:
 - (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood;

- (3) The requested use, if approved, would not alter the criteria for the designation of landmarks as described in Subsection A of § 9-20 of this article; and
- (4) The alleged hardship has not been self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of relief.

§ 9-28. Judicial review.

- A. Any person aggrieved by a decision of the Board of Trustees in the review of a decision of the Commission regarding landmark designations or a decision of the Zoning Board of Appeals regarding certificates of appropriateness may apply to the Supreme Court for relief by a proceeding under Article 78 of the Civil Practice Law and Rules. The proceeding must be commenced within 30 days after the filing of the decision appealed from in the office of the Village Clerk.
- B. Costs shall not be allowed against the Board of Trustees or the Zoning Board of Appeals unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- C. If upon the hearing at the Supreme Court, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review determining all questions which may be presented for determination.

§ 9-29. Penalties for offenses.

- A. Failure to comply with any of the provisions of this article shall be deemed a violation, and the violator shall be liable to a fine as set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. Any person who constructs, alters, demolishes or permits a property designated as a landmark or one included within a Historic Zoning District to fall into a serious state of disrepair in violation of this article shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this article shall be brought by the Village Attorney, who shall be entitled to recover, in addition to the fine, all costs and expenses incurred by the Village in seeking compliance with this article. **[Amended 10-22-2008 by L.L. No. 9-2008]**

- C. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 9-29.1. Severability. [Added 10-22-2008 by L.L. No. 9-2008]

Should any section or provision of this article be adjudicated by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole or any part thereof, other than the part so adjudicated to be unconstitutional or invalid.

ARTICLE IV
Landlord-Tenant Relations Council
[Adopted 9-10-2003 by L.L. No. 6-2003]

§ 9-30. Legislative intent.

The purpose of this article is to advise, counsel, mediate problems and disputes, and to improve relations between landlords and tenants.

§ 9-31. Establishment of Landlord-Tenant Relations Council.

The Village Board of Trustees of the Village of New Paltz hereby creates a council, which shall be known as the "Village of New Paltz Landlord-Tenant Relations Council," hereinafter called the "Council."

§ 9-32. Membership. [Amended 1-25-2012 by L.L. No. 1-2012]

The Council shall consist of seven members, who shall be appointed by the Mayor subject to the approval of the Board of Trustees and who shall serve at the pleasure of the Mayor and the Village Board of Trustees. Three of such members shall represent landlord interests, three shall represent tenant interests, and the seventh shall be an impartial appointee. Persons representing tenant interests, as well as the impartial appointee, must reside within the Village of New Paltz. Persons representing landlord interests must either reside within the Village of New Paltz, or reside within the Town of New Paltz, but own property within the Village of New Paltz. Persons who meet the membership criteria and who are interested in the improvement and stabilization of relations between property owners and their residential tenants shall be eligible for appointment as member of the Council. The first three members appointed shall hold office for a term of one year, and the second four appointees shall hold office for a term of two years. The successors of all seven appointees shall be appointed for full terms of two years. Vacancies on the Council shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of the term of office shall be filled only for the remainder of the unexpired term. The Village Board of Trustees shall have the authority to remove any member of the Council so appointed for cause, after a public hearing, if requested by the affected member.

§ 9-33. Officers and meetings.

- A. Officers. The Chairman of the Council shall be designated by the Village Board of Trustees from the members so appointed to the Council. All other officer positions necessary for the welfare and efficiency of the Council shall be determined by the members and elected from said members by the members.
- B. Meetings. The Council shall meet on a monthly basis at a day and time of the week to be determined by the Council at the commencement

meeting. Special meetings shall be called by the Chairman or the Village Board of Trustees as needed.

§ 9-34. Powers and duties.

The powers and duties of the Council shall be to:

- A. Conduct research into community housing issues;
- B. Formulate programs to improve landlord-tenant relations;
- C. Accumulate statistical information on available housing accommodations;
- D. Counsel the Board of Trustees on landlord-tenant issues, problems, and disputes and recommend programs for the solution of the same;
- E. Resolve problems and disputes between landlords and tenants through mediation and/or discussion at meetings of the Council.

§ 9-35. Reports.

The Council shall submit an annual report to the Village Board of Trustees not later than the first day of April of each year, commencing in 2004, concerning the activities and work of the Council and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this article.

§ 9-36. Compensation and expenses.

The members of the Council shall receive no compensation for their services as members thereof, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties within the appropriations made therefor.

Chapter 16**CONTINUITY OF GOVERNMENT****§ 16-1. Title.**

This chapter shall be known and may be cited as the "Continuity of Government Law of the Village of New Paltz, New York."

§ 16-2. Intent.

The New York State Defense Emergency Act, in Section 29-a thereof, authorizes political subdivisions of the state to provide for the continuity of their governments in the event of an actual or imminent attack upon the United States by an enemy or foreign nation. The General Municipal Law, § 60 thereof, authorizes political subdivisions to provide for the continuity of their governments in the event of other public disasters, catastrophes or emergencies. Based on the authority contained in such laws, this chapter is adopted so that on such occasions the government of the Village of New Paltz, New York may continue to function properly and efficiently under emergency circumstances.

§ 16-3. Definitions.

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

ATTACK — Any attack, actual or imminent, or series of attacks by an enemy or foreign nation upon the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, shell fire, or nuclear, radiological, chemical, bacteriological, or biological means or other weapons or processes.

PUBLIC DISASTER — A disaster, catastrophe or emergency, actual or imminent, of such unusual proportions or extent that (1) a substantial number of the residents of the Village of New Paltz either sustain injury, become ill, are infected with disease, have their lives imperiled, are killed or die as the result of injury, disease or exposure, or the property of a substantial number of such residents is imperiled, damaged, or destroyed, and (2) it is necessary and essential in the interest of public safety, health and welfare that the continuity of the government of the Village of New Paltz be assured in order that it be enabled to function properly and efficiently and to exercise its essential powers in meeting emergency conditions. Such disasters, catastrophes and emergencies may include, but shall not be limited to: conflagrations, explosions, earthquakes or other convulsions of nature, floods, tidal waves, pestilence, riots, insurrections, storms, prolonged failure of electric power or essential transportation services, or any incident or occurrence which causes or threatens to cause danger to life, health or property from exposure to noxious materials or radiation.

DULY AUTHORIZED DEPUTY — A person authorized to perform all the powers and duties of a public office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer, where such authorization is provided pursuant to the provisions of any general, special, or local law other than this chapter.

EMERGENCY INTERIM SUCCESSOR — A person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a Village officer in the event that neither such officer nor any duly authorized deputy is able, due to death, absence from the Village, or other physical, mental, or legal reasons, to perform the powers and duties of the office.

§ 16-4. Designation, status, qualifications, and terms of designation of emergency interim successors.

- A. Elective officers. Within 30 days following the effective date of this chapter and thereafter within 30 days after first entering upon the duties of his office, each elective officer shall, in addition to any duly authorized deputy, designate such number of emergency interim successors to the powers and duties of his office and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, to perform the powers and duties of the office.
- B. Appointive officers. Each officer or body of officers empowered by law to appoint officers shall within the time specified in Subsection A of this section, in addition to any duly authorized deputy, designate for each such appointive officer such number of emergency interim successors to such officers and specify their rank in order of succession after any duly authorized deputy so that there will be not less than three duly authorized deputies or emergency interim successors, or combination thereof, for each such officer. Where such a body of officers shall review and, as necessary, revise the previous designations of emergency interim successors by such board within 30 days after a new member elected or appointed to such body of officers first enters upon the duties of his officer as a member of such body of officers.
- C. Review of designations. The incumbent in the case of those elective officers specified in Subsection A of this section, and the appointing officer or body of officers specified in Subsection B of this section shall from time to time review and, as necessary, promptly revise the designations of emergency interim successors to insure that at all times there are at least three duly authorized deputies or emergency interim successors, or combinations thereof, for each elective and appointive officer of the Village.
- D. Qualifications. No person shall be designated to, nor serve as, an emergency interim successor unless he is legally qualified to hold the

office of the person to whose powers and duties he is designated to succeed.

- E. Status of emergency interim successor. A person designated as an emergency interim successor shall hold that designation at the pleasure of the designator and such a designation shall remain effective until replaced by another by the authorized designator.
- F. Compensation. An emergency interim successor shall serve without salary, unless otherwise provided by this chapter. He shall, however, be entitled to reimbursement for actual expenses necessarily incurred in the performance of his powers and duties.

§ 16-5. Assumption of powers and duties of officer by emergency interim successor.

If, in the event of an attack or a public disaster, an officer described in Subsection A or Subsection B of § 16-4 of this chapter or his duly authorized deputy, if any, is unable, due to death, absence from the Village, or other physical, mental, or legal reasons, to perform the powers and duties of the office, the emergency interim successor of such officer highest in rank in order of succession who is able to perform the powers and duties of the office shall, except for the power and duty to discharge or replace duly authorized deputies and emergency interim successors of such officer, perform the powers and duties of such officer. An emergency interim successor shall perform such powers and duties only until such time as the lawful incumbent officer or his duly authorized deputy, if any, or an emergency interim successor higher in rank in order of succession resumes the office or undertakes the performance of the powers and duties of the office as the case may be, or until, where an actual vacancy exists, a successor is duly elected or appointed to fill such vacancy and qualifies as provided by law.

§ 16-6. Recording and publication of designations.

The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the Village Clerk, and each designation, replacement, or change in order of succession of any emergency interim successor becomes effective when the designator files with such Clerk the successor's name, address and rank in order of succession. Such Clerk shall keep an up-to-date file of all such data regarding duly authorized deputies and emergency interim successors and the same shall be open to public inspection. The Clerk shall notify in writing each designated person of the filing of his name as an emergency interim successor and his rank in order of succession and also shall notify in writing any person previously designated who is replaced or whose place in order of succession is changed.

§ 16-7. Qualification for taking office.

At the time of their designation, or as soon thereafter as possible, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to perform the powers and duties of the office to which they may succeed.

§ 16-8. Quorum and vote requirements.

In the event of an attack or a public disaster the Mayor, or his duly authorized deputy or emergency interim successor performing his powers and duties, may suspend quorum requirements for the Common Council. If quorum requirements are suspended, any local law, ordinance, resolution, or other action requiring enactment, adoption or approval by an affirmative vote of a specified proportion of members may be enacted, adopted or approved by the affirmative vote of the specified proportion of those voting thereon.

Chapter 24**ETHICS, CODE OF****§ 24-1. Legislative intent. [Amended 6-27-2013 by L.L. No. 6-2013]**

Pursuant to the provisions of § 806 of the General Municipal Law, and the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of New Paltz has adopted this Code of Ethics to set forth for the guidance of its officers, employees and consultants the standards of conduct to be reasonably expected of them if public confidence is to be maintained in our unit of local government. The proper operation of the Village government requires that its officers, employees and consultants be impartial, unbiased and responsible to the people of the Village of New Paltz; that public office should not be used for personal gain; that public officers and employees maintain the highest standards of integrity and discharge faithfully the duties of their office, regardless of personal considerations; and that the public have confidence in all Village officers and employees. It is the intent of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of New Paltz. These rules shall serve as a guide for official conduct of the officers, employees and consultants of the Village and are intended to supplement, but not be in conflict with, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 24-2. Definitions.

When used herein and unless otherwise expressly stated or unless the context otherwise requires, the following terms shall have the meanings indicated:

CONSULTANT — Any individual, group or firm which renders service on behalf of the Village to any Village officer, the Board of Trustees, Planning Board, Zoning Board of Appeals or any other Village agency or commission.

IMMEDIATE FAMILY — A spouse, minor child or other dependent residing in the household of a municipal officer or employee.

INTEREST — Any direct or indirect pecuniary or material benefit accruing to an officer or employee as a result of a business or a professional transaction with the Village. For the purpose of this chapter, an officer or employee shall be deemed to have a direct interest in the affairs of:

- A. His or her spouse, minor children and dependents.
- B. A business concern, partnership, trust or association of which such officer or employee and immediate family member are members, partners, owners, directors or employees.
- C. A corporation of which such officer or employee is an officer, director or employee.
- D. A corporation, any stock of which is owned or controlled, directly or indirectly by such officer or employee or any corporation in which such officer or employee or immediate family member owns more than 5% of said stock.

MUNICIPAL OFFICER OR EMPLOYEE — The Mayor, Trustees and any other elected or appointed officer or employee of the Village, whether paid or unpaid, including members of the Planning Board, Zoning Board of Appeals, or any other administrative advisory board, commission or other agency thereof. For the purpose of this chapter, no person shall be deemed a Village officer or Village employee solely by reason of being a volunteer fireman or a civil defense volunteer.

VILLAGE — The Village of New Paltz or any of its boards, commissions or agencies, whether operated solely by the Village of New Paltz or jointly with any other municipality.

§ 24-3. Standards of conduct. [Amended 6-27-2013 by L.L. No. 6-2013]

Every municipal officer and employee of the Village of New Paltz shall be subject to and abide by the following standards of conduct:

- A. Gifts. No officer, employee or consultant of the Village shall, directly or indirectly, solicit any gift or accept or receive from a donor any gift having a value of more than \$75 whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. The recipient of any such gift or gratuity shall immediately return

the same to the giver and shall notify the Board of Ethics of the Village, in writing, of this incident.

- B. Disclosure of confidential information. No officer, employee or consultant of the Village shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interests or the private interest of others.
- C. Rendering of services. No municipal officer or employee of the Village shall receive compensation, express or implied, with respect to any matter which is, was or will be before him or her for determination in his or her official capacity as a municipal officer or employee of the Village. In addition, no municipal officer or employee of the Village shall receive compensation or enter into any agreement, express or implied, to receive compensation in relation to any matter before any municipal agency, department, or board of commission, except as a part of his or her official responsibilities to the agency, department, board or commission, or as a function of the official position of the municipal officer or employee.
- D. Use of public property. No officer, employee or consultant shall request or permit the use of Village owned vehicles, equipment, material, conference rooms or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such officer or employee in the conduct of official business.
- E. Use of position to achieve preferential treatment. No officer or employee of the Village shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others or grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- F. Interest in appointments. Canvassing of members of the Board of Trustees, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the Board of Trustees.
- G. Disclosure of interest in legislation or other matter involving a conflict of interest.
 - (1) Any Village officer, board member, employee or consultant who has a direct or indirect financial or other private interest in any matter before the Board of Trustees or any other board or commission of the Village and who participates in the discussion before, makes a recommendation to or gives an opinion to the Board of Trustees or any other board or commission on that matter shall publicly disclose in the official record of the Board of Trustees or other board or commission the nature and extent of such interest.

- (2) All Village officers, board members, department heads and their supervisory assistants and all Village consultants are required, within 30 days of taking office, or within 30 days of the effective date of this chapter, to file a disclosure statement on a form as provided by the Village of New Paltz pursuant to this section. In the event that a change occurs with respect to any of the information required on the aforesaid disclosure statement, the party required to file such a statement shall file an amended statement reflecting any such change in circumstances within 60 days from the date thereof; unless requested by the Board of Ethics to do so sooner, in which case such amended statement shall be filed within 10 days of the request for the same. Failure to file the required disclosure statement or any amendment thereto in a timely fashion shall be deemed a violation of this chapter.
 - (3) If any Village officer, board member, employee, or consultant has an actual or potential conflict of interest in any matter in which he or she encounters in the performance of his or her official Village duties, he or she shall promptly make known to all concerned parties the nature of such conflict and shall refrain from any participation whatsoever in the matter so as to avoid a true conflict. In all cases of an actual or potential conflict, the Village Board shall be made aware of the situation by the person in conflict along with any other concerned parties.
- H. Investments or other interests in conflict with official duties. No officer or employee of the Village shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties.
- I. Private employment. No Village officer, board member, employee or consultant shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official Village duties.
- J. Future employment. No Village officer, employee or consultant shall, after termination of service or employment with the Village, appear before any board or agency of the Village of New Paltz in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.
- K. Political activity. No municipal officer or employee shall use his or her official position on behalf of any political party, candidate, club, association, society or committee. Any municipal officer or employee may be an officer in a political party, club, association, society or committee or may work on behalf of a political candidate. However, the employee shall disclose such participation to the Board of Trustees. Notwithstanding, no municipal officer or employee shall be exempt from any federal, state or local rules, regulations, codes of conduct or other restrictions imposed by law.

- L. Representation by consultant. No Village consultant shall appear on behalf of private interest before the Board of Trustees, or any other Village Board or commission or agency thereof or actively employed by the Village.
- M. Employment not affecting relationship with Village.
- (1) The provisions of this section shall not apply to a contract with a person, firm or corporation or association in which a Village officer or employee or immediate family member has an interest which is prohibited solely by reason of employment as an officer or employee thereof if the remuneration of such employment will not be directly affected as a result of the contract and the duties of employment do not directly involve the procurement, preparation or performance of any part of the contract.
 - (2) The provisions of this section shall not apply to the participation by a Village officer or employee who, or whose immediate family member, is employed by a department or agency of a federal, state or county government if:
 - (a) Such employment does not authorize the officer or employee to advise, recommend, negotiate, approve or audit the matter at hand;
 - (b) The officer, if applicable, discloses the relationship at a public session of the Board or commission on which he or she serves when the matter at hand is being considered or the employee, if applicable, discloses the relationship in writing to the Village Clerk, who shall promptly furnish a copy thereof to each member of the Board of Trustees; and
 - (c) There is no benefit or detriment to the officer or employee or to the Village by reason of such participation.
- N. Tort claims permitted. Nothing contained in this section shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand or suit against the Village or any agency thereof on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 24-4. Applicability.

When an officer or employee or consultant has doubt as to the applicability of a provision of this Code of Ethics to a particular situation, he or she should apply to the Board of Ethics constituted for the implementation of this Code for an advisory opinion and be guided by that opinion when given. The officer, employee or consultant shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of the Code before such advisory decision is made. This Code shall be

operative at all instances covered by its provisions except if superseded by an applicable statutory provision.

§ 24-5. Distribution of copies.

The Clerk of the Village shall cause a copy of the portions of Article 18 of the General Municipal Law applicable in the Village and of this Code of Ethics to be distributed to every officer and employee of the Village within 30 days after the effective date of this chapter. Each municipal officer and employee elected or appointed thereafter shall be furnished a copy of this Code before entering upon the duties of his or her office or employment. The Clerk shall obtain each municipal officer's and employee's signature acknowledging receipt of this Code.

§ 24-6. Board of Ethics; membership; terms of office; power and duties.

- A. There is hereby established a Board of Ethics of the Village, consisting of five members, one of whom shall be a municipal officer or employee and four of whom shall be persons other than a municipal officer or employee. All members shall be appointed by the Mayor with the consent of the Board of Trustees for a term of three years, each term to expire at the end of the official Village year, except that those first appointed, two shall be appointed for three years, two shall be appointed for two years, and one shall be appointed for one year. The Board of Ethics shall elect its own Chairman. Three members of the Board shall constitute a quorum. A vote of at least three members shall be required for the Board to take any action. The Village Attorney shall provide such legal and advisory services to the Board of Ethics as it may require in the performance of its duties. There shall be a recording secretary who shall be the clerk of the Board in charge of its minutes, books and records. **[Amended 12-17-2003 by L.L. No. 7-2003]**
- B. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Village with respect to Article 18 of the General Municipal Law and this Code of Ethics. In addition, the Board may make recommendations with respect to the drafting and adoption of amendments to this Code of Ethics thereto upon request of the Board of Trustees. The Board shall also have the responsibility to review disclosure statements filed pursuant to § 24-3G(2) of this chapter.
- C. The Board of Ethics shall convene at such times as may be necessary. The Board of Ethics may adopt rules and regulations relative to the conduct of its business, but may only render advisory opinions subject to these limitations:
 - (1) Requests shall be in writing;

- (2) Requests or inquiries must originate with a municipal officer or employee; a resident of the Village of New Paltz 18 years or older; or an owner or officer of a business operating within the Village of New Paltz. In the event the request or inquiry originates with a resident or business owner, such request or inquiry shall be accompanied by proof of residency or business operation within the boundaries of the Village of New Paltz, as the case may be, and, in the case of a business, shall also provide proof that the person making the request or inquiry is an owner, officer, or authorized agent of such business, all to the satisfaction of the Village Clerk; **[Amended 6-27-2013 by L.L. No. 6-2013]**
 - (3) Requests or inquiries must relate to the conflict of interest law or Code of Ethics; and
 - (4) The opinion must be approved as to legal sufficiency by the Village Attorney.
- D. Pursuant to the authority granted to the Board of Trustees by § 22 of the Public Officers Law, the provisions of Subdivision 3 of § 808 of the General Municipal Law of the State of New York, to the extent that such provides that members of the Board of Ethics serve at the pleasure of the appointing authority, are hereby superseded.

§ 24-7. Penalties for offenses.

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

§ 24-8. Severability.

If any clause, sentence, paragraph, word or section or part of this Code of Ethics shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal, or invalid, such judgments 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 such judgment shall have been rendered.

Chapter 31

OFFICERS AND EMPLOYEES

GENERAL REFERENCES

Code of Ethics — See Ch. 24.

Salaries — See Ch. 46.

Personnel policies — See Ch. 35.

Terms of office of elected officials — See Ch. 50.

ARTICLE I

Residency Requirements
[Derived from Ch. 8 of the 1978 Code]**§ 31-1. State law superseded.**

Pursuant to the authority granted to the Board of Trustees by § 22 of the Municipal Home Rule Law of the State of New York, the provisions of Subdivision 5 of § 3 of the Public Officers Law of the State of New York, in effect on the effective date of this article, are hereby superseded to the extent such provisions are inconsistent herewith.

§ 31-2. Chief of Fire Department. [Amended 2-2-2005 by L.L. No. 3-2005]

Each person holding the office of Chief, First Assistant Chief or Second Assistant Chief of the Fire Department of the Village of New Paltz shall be a resident of the Village or of the Town of New Paltz outside the municipal boundaries of the Village and no more than one mile from the municipal boundaries of the Town of New Paltz for the duration of the term for which he was appointed.

ARTICLE II

Meeting Attendance

**[Derived from Ch. 9 of the 1978 Code; amended in its entirety
5-23-2012 by L.L. No. 4-2012]**

§ 31-3. Legislative intent.

The Board of Trustees deems it essential that persons elected or serving by appointment on the various boards, commissions and committees of the Village shall endeavor to attend the regular and special meetings of the body on which such persons serve, to enable the responsibilities of the body and the business of the public affected thereby to proceed in an expeditious manner. The Board of Trustees is particularly concerned about the occasional failure of the Planning Board and Zoning Board of Appeals to conduct regularly scheduled meetings because of the inability to achieve a quorum of their members and deems it appropriate to establish minimum requirements relating to meeting attendance.

§ 31-4. State law superseded.

Pursuant to the authority granted to the Board of Trustees by § 22 of the Public Officers Law, the provisions of the Public Officers Law and Village Law of the State of New York and of the Municipal Code of the Village of New Paltz, in effect on the effective date of this article, to the extent that such provisions are inconsistent herewith, are hereby superseded.

§ 31-5. Minimum attendance requirements.

Any person elected or appointed to a board, commission or committee of the Village shall be expected to attend at least 75% in number of the regular meetings of such board, commission or committee during a period of three consecutive months.

§ 31-6. Creation of vacancy.

When an elected or appointed member of a board, commission or committee fails to attend at least 75% of the aggregate number of regular meetings of such board during a period of three consecutive months, the position may be deemed vacant by the vote of a majority of the Board of Trustees, at a meeting held no sooner than 10 days after written notice of a proposed resolution to declare the position vacant is given to such member and, upon approval of a resolution by the Board of Trustees declaring such position to be vacant, the position shall be deemed vacant forthwith and shall be filled in the manner provided by law for the duration of the term for which such member was appointed.

ARTICLE III
Planning Board
[Adopted 11-7-2007 by L.L. No. 10-2007]

§ 31-7. Continuation of Planning Board; alternate members.

- A. The Village Planning Board, hereafter referred to as the Planning Board, is continued as established by the Board of Trustees pursuant to § 7-718 of the Village Law with five members sitting thereon.
- B. The Village Mayor may appoint not more than two alternate members of the Planning Board, subject to the approval of the Board of Trustees, for terms established by the Village Board of Trustees. Each such alternate member shall attend meetings of the Planning Board and participate in its deliberations, but shall vote only in the event that a member of the Planning Board is absent or otherwise unable to act with respect to a particular matter. When acting pursuant to the Planning Board authority provided hereby, such alternate member shall have all of the rights and privileges of a member of the Planning Board. The term of appointment of said alternates shall be as authorized by the Village Board under a duly adopted resolution.
- C. The Chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
- D. All provisions of the Village Code relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members.

Chapter 35
(RESERVED)

Chapter 39
POLICE

ARTICLE I

Police Department Abolished
[Derived from Ch. 91 of the 1978 Code]

§ 39-1. Police Department abolished.

The Police Department of the Village of New Paltz is hereby abolished.

ARTICLE II

**Appointment of Police Commissioner
[Derived from Ch. 90 of the 1978 Code]****§ 39-2. Amendment of Village Law.**

Notwithstanding any provisions of §§ 3-300 or 3-308 of the Village Law of the State of New York (being portions of Chapter 892 of the Laws of 1972, as amended) or of any other general law, local law, ordinance or special act, the Board of Trustees of the Village of New Paltz may, by resolution, provide that the powers, duties and responsibilities of the Board of Police Commissioners shall vest in one person to be appointed by the Mayor, subject to the approval of the Board of Trustees, that the person so appointed shall hold office at the pleasure of the Board of Trustees, that the person so appointed need not be a resident of the Village but must reside within the Town in which the Village is situated, and that the person so appointed shall be entitled to compensation for the performance of his duties.

Chapter 46**SALARIES****§ 46-1. Mayor and Trustees.**

The annual salaries of the Mayor and Trustees shall be determined by inclusion in the schedule of wages and salaries of Village officers and employees in the regular Village budget to be effective at the commencement of the fiscal year for which such budget is adopted.

Chapter 50**TERMS OF OFFICE OF ELECTED OFFICIALS****§ 50-1. Term of office of Mayor.**

The term of office of the Mayor as heretofore established by resolution dated February 14, 1962, shall continue to be four official years and the term of the incumbent Mayor's term of office in accordance with said resolution shall expire at the end of the official year in 1979.

§ 50-2. Term of office of Trustees.

The term of office of the Trustees as heretofore established by resolution dated February 14, 1962, shall continue to be four official years. The term of office of two Trustees shall expire at the end of the official year in 1979 and the term of office of two Trustees shall expire at the end of the official year in 1981 as heretofore established.

§ 50-3. Election of officers.

In any election for the office of Mayor or Trustee, the person or persons eligible and receiving the highest number of votes for office shall be elected thereto.

§ 50-4. Run-off election for tie vote.

- A. In the event more eligible persons than the number remaining to be elected for the same office or offices receive an equal number of votes, a run-off election shall be held on the first Tuesday at least 10 days after the final certification of such tie results, subject to the provisions of § 15-104, Subdivision 3b, of the Election Law.
- B. The run-off election shall be waived and the selection of the person to be elected shall be made by lot as otherwise provided in § 15-126 of the Election Law if each person who shall have received such equal number of votes shall file with the Village Clerk, no later than two days after such final certification of such tie results, a written notice of consent that such selection be made by lot.

Chapter 55**ZONING LAWS, ADOPTION OF****§ 55-1. Amendment of Village Law.**

Subdivision 2 of § 7-706 of the Village Law, as last amended by Section 16 of Chapter 976 of the Laws of 1973, is hereby amended in its application to the Village of New Paltz, New York to read as follows:

Every zoning law and every amendment thereto (including any map incorporated therein) adopted pursuant to the provisions of this chapter shall be entered in the minutes of the Village Board and a notice of adoption generally describing such law or amendment (exclusive of any map incorporated therein) shall be published once in the official newspaper and a copy of such local law or amendment together with a summary or abstract of any map incorporated therein shall be posted conspicuously at or near the main entrance to the office of the Village Clerk and affidavits of the publication and posting thereof shall be filed with the Village Clerk. Such local law shall take effect 10 days after such publication and posting, but such local law or amendment shall take effect from the date of its service as against a person served personally with a copy thereof, certified by the Village Clerk; and showing the date of its passage and entry in the minutes.

Part II, General Legislation**Chapter 60****AIR POLLUTION****§ 60-1. Definitions.**

- A. Ringelmann Smoke Chart. For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Bureau of Mines, shall be and is hereby adopted as a standard for such grading, and smoke shall be, and hereby defined as and declared to be "dense" when it is of a degree of density of Number 2 of said Chart or greater, at the point of emission.
- B. Specific terms. When used in this chapter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

DUST AND CINDERS — Gas-borne particles larger than one micron in mean diameter.

FUEL — Combustible materials, solid, liquid or gaseous, used primarily either to kindle or sustain fire or produce heat, including refuse to be consumed in refuse burning equipment.

FUEL AND REFUSE BURNING PLANT, EQUIPMENT OR DEVICE — Any furnace, incinerator, engine, boiler, vessel, steam roller, derrick, pile driver, dredge, tar kettle, apparatus, device, mechanism, stack or structure used in the process of burning fuel.

FUMES, GASES, NOXIOUS ACIDS — Gases or vapors that are of such character as to create an uncleanly, destructive, offensive or unhealthful condition or nuisance.

SOOT AND FLY ASH — Agglomerated particles consisting essentially of carbonaceous material.

STACK — A chimney, open fire, smokestack, structure or opening of any kind for purposes of discharging or which does discharge smoke, dust, soot, cinders, fly ash, noxious acids, fumes or gases into the open air.

§ 60-2. Emission of dense smoke prohibited.

The production, emission or escape of dense smoke regardless of how produced or discharged to the atmosphere within the Village except for a period or periods aggregating five minutes in any one hour is prohibited, and it is hereby declared to be a nuisance and may be abated by the Enforcement Officer in the manner provided by law.

§ 60-3. Emissions prohibited.

The emission from any stack or premises within the Village into the open air of such quantities of dust, soot, cinders, fly ash, noxious acids, fumes or gases so as to cause injury or detriment to persons or to the public, or to endanger the comfort, health or safety of any person or the public or in such manner as to cause injury or damage to business or property is prohibited. The emission of injurious quantities of dust, soot, cinders, fly ash, noxious acids, fumes or gases from any stack or premises is hereby declared to be a nuisance and may be abated in the manner provided by law.

§ 60-4. Grace period.

Upon the furnishing of satisfactory proof that the necessary steps have been taken to provide for compliance with the provisions of this chapter and to correct violations thereof, but that the proper equipment or device cannot be obtained immediately, the Enforcement Officer may grant, in his discretion, a grace period not to exceed three months from the date of the violation of this chapter to obtain and install the necessary equipment or device. During any grace period granted by the Enforcement Officer, violations resulting from the inability to obtain the necessary equipment or device shall not be punishable as hereinafter provided.

§ 60-5. Fuel burning equipment or devices in multiple residences.

Fuel burning equipment or devices installed to heat buildings used exclusively for private residences and containing more than six dwelling units or flats shall be equipped with efficient smoke elimination apparatus

unless such equipment or device is fueled with anthracite coal, coke, gas or other smokeless fuel.

§ 60-6. Inspections.

- A. Consent of occupant. The Enforcement Officer and his representatives shall be authorized, in the performance of their duties, to conduct inspections of the premises, or parts of premises, at such times and in such manner as the Enforcement Officer may find convenient or necessary, with the consent of the person in possession or occupancy.
- B. Procedure in case of refusal. If admission is refused or cannot be obtained from the person in possession or occupancy, the Enforcement Officer or his representatives shall be authorized to obtain a warrant to make an inspection, provided reasonable or probable cause is shown.
- C. Emergencies. In case of an emergency, the Enforcement Officer or his representatives may, without a warrant, enter any premises, or parts of premises, to inspect the same, at any time without the permission of the person in possession or occupancy.

§ 60-7. Enforcement Officer.

The Building Inspector shall be the Enforcement Officer of this chapter and is hereby charged with the duty of investigating, preventing, and abating air pollution and the emission of dense smoke within the Village of New Paltz. He shall issue and serve appearance tickets with respect to any violation of this chapter when he has reasonable cause to believe that such violation or offense has been committed.

§ 60-8. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law punishable by a fine as set annually by resolution of the Board of Trustees or imprisonment for not more than 15 days, or both such fine and imprisonment.

Chapter 63

ALARMS, FALSE

§ 63-1. Declaration of policy.

The Board of Trustees is concerned that a large number of audible burglar, fire, and carbon monoxide alarm signals or signals transmitted to the Ulster County Emergency 911 Dispatch Center, Town of New Paltz Police Department and/or other local law enforcement agency from locations in the Village of New Paltz that are activated automatically as the result of defective or malfunctioning equipment or caused by the negligence of the owner or occupant of the premises, to which the Police or Fire Department

is required to respond as the result of the signal and where an emergency condition is found not to exist, result in an unnecessary use of the personnel and resources of the Departments.

§ 63-2. Definitions.

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

ALARM SYSTEM — A device or series of devices, including, but not limited to, devices interconnected with a telephone and/or radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the law enforcement and/or fire protection and/or medical emergency service and/or emergency services which perform services in the Village of New Paltz. "Alarm system" shall not include any personal alarm device nor any vehicle alarm device unless the vehicle is permanently located at a site where the device or the devices constituting the alarm system are intended to summon emergency services.

DISPATCHED — A verbal, electronic, or written communication to law enforcement or emergency services made through the Ulster County Emergency 911 Dispatch Center, New Paltz Police Department or other local law enforcement dispatch and caused through an alarm system, which actually causes a police officer, firefighter (paid or volunteer), ambulance corps volunteer or employee, rescue squad worker (paid or volunteer), or auxiliary member of any police or fire department or ambulance corps or rescue squad to physically leave the premises such person is at or change directions in their motor vehicle with the plan to respond (or actually responding) to what is perceived to be an emergency.

EMERGENCY —

- A. A need for prompt fire extinguishment or rescue services;
- B. Medical service; and/or
- C. A need for prompt police services due to an impending or actually occurring trespass, break-in, or robbery; and/or
- D. A circumstance perceived by a human witness or believed by a person based on his or her actual observation or the observation of another human reporting such human's personal, observation, for anything described in Subsection A, B or C.

EMERGENCY SERVICES — A police department, fire department, fire district, fire company, ambulance corps, or rescue squad.

FALSE ALARM — The activation of an audible alarm system or of a signal transmitted to the Ulster County Emergency 911 Dispatch Center, Town of New Paltz Police Department or other local law enforcement agency, giving notice of fire, unlawful entry, or other damage to or intrusion upon property where, upon response by the Fire or Police Department, the condition of fire, unlawful entry, damage, or intrusion upon property is found not to

exist. It shall not be deemed a false alarm where the system or signal is activated by a natural disaster such as a hurricane, lightning, thunderstorm, earthquake, or an interruption in the electrical or telephone services to the premises without the knowledge or control of the owner or occupant thereof.

LAW ENFORCEMENT — The Town of New Paltz Police Department, Ulster County Sheriff's Office, New York State Police and other local law enforcement agencies. Law enforcement shall also include the dispatchers, civilian or otherwise, who answer the phones at any structure or portion thereof used by law enforcement to dispatch police officers or emergency services to potential emergencies.

§ 63-3. Registration required.

- A. Effective September 1, 2018, the owner or occupant of any premises in the Village of New Paltz upon which a burglar alarm system is operated shall provide the following information in writing to the Town of New Paltz Police Department:
- (1) The name, address and business and residence telephone numbers of the property owner and occupant;
 - (2) The property location both by street or postal address and tax roll identification number;
 - (3) The number of individual tenants or subtenants occupying the premises;
 - (4) The name and address of the person or company who installed the alarm system, if known;
 - (5) The name, address and telephone number of the alarm monitoring or servicing company; and
 - (6) If the premises are not registered with an alarm monitoring company, the name, address and business and residence telephone numbers of at least one other person to receive notice of the activation of the alarm system if the owner or occupant of the premises is not available.
- B. The Town of New Paltz Police Department shall be notified by the owner or occupant within 15 days of any change in the information previously provided in § 63-3A.
- C. Effective September 1, 2018, the owner or occupant of any premises in the Village of New Paltz upon which a fire or carbon monoxide alarm system is operated shall provide the following information in writing to the Village of New Paltz Building Department:
- (1) The name, address and business and residence telephone numbers of the property owner and occupant;

- (2) The property location, both by street or postal address and tax roll identification number;
 - (3) The number of individual tenants or subtenants occupying the premises;
 - (4) The name and address of the person or company who installed the alarm system, if known;
 - (5) The name, address and telephone number of the alarm monitoring or servicing company; and
 - (6) If the premises is not registered with an alarm monitoring company, the name, address and business and residence telephone numbers of at least one other person to receive notice of the activation of the alarm system if the owner or occupant of the premises is not available.
- D. The Village of New Paltz Building Department shall be notified by the owner or occupant within 15 days of any change in the information previously provided in § 63-3C.

§ 63-4. Record of false alarms to be maintained.

- A. A member of the Police Department who is dispatched to a premises in response to the communication of a signal which is determined to be a false alarm shall, within two hours thereafter, file a written report with the Town of New Paltz Police Department setting forth the date, time, premises, location, whether an owner or occupant was present, whether there appeared to be any fire, unlawful entry, intrusion, or other damage to the premises, and whether it appeared that the alarm signal was activated by a natural disaster as above described.
- B. The Town of New Paltz Police Department shall maintain a record of the reports of false alarms transmitted to the center from premises in the Village of New Paltz.
- C. A member of the Fire Department who is dispatched to a premises in response to the communication of a signal which is determined to be a false alarm shall, within two hours thereafter, file a written report with the Village of New Paltz Building Department setting forth the date, time, premises, location, whether an owner or occupant was present, whether there appeared to be any fire, carbon monoxide gas release or other damage to the premises, and whether it appeared that the alarm signal was activated by a natural disaster as above described.
- D. The Village of New Paltz Building Department shall maintain a record of the reports of false alarms transmitted to the center from premises in the Village of New Paltz.

§ 63-5. Penalties for offenses; payment.

- A. More than two false alarms; current registration with Town.
- (1) The owner or occupant of premises from which more than two false alarms shall have previously been given within any twelve-month period and who shall have, at the time of the first alarm, maintained current registration information with the Town of New Paltz Police Department as required by § 63-3 hereof shall be deemed to have committed an offense in violation of this chapter and shall, upon conviction, be punished by a fine set forth in the most-current fee schedule for the first violation and by a fine as set annually by resolution of the Board of Trustees for each subsequent violation occurring within a twelve-month period.
 - (2) Any fine collected by the Village hereunder shall be remitted to the Town of New Paltz.
- B. More than one false alarm; no current registration with Town.
- (1) The owner or occupant of premises from which more than one false alarm shall have been given within any twelve-month period and who shall not have, at the time of the first alarm, maintained current registration information with the Town of New Paltz Police Department as required by § 63-3 hereof shall be deemed to have committed an offense in violation of this chapter and shall, upon conviction, be punished by a fine as set annually by resolution of the Board of Trustees for the first violation and by a fine of not more than that set annually by resolution of the Board of Trustees for each subsequent violation occurring within a twelve-month period.
 - (2) Any fine collected by the Village hereunder shall be remitted to Town of New Paltz.
- C. More than two false alarms; current registration with Village.
- (1) The owner or occupant of premises from which more than two false alarms shall have previously been given within any twelve-month period and who shall have, at the time of the first alarm, maintained current registration information with the Village of New Paltz Building Department as required by § 63-3 hereof shall be deemed to have committed an offense in violation of this chapter and shall, upon conviction, be punished by a fine set forth in the most-current fee schedule for the first violation and by a fine as set annually by resolution of the Board of Trustees for each subsequent violation occurring within a twelve-month period.
 - (2) Any fine collected by the Village hereunder shall be retained by the Village of New Paltz.
- D. More than one false alarm; no current registration with Village.

- (1) The owner or occupant of premises from which more than one false alarm shall have been given within any twelve-month period and who shall not have, at the time of the first alarm, maintained current registration information with the Village of New Paltz Building Department as required by § 63-3 hereof shall be deemed to have committed an offense in violation of this chapter and shall, upon conviction, be punished by a fine as set annually by resolution of the Board of Trustees for the first violation and by a fine of not more than that set annually by resolution of the Board of Trustees for each subsequent violation occurring within a twelve-month period.
- (2) Any fine collected by the Village hereunder shall be retained by the Village of New Paltz.

Chapter 66

ALCOHOLIC BEVERAGES

§ 66-1. Legislative intent.

It is the intent of the Village of New Paltz, as an exercise of its police power, to promote the general health, safety, and welfare of the residents and inhabitants of the Village by enacting this chapter, since it is the finding of the Board of Trustees that the possession of open containers of alcoholic beverages by persons on certain public lands, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Village in that such possession contributes to the development of unsanitary conditions and the creation of nuisances, including, but not limited to, littering and raucous or other disorderly behavior. It is further the intent of the Board of Trustees that this chapter not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

§ 66-2. Definitions.

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

ALCOHOLIC BEVERAGE — Includes alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer capable of being consumed by a human being.

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

PUBLIC LANDS — Any highway, street, sidewalk, park or playground or any parking lot of privately owned commercial or business premises, including apartment building complexes, which is generally open to public motor vehicle traffic.

VILLAGE — The Village of New Paltz.

§ 66-3. Open containers and consumption on public lands.

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

- A. Consume any alcoholic beverage on any public land within the Village;
- B. Have in his possession any open container containing any alcoholic beverage on any public lands within the Village; or
- C. Have within his possession for the purposes of consumption on public lands by either himself or another person any open container containing an alcoholic beverage on any public lands within the Village.

§ 66-4. Exceptions.

- A. The foregoing prohibition shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the Village.
- B. The foregoing prohibitions shall not apply to the transportation of an unsealed but not open container across public lands of the Village from one point to another, with no intent to consume the contents of such open container while on public lands.

§ 66-5. Applicability.

This chapter shall apply to all persons on public lands in the Village except as provided in § 66-4 above and shall not apply to any person drinking an alcoholic beverage while operating a motor vehicle on any public highway within the Village in violation of § 1227 of the Vehicle and Traffic Law of the State of New York.

§ 66-6. Penalties for offenses.

Each violation of this chapter shall be punishable by a fine not exceeding \$250 for each offense. A violation of this chapter shall constitute disorderly conduct, and any person violating the same shall be declared a disorderly person.

§ 66-7. Validity.

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

Chapter 70

ANIMALS

ARTICLE I
Keeping of Animals and Fowl

§ 70-1. Keeping of certain animals and fowl restricted.

- A. Prohibited unless otherwise permitted.⁴ No person shall breed, raise, harbor or maintain any bees, poultry, chickens, turkeys, ducks, geese or any other fowl, or any swine, horses, mules, goats or any other animals or reptiles except domesticated pets within this Village unless specifically authorized in any other provision of this Municipal Code.
- B. Definition. As used in this section, the following term shall have the meaning indicated:
- DOMESTICATED PETS — Any animals, birds, reptiles or fish customarily kept in or about the home or place of residence which are not vicious, dangerous, or otherwise obnoxious, objectionable or offensive.
- C. Preexisting use; exception. Any person legally keeping domestic animals or fowl at the effective date of this chapter may continue to do so; provided, however, that such animals or fowl are kept in a clean and sanitary manner, that they do not constitute a nuisance, and that the keeping thereof shall be limited to the area presently in use.
- D. Notwithstanding the foregoing, the keeping of chickens is allowed, provided the following requirements are met: **[Added 8-22-2012 by L.L. No. 8-2012; amended 10-22-2014 by L.L. No. 12-2014]**
- (1) The number of animals shall be limited as follows:
- (a) All chicken coops and other structures (including fencing) must meet all relevant setback and other zoning requirements for accessory structures.
- (b) In addition to the limitations imposed by the accessory use requirements, the number of chickens shall be limited to the minimum necessary square footage for humane treatment as set forth in Subsection D(2) herein.
- (2) The care and treatment of chickens shall meet the following minimum requirements:
- (a) Chickens shall be provided a minimum of three square feet of coop space, plus 10 square feet of run space per chicken.
- (b) No roosters shall be permitted.
- (c) Livestock and fowl in residential zones are allowed only for domestic use or consumption and shall not be raised, sold, or bartered for commercial purposes.

4. Editor's Note: See also Chapter 212, Zoning, § 212-14, Schedule A.

- (d) Chickens must be kept in a fenced-in area which includes a coop.
- (3) Property owners who wish to keep chickens on their property must apply for a chicken-keeping license from the Building Inspector, or his/her designee, good for one year.
 - (a) Tenants who wish to keep chickens must apply for a chicken-keeping license jointly with the property owner.
 - (b) The Building Inspector, or his/her designee, may deny the permit for failure to meet any of the requirements set forth below, or for other public health, safety and welfare reasons related to the application or the property, or on the basis of prior violations of this section by the applicant.
 - (c) In the event an application for a permit is denied by the Building Inspector, or his/her designee, the applicant may appeal to the Zoning Board of Appeals within 30 days of such denial, setting forth the grounds upon which the applicant believes that the application should have been granted. The Zoning Board of Appeals shall approve or deny the application on the same or other grounds related to the provisions of this subsection, or the public health, safety and welfare within 90 days of the date that the appeal is filed.
- (4) All chicken-keeping license applications shall include:
 - (a) The name, address, telephone number and e-mail address of each applicant;
 - (b) The address of the property on which chickens are to be kept;
 - (c) A signed statement from the Building Inspector, or his/her designee, that the chicken coop meets the following requirements:
 - [1] Meets setback requirements regardless of its dimensions or height;
 - [2] There is only one such structure per lot;
 - [3] The fences, fenced-in area, and structure are in the rear or side yard;
 - [4] A permit to construct same from the Building Inspector, or his/her designee, the fence and/or structure does not exceed five feet in height;
 - [5] Any other information that the Board of Trustees shall deem necessary as adopted by resolution;
 - (d) A signed statement from the applicant, agreeing to adhere to the following conditions:

- [1] All coops or related structures shall be subject to inspection during and after their construction at reasonable times with reasonable notice from the Building Inspector, or his/her designee;
 - [2] A yearly renewal of the chicken-keeping license;
 - [3] That in the interest of the public safety and welfare, all coops shall be cleaned daily;
 - [4] No composting or on-site burial of chicken manure shall be allowed;
 - [5] All chickens shall be cooped from dusk until at least 7:00 a.m. the following morning;
 - [6] Chicken feed and other materials associated with the keeping of chickens will be kept in a tightly covered container so as to prevent the attraction of rodents or other pests;
 - [7] The chicken enclosure must be clean and free of noticeable odors across property lines;
 - [8] The chicken enclosure shall be constructed and maintained in such a manner as will safely and securely house chickens and shall be kept free of rodent infestation at all times;
 - [9] Any other information that the Board of Trustees shall deem necessary.
- (5) Licensing fees. The licensing fee shall be set yearly by the Village Board at the annual reorganization meeting.
- (6) Penalties. Violators of these provisions may be issued one warning in lieu of being issued a violation, but the Village is not required to give a warning as a prerequisite to issuing a violation. Penalties for violations shall be set yearly by the Village Board at the yearly reorganization meeting.
- (7) Chicken enclosures which predate the amendment of this section may be grandfathered from the size requirements of this subsection pending inspection and approval by the Building Inspector as soon as practicable following the enactment of the amendment of this section, provided the application required in Subsection D(3) and (4) of this section is submitted to the Village. Any enclosure that is grandfathered may not be enlarged in any respect and must be removed if damaged by more than 50% of its entire square footage.

§ 70-2. Penalties for offenses.

Any person violating any provision of this article shall be punished as provided in § 1-10 of this Municipal Code.

ARTICLE II
Dog Control

§ 70-3. Definitions.

As used in this article, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

DOG — Any dog of either sex and of any age.

LEASH — Any chain, cord, thong, rope, or other material of sufficient strength to restrain the dog to which it is attached.

OWNER — Every person having a right of property in a dog and every person who has a dog in his keeping or who harbors a dog or the adult member of family in which a minor owner of a dog resides.

POUND — Any establishment, public or private, for the confinement of dogs seized either under the provisions of this article or otherwise.

§ 70-4. Dogs at large prohibited.

No person who owns, possesses or harbors a dog (male or female) shall permit or allow such dog to run loose or at large in any street, sidewalk, lane or public place in the Village of New Paltz. No dog shall be permitted at any time to be on such street, sidewalk, lane or public place unless effectively restrained in the immediate custody and control of the owner or custodian of the dog by a suitable chain or leash not exceeding five feet in length.

§ 70-5. Dog Warden.

Pursuant to § 119 of the Agriculture and Markets Law,⁵ the position of Dog Warden is hereby created, who shall be appointed by the Mayor subject to the approval of the Board of Trustees and shall have all the powers provided in said section; or the Board of Trustees pursuant to Subdivision 6 in said section may authorize the Town Dog Warden to enforce this article.

§ 70-6. Removal of canine wastes. [Added 4-11-2001 by L.L. No. 5-2001]

- A. It shall be the duty of each dog owner to remove any feces left by his or her dog on any sidewalk, gutter, street, park, parking lot or other public or private area in the Village of New Paltz.
- B. For the purposes of enforcing the provisions of this section, appearance tickets may be issued by the Dog Warden, Municipal Code Enforcement Officer or by any persons authorized to issue tickets for parking violations.

5. Editor's Note: See now Agriculture and Markets Law § 113.

- C. The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability, as defined in Subdivision 21 of § 292 of the Executive Law.

§ 70-7. Penalties for offenses.

- A. Appearance tickets, issuance of. The Dog Warden or other person authorized to enforce this article shall issue an appearance ticket pursuant to the Criminal Procedure Law for any violation of any provision of this article, and an answer to such appearance ticket shall be made to the Town Court of the Town of New Paltz on the return date at the time specified in said appearance ticket.
- B. Any person violating any provision of this article shall be guilty of a violation, as defined in the Penal Law of the State of New York and shall be punishable by a fine as set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**

ARTICLE III
Cat Control
[Amended by L.L. No. 7-1999]

§ 70-8. Statement of legislative purpose.

The Board of Trustees of the Village of New Paltz is concerned about the proliferation throughout the Village of cats which do not appear to be domesticated household pets and enact this legislation to reduce the chances of rabies and other feline diseases spreading through cat colonies and to reduce the adverse affect stray and feral cats have upon the quality of life in the Village.

§ 70-9. Definitions.

As used in this article, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

CAT — Any cat of either sex and of any age.

DOMESTICATED — Any cat kept in or about the residence of the owner which is not vicious, dangerous or otherwise obnoxious, objectionable or offensive.

HOMELESS OR ABANDONED CAT — Any cat found outdoors which does not wear a form of identification required by § 70-10B hereof.

OUTDOORS — Any unsecured portion of premises in which a cat can move at will.

OWNER — Every person having a right of property in a cat and every person who has a cat in his or her keeping or who harbors a cat or the adult member of a family in which a minor owner of a cat resides.

POUND — Any establishment, public or private, for the confinement of cats seized either under the provisions of this article or otherwise.

§ 70-10. Regulations.

- A. No more than two cats per household may be allowed outside the residence of the owner at any time.
- B. No cat shall be allowed outside the residence of the owner at any time unless the cat wears a collar and tag, tattoo, microchip or other reliable form of identification stating the name, address and telephone number of the owner.
- C. No cat shall be fed outdoors unless the owner is present.
- D. No cat shall be allowed outside the residence of the owner unless it has been vaccinated for rabies and feline leukemia nor unless it has been spayed or neutered.

- E. All cats, to the extent practicable, shall be restrained to stay within the boundaries of the premises of the owner.

§ 70-11. Seizure and redemption.

- A. The Municipal Code Enforcement Officer or such other person or agency designated by the Mayor to enforce this article, acting under the auspices of the New Paltz Police Department or an agent or officer of a duly incorporated society for the prevention of cruelty to animals, is hereby authorized to seize and retain any lost, strayed, homeless or abandoned cat or any cat found upon any public or private property within the Village which does not have the identification specified in § 70-10B hereof at the time the cat is apprehended. However, no person administering the provisions of this article shall enter into a house, apartment, garage or other secured facility without the consent of the owner or tenant of the premises unless a search warrant issued by a justice of the Town Court of the Town of New Paltz is first obtained.
- B. Any cat so apprehended shall be retained by the Village or designated agency in a properly sheltered and secure place and shall be properly fed and watered for a period of seven days.
- C. Within the period of seven days after the cat is apprehended, the owner may reclaim the cat upon reasonable proof of ownership to the person or agency having custody of the cat upon proof of payment to the Village Treasurer of a fee as set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- D. If the cat has not been claimed by the reputed owner within seven days after it has been held, any person may adopt the cat upon payment to the Village Treasurer of a fee as set annually by resolution of the Board of Trustees and reimbursement of all fees and expenses paid by the Village for veterinary treatment rendered to the cat while in the custody of the Village. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- E. If, after a period of seven days, a cat has not been adopted or it appears to the satisfaction of the person or agency retaining a cat in custody that the cat is injured, diseased or is not domesticated, as defined in § 70-9 hereof, the custodian shall deliver the cat to a person or animal care facility with whom the custodian believes the cat will be properly cared for. If no facility is available, the custodian may allow the cat to be euthanized or otherwise disposed of in a humane manner consistent with the provisions of § 374 of the Agriculture and Markets Law of the State of New York.
- F. Neither the Village, its officers or employees, the New Paltz Police Department, agent or officer of a duly incorporated society for the prevention of cruelty to animals, nor the persons or agencies authorized by the Mayor to enforce the provisions of this article shall be liable in damages or otherwise for the seizure, detention, adoption or

euthanizing of any cat found without appropriate identification outside the residence of the owner.

§ 70-12. State law superseded.

Pursuant to the authority granted to the Board of Trustees by § 22 of the Municipal Home Rule Law of the State of New York, any provisions of the Agriculture and Markets Law of the State of New York which limit the authority of the Board of Trustees to enact the provision of this article in effect on the effective date of this article are hereby superseded to the extent such provisions are inconsistent herewith.

§ 70-13. Penalties for offenses.

- A. Appearance tickets, issuance of. The Municipal Code Enforcement Officer or other person authorized to enforce this article shall issue an appearance ticket pursuant to the Criminal Procedure Law for any violation of any provision of this article and an answer to such appearance ticket shall be made to the Town Court of the Town of New Paltz on the return date at the time specified in said appearance ticket.
- B. Any person violating any provision of this article shall be guilty of a violation, as defined in the Penal Law of the State of New York, and shall be punishable by a fine as set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**

ARTICLE IV

Trapping**[Added 9-1-2004 by L.L. No. 6-2004]****§ 70-14. Purpose and intent.**

The Village of New Paltz has evolved from a rural community to a suburban community populated by families with children and companion animals, who are endangered by the use of lethal traps that constitute a clear danger to the residents of New Paltz, particularly children and companion animals. Thus it is determined that the use of certain traps in certain areas of the Village of New Paltz is no longer safe and appropriate.

§ 70-15. Trapping prohibited within certain distances.

The trapping of animals through the use of a steel jaw leghold or conibear trap or snare of any kind that may harm or kill any individual animal is prohibited within 300 feet of buildings in the Village of New Paltz. Said prohibition includes those areas in the Village of New Paltz within 300 feet of buildings located outside the Village of New Paltz.

§ 70-16. Trapping prohibited on Village-owned property.

The trapping of animals is prohibited on Village-owned property. Nonlethal methods of animal removal may be used to protect the public health and welfare, as determined by the Village Board of Trustees.

§ 70-17. Notification.

- A. Environmental Commission. Those who wish to place traps for any reason within the Village of New Paltz first must notify the Village of New Paltz Environmental Commission ("EnCC") no later than 14 calendar days prior to the setting of traps. The EnCC then may require a meeting with the property owner(s) and/or trapper(s) to inform those who wish to trap about nonlethal options to control animal behavior.
- B. Signage. Any trapping of any kind that takes place within the Village of New Paltz must be posted both at the edges of the property, with said notices of trapping not to be more than 50 feet apart, and at the site(s) of the trap(s) itself/themselves.

§ 70-18. Penalties for offenses; enforcement. [Amended 10-22-2014 by L.L. No. 13-2014]

Any person violating any provisions of this article shall be guilty of a violation pursuant to the Penal Law and shall be punishable by a fine as set annually by resolution of the Board of Trustees or six months in jail for each offense. Any violation which continues shall be deemed a separate violation and bear a separate penalty for each separate day, defined as between the hours of 12:00:01 a.m. and 12:00 midnight following, on which the violation

occurs. The Building Inspector, in consultation with the Village of New Paltz Environmental Commission, shall enforce all provisions of this article.

Chapter 74**ASSEMBLIES, MASS PUBLIC****§ 74-1. Permit for procession, assemblage or parade.**

- A. Required. No person shall take part in any procession, assemblage or parade, or use a loudspeaker or sound amplifier on any of the streets, sidewalks, parks or public places in the Village of New Paltz without first having obtained a written permit therefor, except for funeral processions.
- B. Application. The applicant shall furnish to the Village Clerk:
- (1) The name and address of the organization or person sponsoring such procession, assemblage or parade;
 - (2) The purpose of the same;
 - (3) The place or streets where it will be conducted; and
 - (4) The date and time when it is proposed to conduct the same.
- C. Referral to Board of Trustees. The Board of Trustees shall review the application and shall grant a permit unless it finds:
- (1) The proposed activity will unreasonably cause congested traffic conditions;
 - (2) The proposed route or place of assembly is undergoing street or other repairs that will make such activity dangerous or impractical;
 - (3) The proposed activity will cause overcrowding by issuance of a prior permit;
 - (4) The proposed activity will unreasonably disturb or interfere with the functions of any school, institution of learning, church, court or medical facility;
 - (5) The proposed activity will be held at a time when it is likely to unreasonably interfere with the peace and repose of persons residing within the area; activities between the hours of 9:00 p.m. and 8:00 a.m. shall be presumed to so interfere but may be rebutted by the applicant; or
 - (6) The proposed activity will create a clear and present danger to the public health, safety or welfare.

§ 74-2. Consideration of application.

If practicable, the application shall be submitted sufficiently in advance so that the Board of Trustees may consider such application at a regularly scheduled meeting thereof; provided, however, that where time is of the

essence, the Mayor shall call a special meeting of the Board of Trustees as soon as practicable to consider such application.

§ 74-3. Issuance of permit.

- A. The Board of Trustees, upon determining that the applicant is entitled to a permit under this chapter, shall direct the Village Clerk to issue same.
- B. The Board of Trustees may require that the permit be issued subject to such restrictions or conditions as it may reasonably impose to insure compliance with this chapter and for the general protection of the health, safety and welfare of the persons and property in the Village.

§ 74-4. Revocation of permit.

Any permit for a procession, assemblage, parade or use of a loudspeaker or sound amplifier issued pursuant to this chapter may be summarily revoked by the Mayor or Chief of Police at any time when by reason of disaster, public calamity, riot or other emergency, the Mayor or Chief of Police determines that the safety of the public or property required such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail unless, because of the gravity of the situation, it is impractical or impossible. In the latter event the revocation may be made verbally to the participants in the procession, assemblage or parade by the Mayor, Chief of Police or their agent, representative, deputy or assistant.

§ 74-5. State highways.

Whenever such procession, assemblage or parade authorized by the Board of Trustees will block the movement of traffic on a state highway maintained by the state, or on a highway which connects to state highways maintained by the state to make a through route, for a period in excess of 10 minutes, the Board of Trustees shall require the Department of Public Works to, prior to such blocking, provide and designate with conspicuous signs a detour adequate to prevent any unreasonable delay in the movement of traffic on said highway maintained by the state.

§ 74-6. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that the fine is imposed as set annually by resolution of the Board of Trustees.

Chapter 77

BEST VALUE PRICING

§ 77-1. Legislative intent.

- A. New York State General Municipal Law § 103 has been amended to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law), on the basis of best value.
- B. With the increased complexity of the goods and services that the Village must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria which measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the Village's performance requirements, including, but not limited to, selection factors such as useful lifespan, quality, and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

§ 77-2. Definitions.

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

BEST VALUE —

- A. The basis for awarding contracts for services to the offeror that optimizes quality, cost and efficiency, among responsive offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Executive Law § 310, Subdivisions 1, 7, 15 and 20, to be used in evaluation of offers for awarding of contracts for services. [New York State Finance Law § 163 (1)(j)]
- B. Factors which may be used to determine best value and to award a contract to other than the lowest bidder, are as follows:
 - (1) Cost of maintenance;
 - (2) Product life;
 - (3) Warranties;
 - (4) Past performance, reliability, or durability, and current or past experience with the provision of similar goods/services;
 - (5) Organization, staffing (particular abilities and/or experience), and ability to undertake the type and complexity of the work;
 - (6) Financial capability;

- (7) Record of compliance with all federal, state and local laws, rules, and licensing requirements; or
- (8) Ability to meet Village needs in a timely and accountable fashion.

LOWEST PRICE — The basis for awarding contracts for commodities among responsive and responsible offerors. [New York State Finance Law § 163(1)(i)]

PROCUREMENT RECORD — Documentation of the decisions made and the approach taken in the procurement process. [New York State Finance Law § 163(1)(f)]

§ 77-3. Best value award methodology requirements.

Where the basis for an award of a purchase contract will be the best value offer, the purchaser shall, in all instances:

- A. Document, in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criteria to be considered by the Village in its determination of best value.
- C. Reasonable efforts shall be made to ensure that the private and not-for-profit sectors in New York State are apprised of procurement opportunities, including by specifying the elements of a responsive bid and disclosing the process for awarding contracts, including, if applicable, the relative importance or weight of cost and the overall technical criteria for evaluating offers and ensuring the procurement is conducted accordingly.
- D. Select a formal competitive procurement process in accordance with New York State General Municipal Law and other state law and the guidelines established under the Village's purchasing policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to:
 - (1) A clear statement of need;
 - (2) A description of the required specifications governing performance and related factors;
 - (3) A reasonable process for ensuring a competitive field;

- (4) A fair and equal opportunity for offerors to submit responsive offers;
 - (5) A balanced and fair method of award.
- E. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results or, where not practicable, such other justification which demonstrates that best value will be achieved. The Village shall maintain and retain all documentation used in the award process.
- F. The determination to award a contract on the basis of best value shall be made by the Village Board. Such determination shall include the specific criteria applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Village Board of Trustees should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from nonprice factors that offset the price differential of lower price offers.
- G. In the event that no best value election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing required security.
- H. This chapter does not apply to purchase contracts for the following:
- (1) Any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law; and
 - (2) Any purchase or procurement of goods and/or services otherwise excluded by law from best value purchasing standards, whether now existing or hereafter arising.

Chapter 79

BINGO

GENERAL REFERENCES

Games of chance — See Ch. 120.

§ 79-1. Definitions.

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

AUTHORIZED ORGANIZATION — Any bona fide religious or charitable organization or bona fide educational, fraternal, civic or service organization or bona fide organization of veterans or volunteer firemen, which by its charter, certificate of incorporation, constitution, or act of the

legislature, shall have as its dominant purpose or purposes one or more of the lawful purposes as defined in the Bingo Licensing Law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in the Bingo Licensing Law, Article 14-H of the General Municipal Law, for a period of one year immediately prior to applying or a license under the Licensing Law.

BINGO or GAME — Includes a specific game of chance, commonly known as “bingo” or “lotto” in which prizes are awarded on the basis of designated numbers on a card conforming to the numbers or symbols selected at random.

CONTROL COMMISSION — The New York State Racing and Wagering Board.

LICENSE — A license issued pursuant to the provisions of this chapter.

§ 79-2. Authorization.

It shall be lawful for any organization, upon obtaining a license therefor as hereinafter provided, to conduct the game of bingo within the territorial limits of the Village of New Paltz, subject to the provisions of this chapter, the provisions of Article 14-H (§§ 475 through 499) of the General Municipal Law and the provisions of the New York State Racing and Wagering Board.

§ 79-3. Application for license.

- A. Each applicant shall file with the Village Clerk of the Village of New Paltz a written application in the form prescribed in the rules and regulations of the Control Commission duly executed and verified.
- B. In each application there shall be designated an active member or members of the applicant organization under whom the game or games of chance described in the application are to be held, operated and conducted, and there shall be appended to the application a statement executed and verified by the applicant and by the member or members so designated that he, she or they will be responsible for the holding, operation and conduct of such games of chance in accordance with the terms of the license and the provisions of this chapter, the Bingo Licensing Law, and the rules and regulations of the Control Commission, if such license is granted.
- C. In the event that any premises upon which any such game of chance is to be held, operated or conducted, or which is to be used for any other purpose in connection with the holding, operation or conduct thereof, is to be leased or rented from any person, persons or corporations, the application shall be accompanied by a written statement signed and verified under oath by such person or persons or on behalf of such corporation, stating his or its address, the amount of rent to be paid for such premises and stating that such lessor, lessors or if a corporation, all of its officers and each of its stockholders who hold more than 10%

or more of its stock issued and outstanding, are of good moral character and have not been convicted of a crime.

§ 79-4. General restrictions.

Any game or games licensed hereunder shall be subject to the following restrictions in addition to such other restrictions as may be provided herein or contained in the rules and regulations of the Control Commission.

- A. No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo, a hall or other premises for any consideration whatsoever, direct or indirect.
- B. No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or in part, on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- C. No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designated or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.
- D. The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organizations permitted to conduct the same.
- E. No prize shall exceed the sum or value set annually by resolution of the Board of Trustees in any single game of bingo. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- F. No series of prizes on any one bingo occasion shall aggregate more than the amount set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- G. No person except a bone fide member of any such organization shall participate in the management or operation of such game.
- H. No person shall receive any remuneration for participating in the management or operation of any game of bingo.
- I. The unauthorized conduct of a bingo game and any willful violation of any provisions of this chapter shall constitute and be punishable as a misdemeanor.
- J. Limited period bingo shall be conducted in accordance with the provisions of Article 14-H of the General Municipal Law and the rules and regulations of the Control Commission.

§ 79-5. Issuance and duration of license.

- A. The Village Clerk of the Village of New Paltz shall cause to be investigated the qualifications of each applicant and the merits of each application with due expedition after the filing of the application.
- B. If the Village Clerk shall determine that the requisite conditions have been met by the applicant, he shall issue to the applicant for the holding, operation and conduct of the specific kinds of games of chance applied for, a license upon payment of a license fee or fees as set annually by resolution of the Board of Trustees for each person upon which any games of chance are to be conducted under such license, which fees are to be paid to the Village Treasurer of the Village of New Paltz. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- C. On or before the 30th day of each month the Village Treasurer of the Village of New Paltz shall transmit to the State Treasurer a sum equal to 50% of all license fees collected by the Village of New Paltz pursuant to this section during the preceding calendar month.
- D. No license shall be issued under this chapter which shall be effective for a period of more than one year.

§ 79-6. Hearing; amendment of license.

- A. No application for a license hereunder shall be denied by the Village Clerk until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.
- B. Any license issued under this chapter may be amended upon application to the Village Clerk, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license, and upon the payment of such additional fee, if any, as would have been payable if it had been so included.

§ 79-7. Form of license.

Each license shall be in such form as shall be prescribed in the rules and regulations promulgated by the Control Commission.

§ 79-8. Supervision; suspension of license.

The Board of Trustees or any officer designated by it shall have and exercise control and supervision over all games of chance held, operated or conducted under such license, and shall have the power and authority to suspend any such license, and after notice and hearing, to revoke the same for violation of any provision of such license, this chapter, §§ 475 to 499 of the General Municipal Law or the rules and regulations of the Control Commission. The Board of Trustees or any officer designated by it shall have the right of entry at all times into any premises where any such games of chance is being held, operated or conducted, or where it is intended that any such game of chance shall be held, operated or conducted, or where

any equipment being used or intended to be used in the conduct thereof is found, for the inspecting the same.

§ 79-9. Conduct of games on Sunday.

- A. Games of bingo may be conducted in the Village on the first day of the week, commonly known and designated as Sunday, provided the license to conduct such game so specifies.
- B. Any license issued pursuant to this chapter may specify that the holding, operating and conducting of the game of bingo on Sunday is permissible where the Village Clerk shall determine that the conduct of the game of Sundays will not interfere with the good order and repose of the neighborhood where the game is to be conducted.

§ 79-10. Participation by minors.

No person under the age of 18 years shall be permitted to participate in any game or games of chance held, operated or conducted pursuant to any license issued under this chapter unless accompanied by an adult.

§ 79-11. Restriction.

No game or games of chance shall be held, operated or conducted under any license issued under this chapter oftener than on six days in any one calendar month, or in any room or outdoor area where alcoholic beverages are sold or served during the progress of the game or games.

§ 79-12. Persons operating and conducting games; equipment; expenses; compensation.

No persons shall hold, operate or conduct any game or games of chance under any license issued under this chapter except an active member of the authorized organization to which the license is issued, and no person shall assist in the holding, operating or conducting of any game or games of chance under such license except such an active member or a member of an organization or association which is an auxiliary to the licensee or a member of an organization or association of which such license is an auxiliary or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association and except bookkeepers or accountants as hereinafter provided and no such game of chance shall be conducted with any equipment except such as shall be owned absolutely or used without payment of any compensation therefor by the licensee, and no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any game of chance held, operated or conducted pursuant to any license issued under this chapter, except such as are bona fide items of reasonable amount for goods, wares and merchandise furnished or services rendered which are reasonably necessary to be purchased or furnished for the holding, operating or conducting any such game of chance thereon or for any other purpose in connection with the holding, operating or conducting thereof

under any circumstances whatsoever; no rental shall be paid for the use of any premises for holding, operating or conducting thereof unless the amount of such rental is stated in a statement annexed to the application for the license as provided in § 79-3 of this chapter or which is in excess of the sum stated as the rental to be charged therefor in such statement; and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person holding, operating or conducting, or assisting in the holding, operation or conduct of any game of chance so held, operated or conducted, except that reasonable compensation may be paid to bookkeepers or accountants for bookkeeping or accounting services rendered according to a schedule of compensation prescribed by the rules of the Control Commission.

§ 79-13. Charge for admission and participation; amount of prizes; award of prizes. [Amended 10-22-2014 by L.L. No. 13-2014]

Not more than the amount set annually by resolution of the Board of Trustees shall be charged by any licensee for admission to any room or place in which any game or games of chance are to be held, operated and conducted under any license issued under this chapter, which admission fee, upon payment thereof, shall entitle the person paying the same to a card entitling him to participate without additional charge, in all regular games of chance to be played under such license on such occasion, and no charge in excess of the amount set annually by resolution of the Board of Trustees shall be made for a single opportunity to participate in all special games to be played under such license on such occasion. No prize greater in amount or value than the amount set annually by resolution of the Board of Trustees shall be offered or given in any single game conducted under any such license and the aggregate amount or value of all prizes offered or given in all games played on a single occasion shall not exceed the amount set annually by resolution of the Board of Trustees, and all winners shall be determined and all prizes shall be awarded in any game played on any occasion within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any such game.

§ 79-14. Advertising games.

No game of chance to be conducted under any license issued under this chapter shall be advertised as to its location, the time it is to be or has been played, or the prizes awarded or to be awarded, by means of newspapers, radio, television or sound trucks or by means of billboards, posters, or handbills or any other means addressed to the general public, except that one sign not exceeding 60 square feet in area, may be displayed on or adjacent to the premises where the game will be played and an additional sign may be displayed upon any fire fighting equipment belonging to any licensee which is a volunteer fire company, or upon any first-aid or rescue squad equipment belonging to any licensee which is a first-aid or rescue squad, in and throughout the community or communities served by such

volunteer fire company or such first-aid or rescue squads, as the case may be.

§ 79-15. Statement of receipts, expenses, etc.

Within seven days after the conclusion of any occasion of bingo, the authorized organization which conducted the same, and its members who were in charge thereof, and when applicable the authorized organization which rented its premises therefor, shall each furnish to the Commission and a copy to the Village Clerk of the Village of New Paltz a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of gross receipts derived therefrom and each item of expense incurred, or paid, and each item of expenditure made or to be made, the name and address of each person to whom each such item has been paid, or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from such game or rental, as the case may be, and the use to which such proceeds have been or are to be applied and a list of the prizes offered and given, with the respective values thereof, and it shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each such statement.

§ 79-16. Examination of books and records; examination of managers, etc.; disclosure of information.

The Board of Trustees or any officer designated by it and the Control Commission shall have power to examine or cause to be examined the books and records of any authorized organization to which any such license is issued so far as they may relate to any transactions connected with the holding, operating and conducting of any game of chance thereunder and to examine any manager, officer, director, agent, member or employee thereof under oath, in relation to the conduct of any such game of chance under any such license, but any information so received shall not be disclosed except so far as may be necessary for the purposes of carrying out the provisions of this chapter.

§ 79-17. Appeals to Control Commission.

Any applicant for, or holder of, any license issued or to be issued under this chapter aggrieved by any action of the Village, its officers or agents, concerning an application which has been made or a license which has been issued, may appeal to the Control Commission from the determination of the Village, its officers or agents, by filing with the Board of Trustees, a written notice of appeal within 30 days after the determination or action appealed from, and, upon the hearing of such appeal, the evidence, if any, taken before the Board of Trustees, and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the Control Commission upon said appeal shall be binding upon the Village and all parties to said appeal.

§ 79-18. Immunity from prosecution; exemption.

No person or corporation (a) lawfully conducting or participating in the conduct of, (b) possessing, selling or in any manner disposing of, any shares, tickets or rights to participate in, or (c) permitting the conduct upon any premises owned by him or it of any game of chance conducted or to be conducted under any license lawfully issued pursuant to this chapter, shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this chapter, but this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of any game of chance under any license obtained by any false pretense or statement made in any application for such license or otherwise, or possessing, selling or disposing of shares, tickets or rights to participate in, or permitting the conduct upon any premises owned by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

§ 79-19. Offenses; forfeiture of license; ineligibility to apply for license.

Any person, association or corporation who or which shall: (a) make false statement in any application for any license authorized to be issued under this chapter; (b) pay or receive, for the use of any premises for conducting bingo, a rental in excess of the amount specified as the permissible rent in the license provided for in Subdivision 2 of § 480 of Article 14-H of the General Municipal Law; (c) fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of bingo or the leasing of premises to be used for the conduct of bingo; (d) falsify or make false entry in any books or records so far as they relate in any manner to the conduct of bingo, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization; (e) divert or pay any portion of the net proceeds of any game of bingo to any person, association or corporation, except in furtherance of one or more of the lawful purposes defined in this chapter; or (f) violate any of the provisions of this chapter or of any term of any license issued under this chapter; shall be guilty of a misdemeanor and shall forfeit any license issued under this chapter and be ineligible to apply for a license under this chapter for one year thereafter.

Chapter 82**BLASTING AND EXPLOSIVES****§ 82-1. Permits.**

- A. Required to perform blasting operation. No person shall blast or cause to be blasted any rock or other substance with any explosive as defined in this chapter, in the Village of New Paltz, without first obtaining a

permit from the licensing officer covering the specific blasting operation, upon written application, in a form approved by the Board of Trustees.

- B. State and federal license required. Before such permit is issued, the person shall have in his possession and shall produce for the licensing officer's inspection a valid license to purchase, own, possess, transport or use explosives issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives and a valid license to purchase, own, possess, transport or use explosives, issued by the Explosives Licensing Unit, New York State Department of Labor, and no such license will be issued to anyone under 18 years of age or otherwise considered ineligible as defined in Section 459 of Article 16, Industrial Code Rule 39 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York. **[Amended 10-22-2008 by L.L. No. 10-2008]**
- C. Required insurance.
- (1) No permit shall be issued under the provisions of this chapter to any person unless he shall submit evidence in the form of a certificate of insurance issued by an insurance company authorized to conduct business in the State of New York and in a form acceptable to the Village Attorney, guaranteeing that the applicant has in full force and effect a policy of public liability insurance including a specific endorsement covering the liabilities arising from blasting and providing bodily injury coverage of not less than the amount set annually by resolution of the Board of Trustees for each person injured and the amount set annually by resolution of the Board of Trustees for each accident and property damage insurance of not less than the amount set annually by resolution of the Board of Trustees. The Board of Trustees may fix policy limits in higher amounts if it is satisfied that the circumstances relating to the blasting operation so require. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - (2) The public liability insurance policy shall provide to save the Village from all claims, actions, and proceedings brought by any person, firm, or corporation for injury to persons or property resulting from or occasioned by such blasting operations. Such policy shall not be cancelled, terminated, modified, nor changed by the company unless 10 days' prior written notice is sent to the Village Clerk by registered mail. Such policy shall also provide that the presence of an inspector of the Village, or its lawfully-appointed representative, on the site of operations shall not affect the obligation of the insurer under its policy.
 - (3) No permit shall be valid unless such insurance is in full force and effect. The certificate of insurance so submitted may be written for a specific job or may be a blanket certificate issued on a quarterly or yearly basis.

D. Issuance; fee; conditions. **[Amended 10-22-2008 by L.L. No. 10-2008]**

- (1) Such permit, when approved and signed by the licensing officer, shall be issued upon payment of the amount set annually by resolution of the Board of Trustees, and the duration of such permit shall be counted in single consecutive days, not to exceed 30, and each permit will only be granted for a single site and purpose. A permit extension may be granted upon application to and site inspection by the licensing officer. Extensions will also be site specific and counted in single consecutive days, not to exceed 30. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (2) Each permit issued shall specify the name of the permittee, the date of expiration of the permit, the particular place, location or site where the blasting is to occur and the principal purpose of the blasting. A permit shall be effective for each blasting job only during the period for which the permit is issued. The Building Department shall keep a record of each permit issued, and the Board of Trustees and/or the Building Inspector shall have the right to suspend or revoke any such permit at any time for failure to comply with the provisions of this chapter or any other applicable law.

§ 82-2. Transportation of explosives.

- A. Compliance with state regulations. It shall be unlawful for any person or persons to transport or cause or permit the transportation of explosives in any vehicle through, to, or within the Village of New Paltz in any manner which violates the provisions of Section 39.6, of Title 12 of the Official Compilation of Codes, Rules, and Regulations of the State of New York.
- B. Guarding; stops. No person in charge of a vehicle containing explosives in transit shall allow such vehicle to remain unguarded at any time and no person charged with the responsibility of such transportation shall make any unnecessary stops within the Village of New Paltz. Where such stop is unavoidable, the person in charge of the vehicle containing the explosives shall strictly observe the Rules for Vehicles in Transit as defined in paragraph g. of the Code Rule 39.6 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

§ 82-3. Storage and depositing of explosives.

- A. State certificate required for storing. No person shall keep or store explosives unless a certificate therefor shall have been issued by the Industrial Commissioner, Department of Labor, State of New York, and such magazine owner or user shall be required to obtain an annual renewal of such certificate.

- B. State license required for manufacturing or selling. No person shall manufacture, deal in, give or otherwise dispose of explosives unless a license therefor shall have been issued by the Commissioner as provided in § 458, Subdivision 2, New York State Labor Law, nor shall any person sell, give or dispose of explosives to, or manufacture explosives for any person who does not hold a license as required by Subsection B of § 82-1 of this chapter.
- C. Report of loss or theft. Any theft or loss of explosives from a storage magazine or otherwise shall immediately be reported to the Industrial Commissioner and the state or local police or County Sheriff.
- D. Compliance with state law. No person shall store explosives except in a magazine constructed, located, marked and maintained in strict accordance with §§ 453, 454, 455 and 456 of Article 16 of the Labor Law of the State of New York.

§ 82-4. Storage of sporting or smokeless powders.

- A. State license required. Sporting or smokeless powders for reloading shells in an amount not in excess of five pounds and in the original containers may be kept in a building without storing such powders in a magazine provided such person possessing same is not ineligible to obtain such powders pursuant to Subdivision 11 of § 458 of the Labor Law.
- B. Loading or reloading small arms ammunition. Nothing in this chapter shall be construed to preclude the loading or reloading of small arms ammunition or the storing of small quantities of sporting or smokeless powders providing the person doing same is not ineligible to obtain such powders as provided in Subsection A, above.

§ 82-5. Amount of explosives to be used.

No person shall use, in a blasting operation, a quantity of explosives greater than necessary, properly to start the rock or other substances, nor use such an amount as will endanger persons or property. The Board of Trustees or its duly authorized representative may limit the maximum quantity of explosives to be used, but no action by the Board of Trustees or its duly authorized representative shall relieve or exempt any person or insurance company from liability for damage caused by the use of such explosives.

§ 82-6. Safety precautions.

- A. Preparation for firing. The person in charge of blasting operations shall assign only persons who are qualified to perform the work safely and shall, before firing, cover all prepared blasts with a rope or woven metal mattress, heavy timbers chained together, or other suitable screens of sufficient size, weight, and strength to prevent the escape of broken rock or other debris in a manner liable to cause injury or damage to persons or property.

- B. Notification of blasting. The person in charge of blasting operations, or his or her designee, shall notify the licensing officer, each residence and business establishment, in person, within a radius of 500 feet of the particular place where the blasting is to be done at least 24 hours prior to the occurrence of the blasting, and then again 60 minutes prior to each occurrence of the blasting each day, to enable the owners or occupants to take necessary precautions. If no one appears to be present at the residence or business establishment when the notification is given, an appropriate notice shall be affixed to the principal entrance of the premises. **[Amended 10-22-2008 by L.L. No. 10-2008]**
- C. Protection of highways and public places. No person shall fire nor explode nor direct nor cause to be fired or exploded any blast in or near any highway or public place in the Village of New Paltz, unless competent men, carrying a red flag, shall have been placed at a reasonable distance on all sides of the blast to give proper warning thereof at least three minutes in advance of firing.
- D. Additional precautions. The enforcement officer may impose additional safety precautions prior to the blasting operation if, in his opinion, the circumstance so require.
- E. Prepared blasts not to be kept overnight; exception. No blasts prepared for firing shall be allowed to remain overnight except in an emergency resulting from a misfire, when a watchman shall be provided to keep unauthorized persons at a safe distance.
- F. Electrical storms. All blasting operations and handling of explosives shall be immediately suspended upon the approach of an electrical storm.

§ 82-7. Times when blasting is prohibited. [Amended 10-22-2008 by L.L. No. 10-2008]

No person shall conduct blasting operations within the Village of New Paltz after 5:00 p.m. and before 9:00 a.m., nor at any time on Saturday, Sunday or holidays.

§ 82-8. Construction of chapter with Labor Law.

Nothing contained in this chapter shall be construed to conflict with §§ 450 through 465 of the Labor Law of the State of New York.

§ 82-9. Rules and regulations.

The Board of Trustees or its duly authorized representative is hereby authorized and empowered to establish and promulgate rules and regulations concerning blasting operations in the Village, storage of explosives and other matters contained in this chapter not inconsistent with the provisions of this chapter. Such rules and regulations when established

and promulgated shall be binding upon all persons to whom a permit is issued pursuant to this chapter.

§ 82-10. Enforcement officer.

The Building Inspector shall be the enforcement officer of this chapter and shall serve as the authorized representative of the Board of Trustees unless otherwise specifically provided. He may, with the permission of the Board of Trustees, retain experienced professional persons, services, or agencies to assist him in any technical matters in carrying out the provisions of this chapter. He shall have the right to immediately stop any blasting if any damage occurs or if any damage occurs pending investigation by the Village, and to issue and serve appearance tickets with respect to violation of this chapter when he has reasonable cause to believe that an offense has been committed.

§ 82-11. Penalties for offenses. [Amended 10-22-2008 by L.L. No. 10-2008; 10-22-2014 by L.L. No. 13-2014]

Any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law punishable by a fine as set annually by resolution of the Board of Trustees or imprisonment for not more than 30 days, or both such fine and imprisonment, for each violation of the law.

Chapter 86

BUILDING CONSTRUCTION

GENERAL REFERENCES

Unsafe buildings — See Ch. 90.

Housing standards — See Ch. 129.

Code enforcement — See Ch. 95.

§ 86-1. Purpose and intent.

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

§ 86-2. Definitions.

In this chapter:

BUILDING PERMIT — A permit issued pursuant to § 86-4 of this chapter. The term "building permit" shall also include a building permit which is renewed, amended or extended pursuant to any provision of this chapter.

CERTIFICATE OF OCCUPANCY/CERTIFICATE OF COMPLIANCE — A certificate issued pursuant to § 86-7B of this chapter.

CODE ENFORCEMENT OFFICIAL — The Code Enforcement Official appointed pursuant to § 86-3B of this chapter.

CODE ENFORCEMENT PERSONNEL — Includes the Code Enforcement Official and all inspectors.

CONDITIONAL CERTIFICATE — A certificate issued pursuant to § 86-7D of this chapter.

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

INSPECTOR — An inspector appointed pursuant to § 86-3D of this chapter.

OPERATING PERMIT — A permit issued pursuant to § 86-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

ORDER TO REMEDY — An order issued by the Code Enforcement Official pursuant to § 86-15A of this chapter.

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

PERSON — Includes 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 § 86-6 of 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 New Paltz.

§ 86-3. Code Enforcement Official and inspectors.

A. The office of Code Enforcement Official is hereby created. The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Code Enforcement Official shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, conditional certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, conditional

certificates and operating permits, and to include in building permits, certificates of occupancy, certificates of compliance, conditional certificates and operating permits such terms and conditions as the Code Enforcement Official may determine to be appropriate;

- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, conditional certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
 - (4) To issue stop work orders;
 - (5) To review and investigate complaints;
 - (6) To issue orders pursuant to § 86-15A (Violations) of this chapter;
 - (7) To maintain records;
 - (8) To collect fees as set by the Board of Trustees of the Village of New Paltz;
 - (9) To pursue administrative enforcement actions and proceedings;
 - (10) In consultation with the Village of New Paltz attorney, to 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; and
 - (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Official by this chapter.
- B. The Code Enforcement Official shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The Code Enforcement Official 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 Official shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- C. In the event that the Code Enforcement Official is unable to serve as such for any reason, an individual shall be appointed by the Mayor, subject to the approval of the Board of Trustees, to serve as acting Code Enforcement Official. The acting Code Enforcement Official shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Official by this chapter.

- D. One or more inspectors may be appointed by the Mayor, subject to the approval of the Board of Trustees, to act under the supervision and direction of the Code Enforcement Official and to assist the Code Enforcement Official in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Official by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
- E. The compensation for the Code Enforcement Official and Inspectors shall be fixed from time to time by the Board of Trustees of the Village of New Paltz.

§ 86-4. Building permits.

- A. Building permits required. Except as otherwise provided in Subsection B, 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 Official.
- B. Exemptions. No building permit shall be required for work in any of the following categories:
 - (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
 - (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (4) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
 - (5) Construction of temporary motion picture, television and theater stage sets and scenery;

- (6) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (7) Installation of partitions or movable cases less than five feet nine inches in height;
 - (8) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (9) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (10) 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
 - (11) Repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.
- D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Official. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Code Enforcement Official deems sufficient to permit a determination by the Code Enforcement Official that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:
- (1) A description of the proposed work;
 - (2) The tax map number and the street address of the premises where the work is to be performed;
 - (3) The occupancy classification of any affected building or structure;
 - (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

- (5) At least two sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York state registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and (v) where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.
- E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in Subsection D(5). Construction documents which are accepted as part of the application for a building permit shall be marked as accepted by the Code Enforcement Official in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Official, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a building permit will be issued. Work shall not be commenced until and unless a building permit is issued.
- F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Official shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.
- G. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- H. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Official of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Official determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

- I. Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. A building permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable renewal fee, and approval of the application by the Code Enforcement Official.
- J. Revocation or suspension of building permits. If the Code Enforcement Official determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, the Code Enforcement Official shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.
- K. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-16, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit.

§ 86-5. Construction inspections.

- A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Official or by an inspector authorized by the Code Enforcement Official. The permit holder shall notify the Code Enforcement Official when any element of work described in Subsection B is ready for inspection.
- B. Elements of work to be inspected. The following elements of the construction process shall be inspected made, 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.
- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-16, Fees, of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 86-6. Stop work orders.

- A. Authority to issue. The Code Enforcement Official is authorized to issue stop work orders pursuant to this section. The Code Enforcement Official shall issue a stop work order to halt:
- (1) Any work that is determined by the Code Enforcement Official 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, or
 - (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Official, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work, or
 - (3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.
- B. Content of stop work orders. Stop work orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Official, (3) state the reason or reasons for issuance, and (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.
- C. Service of stop work orders. The Code Enforcement Official 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 registered mail. The Code Enforcement Official 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 registered 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, 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 § 86-15, Violations, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop work order.

§ 86-7. Certificates of occupancy and certificates of compliance.

- A. Certificates of occupancy and certificates of compliance are required. A certificate of occupancy or a certificate of 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 or a certificate of compliance.
- B. Issuance of certificates of occupancy and certificates of compliance. The Code Enforcement Official shall issue a certificate of occupancy or a certificate of 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, that 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 Official or an inspector authorized by the Code Enforcement Official shall inspect the building, structure or work prior to the issuance of a certificate of occupancy or a certificate of 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 Official, at the expense of the applicant for the certificate of occupancy or the certificate of compliance, shall be provided to the Code Enforcement Official prior to the issuance of the certificate of occupancy or the certificate of compliance:

- (1) A written statement of structural observations and/or a final report of special inspections, and
 - (2) Flood hazard certifications.
- C. Contents of certificates of occupancy and certificates of compliance. A certificate of occupancy and a certificate of 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 or the certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy or the certificate of 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 Official issuing the certificate of occupancy or the certificate of compliance and the date of issuance.
- D. Conditional certificate. The Code Enforcement Official shall be permitted to issue a conditional certificate allowing the conditional 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 Official issue a conditional certificate unless the Code Enforcement Official determines (1) that the building or structure, or the portion thereof covered by the conditional certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and (3) that all required means of egress from the building or structure have been provided. The Code Enforcement Official may include in a conditional 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 conditional certificate shall be effective for a period of time, not to exceed six months, which shall be determined by the Code Enforcement Official and specified in the conditional certificate along with any other

specified conditions for occupancy. During the specified period of effectiveness of the conditional 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.

- E. Revocation or suspension of certificates. If the Code Enforcement Official determines that a certificate of occupancy or a certificate of compliance or a conditional 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 Official within such period of time as shall be specified by the Code Enforcement Official, the Code Enforcement Official shall revoke or suspend such certificate.
- F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-16, Fees, of this chapter must be paid at the time of submission of an application for a certificate of occupancy or a certificate of compliance or for a conditional certificate.

§ 86-8. Notification regarding fire or explosion.

The chief of any fire department providing firefighting services for a property within the Village of New Paltz shall promptly notify the Code Enforcement Official of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§ 86-9. Unsafe building and structures.

Unsafe structures and equipment in the Village of New Paltz shall be identified and addressed in accordance with the procedures set forth in Chapter 90, as now in effect or as hereafter amended from time to time.

§ 86-10. Operating permits.

- A. Operation permits required. Operating permits shall be required for conducting the activities or using the categories of buildings listed below:
 - (1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1), 5003.1.1(2), 5003.1.1(3), 5003.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;
 - (2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, 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 resolution adopted by the Board of Trustees of the Village of New Paltz. Any person who proposes to undertake any activity or to operate any type of building listed below (specific cases include but are not limited to) shall be required to obtain an operating permit prior to commencing such activity or operation;
- (a) Acetylene generators: To operate an acetylene generator having a calcium carbide capacity exceeding five pounds.
 - (b) Automobile tire-rebuilding plants: To operate an automobile tire-rebuilding plant.
 - (c) Automobile wrecking yards: To operate an automobile wrecking yard.
 - (d) Bowling establishments: For bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.
 - (e) Cellulose nitrate motion-picture film: To store, keep, or have on hand more than 25 pounds of cellulose nitrate motion-picture film.
 - (f) Cellulose nitrate plastics (pyroxylin):
 - [1] To store, keep, or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).
 - [2] To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.
 - (g) Combustible fibers: To store, handle, or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
 - (h) Combustible materials: To store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels, or similar containers, rubber tires, baled cotton, cotton, rubber, cork, or other similar materials in excess of 2,500 cubic feet gross volume, on any premises.
 - (i) Compressed gases:
 - [1] To store, handle, or use at normal temperatures and pressures more than:
 - [a] Two thousand cubic feet of flammable compressed gas; or

- [b] Six thousand cubic feet of nonflammable compressed gas.
- [2] To store, handle, or use any quantity of liquefied natural or hydrogen gas.
- (j) Cryogenics: To store, handle, or use cryogenic fluids, except cryogenics used as motor fuel and stored in motor vehicle tanks, as follows:
 - [1] Production, sale, or storage of cryogenic fluids.
 - [2] Storage or use of flammable cryogenic fluids, cryogenic oxidizers, or liquefied oxygen in excess of 10 gallons.
- (k) Dry-cleaning plants: To use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (l) Dust-producing plants: To operate any grain elevator, flour, starch, or feed mill, woodworking plant, or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur, or other materials producing explosive-potential dust.
- (m) Explosives, ammunition, and blasting agents:
 - [1] To manufacture, possess, store, sell, or otherwise dispose of explosives and blasting agents.
 - [2] To use explosives or blasting agents.
 - [3] To operate a terminal for handling explosives or blasting agents.
- (n) Flammable and combustible liquids:
 - [1] To store, handle, or use flammable liquids in excess of 6 1/2 gallons inside dwellings; or in excess of 10 gallons inside any other building or other occupancy; or in excess of 60 gallons outside of any building. This provision shall not apply to:
 - [a] Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant; or
 - [b] Paints, oils, varnishes, or similar flammable mixtures, when such liquids are stored for maintenance, painting, or similar purposes.
 - [2] To store, handle, or use combustible liquids in excess of 25 gallons inside a building; or in excess of 60 gallons outside of a building. This provision shall not apply to fuel oil used in connection with oil-burning equipment.

- [3] A permit shall be obtained for the initial installation of an oil burner and a fuel oil tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.
- [4] For processing, blending, or refining of flammable or combustible liquids.
- (o) Flammable finishing: For spraying, coating, or dipping operations utilizing flammable or combustible liquids.
- (p) Fruit-ripening process: To conduct a fruit-ripening process using ethylene gas.
- (q) Fumigation and thermal insecticidal fogging: To conduct fumigation or thermal insecticidal-fogging operations.
- (r) Hazardous chemicals:
 - [1] To store, handle, or use more than 55 gallons of corrosive liquids; or more than 50 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 50 pounds of nitromethane; or 1,000 pounds or more of animonium nitrate, ammonium nitrate fertilizers, and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
 - [2] To store, handle, or use any quantity of air-reactive, water-reactive, or unstable materials.
- (s) Junkyards: To operate a junkyard.
- (t) Liquefied petroleum gas: For each installation of liquefied petroleum gas employing a container or an aggregate of interconnected containers of over 2,000 gallons of water capacity, and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social, or recreational purposes. Installers shall maintain a record of all installations and replacement of portable cylinders and have it available for inspection.
- (u) Lumberyards: To operate a lumberyard.
- (v) Magnesium: For melting, casting, heat treating, machining, or grinding of more than 10 pounds of magnesium per working day.
- (w) Matches:
 - [1] To manufacture matches.

- [2] To store matches in excess of 25 cases of matches. (Note: One case equals one matchman's gross of 14,400 matches.)
- (x) Organic coatings: To perform organic coating operations utilizing more than one gallon of organic coating on any working day.
 - (y) Ovens and furnaces: To operate industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° F. which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or the catalytic combustion system.
 - (z) Places of assembly: To maintain, operate, or use a place of assembly with an occupant load of 100 persons or more.
 - (aa) Service stations and repair garages: To operate a service station or repair garage.
 - (bb) Welding and cutting: To operate a welding and cutting business. A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.
 - (cc) Use of pyrotechnic devices in assembly occupancies.
 - (dd) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Building Inspector.
- (6) Any person who proposes to undertake any activity or to operate any type of building listed in this subsection shall be required to obtain an operating permit prior to commencing such activity or operation.
- B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Official. Such application shall include such information as the Code Enforcement Official deems sufficient to permit a determination by the Code Enforcement Official that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Official determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Official, at the expense of the applicant.
- C. Inspections. The Code Enforcement Official or an Inspector authorized by the Code Enforcement Official shall inspect the subject premises prior to the issuance of an operating permit.

- D. Multiple activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Official may require a separate operating permit for each such activity, or the Code Enforcement Official may, in his or her discretion, issue a single operating permit to apply to all such activities.
- E. Duration of operating permits. Operating permits shall be issued for such 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 shall be determined by the Code Enforcement Official to be consistent with local conditions. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Official, payment of the applicable fee, and approval of such application by the Code Enforcement Official.
- F. Revocation or suspension of operating permits. If the Code Enforcement Official determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.
- G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-16, Fees, of this chapter must be paid at the time submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

§ 86-11. Fire safety and property maintenance inspections.

- A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Official or an inspector designated by the Code Enforcement Official at the following intervals:
 - (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every 12 months.
 - (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every 12 months.
 - (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) and (2), and all nonresidential buildings, structures, uses and occupancies not included in Subsection A(1) and (2), shall be performed in accordance with Chapter 29, Residential Rental Housing Code.

- B. Inspections permitted. In addition to the inspections required by Subsection A, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Official or an Inspector designated by the Code Enforcement Official at any time upon:
- (1) The request of the owner of the property to be inspected or an authorized agent of such owner;
 - (2) Receipt by the Code Enforcement Official of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
 - (3) Receipt by the Code Enforcement Official of any other information, reasonably believed by the Code Enforcement Official to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subsection shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.
- C. OFPC inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control ("OFPC") and the New York State Fire Administrator under Executive Law § 156-e and Education Law § 807-b. Notwithstanding any other provision of this section to the contrary:
- (1) The Code Enforcement Official shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months;
 - (2) The Code Enforcement Official shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every 12 months;
 - (3) The Code Enforcement Official shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in Subsection A(1) or (2) OFPC if performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in Subsection A(3); and
 - (4) The Code Enforcement Official shall not perform fire safety and property maintenance inspections of a nonresidential building, structure, use or occupancy not included in Subsection A(1) or (2) if

OFPC performs fire safety and property maintenance inspections of such nonresidential building, structure, use or occupancy at intervals not exceeding the interval specified in Subsection A(3).

- D. Fee. The fee specified in or determined in accordance with the provisions set forth in § 86-16, Fees, of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subsection shall not apply to inspections performed by OFPC.

§ 86-12. Complaints.

The Code Enforcement Official 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 Official 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 § 86-15, Violations, of this chapter;
- C. If appropriate, issuing a stop work order;
- D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

§ 86-13. Record keeping.

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

- (6) All complaints received;
 - (7) All investigations conducted;
 - (8) All other features and activities specified in or contemplated by §§ 86-4 through 86-12, inclusive, of this chapter, including; and
 - (9) All fees charged and collected.
- B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 86-14. Program review and reporting.

- A. The Code Enforcement Official shall annually submit to the Board of Trustees of the Village of New Paltz a written report and summary of all business conducted by the Code Enforcement Official and the inspectors, including a report and summary of all transactions and activities described in § 86-13, Record keeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.
- B. The Code Enforcement Official shall annually submit to the Secretary of State, on behalf of this Village of New Paltz, on a form prescribed by the Secretary of State, a report of the activities of the Village of New Paltz relative to administration and enforcement of the Uniform Code.
- C. The Code Enforcement Official shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Village of New Paltz is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of the Village of New Paltz in connection with administration and enforcement of the Uniform Code.

§ 86-15. Violations.

- A. Orders to remedy. The Code Enforcement Official 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. An order to remedy shall be in writing; shall be dated and signed by the Code Enforcement Official; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall 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; and shall include a statement substantially similar to the following:

"The person or entity served with this order to remedy must completely remedy each violation described in this order to remedy by ____ [specify date], which is 30 days after the date of this order to remedy."

- (1) The order to remedy may include provisions ordering the person or entity served with such order to remedy (1) to begin to remedy the violations described in the order to remedy immediately, or within some other specified period of time which may be less than 30 days; to continue diligently to remedy such violations until each such violation is fully remedied; and, in any event, to complete the remedying of all such violations within 30 days of the date of such order to remedy; and/or (2) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Official may deem appropriate, during the period while such violations are being remedied. The Code Enforcement Official shall cause the order to remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five days after the date of the order to remedy. The Code Enforcement Official shall be permitted, but not required, to cause the order to remedy, 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 registered mail or certified mail within five days after the date of the order to remedy; 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 Official 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, certificate of compliance, conditional certificate, stop work order, operating permit or other notice or order issued by the Code Enforcement Official 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 of New Paltz.
- D. Injunctive relief. An action or proceeding may be instituted in the name of the Village of New Paltz, 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, certificate of compliance, conditional certificate, stop work order, operating permit, order to remedy, or other notice or order issued by the Code Enforcement Official 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, order to remedy 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 the Village of New Paltz, 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 Board of Trustees of the Village of New Paltz.

- E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy 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 § 86-6, Stop work orders of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 86-6, Stop work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in subdivision (2) of section 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 section 382 of the Executive Law.

§ 86-16. Fees.

A fee schedule shall be established by resolution of the Board of Trustees of the Village of New Paltz. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy, certificates of compliance, conditional certificates, operating permits, fire safety and property maintenance inspections, and other actions of the Code Enforcement Official described in or contemplated by this chapter.

§ 86-17. Intermunicipal agreements.

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

Chapter 90**BUILDINGS, UNSAFE****GENERAL REFERENCES**

Building construction — See Ch. 86.

Housing standards — See Ch. 129.

Fire prevention — See Ch. 113.

§ 90-1. Purpose.

Unsafe structures pose a threat to life and property in the Village of New Paltz. Buildings and structures may become unsafe by reason of damages by fire, the elements, age or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. Debris, rubble, scrap, abandoned machinery or equipment or parts of buildings left on the ground and not removed constitute a dangerous, unhealthy and unsightly condition. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Village of New Paltz by requiring that such unsafe structures be repaired or demolished and removed.

§ 90-2. Unsafe structure defined.

Any building, as defined in this section, which:

- A. Is or may become dangerous or unsafe to the general public;
- B. Is open at the doorways or windows making it accessible to the general public;
- C. Is or may become a place of rodent infestation;
- D. Contains or consists of debris, rubble, scrap, abandoned machinery or equipment, or parts thereof, or parts of buildings, whether in the building or on the lot on which such building is located;
- E. Is abandoned or inadequately maintained;

- F. Presents any other danger to the health, safety, morals and general welfare of the general public; or
- G. Is unfit for the purposes for which it may be lawfully used.

§ 90-3. Emergency cases.

In cases where it appears that there is an immediate danger to the life or safety of any person and an unsafe structure, as defined in § 90-2, is not immediately repaired, vacated or demolished, the Code Enforcement Official shall report such facts to the Board of Trustees and the Board of Trustees shall cause the immediate repair, vacation or demolition of such unsafe structures. The cost of such emergency repair, vacation or demolition of such unsafe structure shall be collected in the same manner as set forth in § 90-10.

§ 90-4. Standards for repair, vacate or demolition.

The following standards shall be followed in substance by the Code Enforcement Official and the Board of Trustees in ordering repair, vacation or demolition:

- A. If the unsafe structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the unsafe structure is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated.
- C. In any case where an unsafe structure is so damaged or decayed, or deteriorated from its original value or structure so that it cannot be economically restored, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter it shall be demolished. In all cases where an unsafe structure is a fire hazard existing or erected in violation of the terms of this chapter or any other provisions of this Code or laws of the State of New York, it shall be demolished.

§ 90-5. Inspection/report of the Code Enforcement Official.

When, in the opinion of the Code Enforcement Official, or upon receipt of information (from any police officer, law enforcement officer, volunteer fireman or resident of the Village) that an unsafe structure exists in the Village of New Paltz, the Code Enforcement Official shall cause or make an inspection thereof and report in writing to the Board of Trustees his/her findings and recommendations in regard to its repair or demolition and removal.

§ 90-6. Determination of Board of Trustees.

The Board of Trustees shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is an unsafe structure as defined in § 90-2 and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice be served upon the persons in the manner provided in § 90-7 of this chapter.

§ 90-7. Order to repair or remove; contents of notice.

The notice shall contain the following:

- A. A description of the premises.
- B. The name of the owner of the premises as it appears from the tax and deed records.
- C. A statement of the particulars in which the building is unsafe or dangerous.
- D. Directions on if a building permit is required and what documentation may be needed per the New York State Uniform Construction Code.
- E. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- F. A statement that the securing or removal of such building shall commence within 10 days of the service of the notice and shall be completed within 30 days thereafter, unless, for good cause shown, such time shall be extended or if it is deemed an emergency case as set forth in § 90-3.
- G. A statement informing the owner of the premises their right to an appeal.
- H. A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Board of Trustees is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

§ 90-8. Service and filing of the notice of unsafe structure.

The notice shall be served and filed as follows:

- A. A copy of the notice shall be served upon the owner or some one of the owners, executors, legal representatives, agents, lessees, or any other person having a vested or contingent interest in the premises as shown by records of the Village tax records.

- B. The notice shall be served upon one of the persons set forth in Subsection A above either by:
- (1) Personal delivery; or
 - (2) Send by registered mail to the last known address.
- C. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

§ 90-9. Hearing.

The Board of Trustees shall hold a hearing at which the owner or other person specified in the notice may appear to show cause why the notice and resolution of the Board of Trustees should be rescinded, extended or modified and such other relevant and material information as such owner or other person may desire. Following such hearing, the Board of Trustees shall make a determination as to whether the building or other structure is a public nuisance and, if the Board of Trustees so finds, directing that it shall be repaired and secured or taken down and removed.

§ 90-10. Costs.

All costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said unsafe building or structure, shall be assessed against the land on which said buildings or structures are located.

§ 90-11. Penalties for offenses.

- A. Violation of any of the provisions of this chapter is hereby declared to be a violation pursuant to the Penal Law.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine set annually by resolution of the Board of Trustees or imprisonment of not more than 15 days as provided by the Penal Law.

Chapter 95

ELECTRICAL INSPECTOR

§ 95-1. Purpose.

The Electrical Inspector shall administer and enforce all the provisions of the New York State Uniform and Fire Prevention and Building Code* in the Village of New Paltz. (*Note: The National Electrical Code has been designated as the acceptable standard.) Except as otherwise provided by the New York State Uniform and Fire Prevention and Building Code, other state laws, or other sections of this chapter, all buildings, structures, and

premises, regardless of use or occupancy, are subject to the provisions of this chapter.

§ 95-2. Appointment of Electrical Inspectors.

The duly appointed Electrical Inspector of the New York Board of Fire Underwriters or of any other authorized electrical-inspection agency acceptable to Central Hudson Gas and Electric Corporation are hereby authorized and deputized as agents of the Village to make inspections and reinspections of all electrical installations hereinafter 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.

§ 95-3. Duties and powers of the Electrical Inspector.

- A. It shall be the duty of the Electrical Inspector to furnish written reports to the Code Enforcement Official and owners and/or lessees of property of all violations or deviations from or omissions of the electrical provisions of the New York State Uniform and Fire Prevention and Building Code* and this Municipal Code. (*Note: The National Electrical Code has been designated as the acceptable standard.)
- B. The Electrical Inspector is authorized to make inspections and reinspections of electrical installations in and on properties in the Village upon the oral request of the electrical permit holder.
- C. In the event of an emergency, it is the duty of the Electrical Inspector to make electrical inspections upon the oral request of an official or officer of the Village.
- D. The Electrical Inspector shall submit a written copy of the final electric report to the municipal Code Enforcement Official to keep on record.

§ 95-4. Fees.

A fee schedule shall be established by resolution of the Board of Trustees of the Village of New Paltz. Such fee schedule may thereafter be amended from time to time by like resolution.

§ 95-5. No waiver or assumption of liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating, controlling or installing any electrical wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the Village or the New York Board of Fire Underwriters be deemed to have assumed any such liability by reason of any inspection made pursuant to this chapter.

§ 95-6. 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 or repair electrical wiring for light, heat or power, in or on properties in the Village until an application for inspection has been filed with the New York Board of Fire Underwriters.
- 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 conditional certificate, or a certificate of compliance, by the New York Board of Fire Underwriters.

Chapter 98

CURFEW

§ 98-1. Legislative intent.

The Board of Trustees deems it appropriate in the exercise of its authority to promote the health, safety, and welfare of the residents of the Village of New Paltz to enact legislation to restrict juvenile persons from congregating on the streets or other public places of the Village during designated hours and to impose responsibility upon the parents or guardians for the actions of such juvenile persons.

§ 98-2. Juvenile curfew.

It shall be unlawful for any person under the age of 15 years to be or remain in or upon any street, park, parking lot or other public place within the Village of New Paltz from the hour of 11:00 p.m. of each day until 6:00 a.m. of the morning next following unless such person is accompanied by his or her parent or guardian or a person over the age of 21 years who has in his or her possession written authorization of such parent or guardian to accompany the juvenile person at such time and place.

§ 98-3. Parental responsibility.

It shall be unlawful for any parent, guardian, or person having the legal care and custody of any person under the age of 15 years to allow or permit any such person under the age of 15 years to be or remain in or upon any street, park, public place or parking lot within the Village of New Paltz from the hour of 11:00 p.m. of each day until 6:00 a.m. of the morning next following, unless such person is accompanied by his or her parent or guardian or a person over the age of 21 years who has in his or her possession written authorization of such parent or guardian to accompany the juvenile person at such time and place.

§ 98-4. Exemption.

The provisions of this chapter shall not apply while a juvenile person is proceeding in a direct route to his or her residence from the location of a school-sponsored, religious or employment-related activity between the hours of 11:00 p.m. and 12:00 midnight or the hours of 5:00 a.m. and 6:00 a.m.

§ 98-5. Detention of juvenile.

Any law enforcement officer, while on duty, is hereby authorized to take into custody and detain in a suitable facility without a warrant, any juvenile person violating the provisions of this chapter and shall promptly instruct the parent or guardian of such juvenile person to come to the place of the child's detention to take the child into his or her custody. If no parent or guardian is readily available to assert custody of the child, the police officer, after consultation with the most senior officer of the New Paltz Police Department then on duty, shall either deliver the child to his or her residence or turn the child over to the custody of the Family Court of Ulster County.

§ 98-6. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation as defined in the Penal Law and upon conviction thereof shall be subject to a fine set annually by resolution of the Board of Trustees. Upon conviction of a second offense, the parent or guardian of the child may be required by the court to complete a course or instruction at a designated educational facility in parenting skills.

Chapter 105**ENVIRONMENTAL QUALITY REVIEW****GENERAL REFERENCES**

Subdivision of land — See Ch. 178.

Zoning — See Ch. 212.

§ 105-1. Definitions.

Unless the context shall otherwise require:

A. The terms, phrases, words and their derivatives used in this chapter shall have the same meaning as those defined in § 8-0105 of the Environmental Conservation Law and Part 617 of Title 6 NYCRR.

B. The following terms shall have the meanings indicated:

PLANNING BOARD — The Planning Board of the Village of New Paltz.

VILLAGE — The Village of New Paltz.

§ 105-2. Compliance with chapter and state regulations.

No decision to carry out or approve an action other than an action listed in § 105-3B hereof or § 617.12 of 6 NYCRR as Type II action shall be made by the Planning Board or 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 NYCRR; 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 do not commit the Village or the Planning Board to approve, commence or engage in such action; or
- 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 NYCRR have been fulfilled.

§ 105-3. Lists of actions.

- A. Type I actions. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in § 617.12 of the Title 6 NYCRR as Type I actions, are likely to have a significant effect on the environment:
 - (1) Changes in existing topography due to grading, cut and fill and water - impermeable ground cover - which affect natural contours, stormwater runoff, natural cover and soil, the natural attractiveness of the site, vegetation, watercourses, ponds, historic places and similar irreplaceable assets.
 - (2) The collection, storage, processing or omission of substances which alter or damage the atmosphere, soil, purity of watercourses, water bodies or water tables, vegetation, or natural attractiveness, of the site or surrounding area.
 - (3) Offenses of noise, odor, visual appearance, activities which encourage or facilitate unlawful human activity or endangerment, changes in the aesthetic quality of the area immediately surrounding the site as well as the community as a whole.
- B. Type II actions. Consistent with Part 617 of Title 6 NYCRR and the criteria therein, the following actions, in addition to those listed in § 617.12 of Title 6 NYCRR as Type II actions, are deemed not to have a significant effect on the environment: None.

§ 105-4. Applicants to file written statements.

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 Planning Board 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 on 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 Planning 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 Planning Board.

§ 105-5. Initial determination.

- A. Procedure; time limit. The Planning Board shall render a written determination on such application within 30 days following receipt of a complete application and statement; provided, however, that such period may be extended by mutual agreement of the applicant and the Planning Board. The determination shall state whether such proposed action may or will not have a significant effect on the environment. The Planning Board may hold informal meetings with the applicant and may meet and consult with any other person for the purpose of aiding it in making a determination on the application.
- B. Coordination. 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.

§ 105-6. Fees and expenses.

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. A fee will be charged for preparation of the Draft Environment Impact Statement if the applicant has not prepared his own. A fee will also be charged for the review of the Environment Impact Statement. Size of fee will be determined by the amount of work required of the Village employees in processing the proposed action. Advertising fees will be borne by the applicant with an affidavit of publication to be provided to the Village Clerk. Applicants will be billed for review and costs of the Draft Environmental Impact Statement at the current rate the Village charges plus postage for mailing to all interested agencies. The size of the fee will be determined by the amount of work required by the Village employees in processing the proposed action. In addition, the cost of advertising notices in the official Village newspaper

will be borne by the applicant, who will be required to furnish an affidavit of publication to the Village Clerk.

§ 105-7. Determination of Planning Board.

- A. No significant effect. If the Planning Board determines that the proposed action is not an exempt action, not an action listed in § 105-3B hereof or § 617.12 of Title 6 NYCRR as a Type II action and that it will not have a significant effect on the environment, the Planning Board shall prepare, file and circulate such determination as provided in § 617.7(b) of Title 6 NYCRR and thereafter the proposed action may be processed without further regard to this chapter.
- B. Significant effect. If the Planning Board determines that the proposed action may have a significant effect on the environment, the Planning Board shall prepare, file, and circulate such determination as provided in § 617.7(b) of Title 6 NYCRR and thereafter the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and Part 617 of Title 6 NYCRR.

§ 105-8. Environmental impact statement.

Following a determination that a proposed action may have a significant effect on the environment, the Planning Board shall, in accordance with the provisions of Part 617 of Title 6 NYCRR:

- A. Notification to applicant to prepare statement. In the case of an action involving an applicant, immediately notify the applicant of the determination and shall request the applicant to prepare an environmental impact report in the form of a Draft Environmental Impact Statement.
- B. Applicant not involved. In the case of an action not involving an applicant, prepare a Draft Environmental Impact Statement.
- C. Failure of applicant to submit statement. If the applicant decides not to submit an environmental impact report, the Planning Board shall prepare or cause to be prepared the Draft Environmental Impact Statement, or in its discretion notify the applicant that the processing of the application will cease and that no approval will be issued.

§ 105-9. Other agency involved.

Where more than one agency is involved in a action, the procedure of § 617.4 and § 617.8 of Part 617 of Title 6 NYCRR shall be followed.

§ 105-10. Exempt actions.

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 NYCRR; provided, however, that

if after such dates the Planning Board modifies an action undertaken or approved prior to that date and the Planning 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 NYCRR.

Chapter 106

ENVIRONMENTAL PROTECTION

GENERAL REFERENCES

Environmental quality review — See Ch. 105.

§ 106-1. Mining and drilling byproduct; policies; penalties; enforcement.

- A. The application of, authorization or direction to, or allowance of, oil and gas mining and drilling byproduct, including brine, and the transport of such byproducts or the equipment or materials necessary to make such application, as is defined herein, on Village roads and/or property is prohibited.
- B. The Village Board, Building Inspector, and Department of Public Works are authorized to develop policies to ensure Village employees are familiar with this chapter and take such steps as are required to ensure that materials supplied to the Village or used on Village roads or properties comply with this chapter. Failure to adopt such additional policies shall not excuse noncompliance by a contractor or vendor of the Village.
- C. Penalties for offenses. Violation of this chapter is a misdemeanor and punishable by a maximum fine set annually by resolution of the Board of Trustees and/or imprisonment of up to 15 days for each separate offense. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- D. The Village may maintain a civil action or proceeding to enjoin any action in violation of this chapter, or enforce any provision hereof, and for damages occasioned by the acts prohibited.

Chapter 110

FIREARMS

§ 110-1. Discharge of firearms, air guns or spring guns.

No person shall discharge any firearm, air gun, spring gun, sling shot or other instrument or weapon within the Village except in self defense or in the discharge of official duty or during a memorial service or veteran's

funeral or at an indoor rifle range operated under the supervision, guidance and instruction of a duly commissioned officer of one of the armed forces, including the National Guard and Reserve forces, or a duly qualified adult citizen of the United States who has been granted a certificate as an instructor of small arms practice issued by one of the Armed Forces of the United States, the Adjutant General of State, or by the National Rifle Association of America.

§ 110-2. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that in no case shall the fine set annually by resolution of the Board of Trustees.⁶

Chapter 113

FIRE PREVENTION

§ 113-1. Applicability.

This chapter shall provide the basic method for administration and enforcement of the New York State Uniform Fire Prevention and Building Code, hereinafter described in this chapter as the "State Fire Prevention Code," in the Village of New Paltz, and shall establish powers, duties, and responsibilities in connection therewith.

§ 113-2. Short title.

This chapter shall be known and cited as the "Fire Code Enforcement Law."

§ 113-3. Administration.

A Fire Code Enforcement Officer is hereby designated as an official of the Village of New Paltz to administer and enforce the State Fire Prevention Code within the Village of New Paltz.

§ 113-4. Rules and regulations.

- A. Adoption by Board of Trustees. The Board of Trustees of the Village of New Paltz may adopt rules and regulations for the administration and enforcement of the State Fire Prevention Code. Such rules and regulations shall not conflict with the State Fire Prevention Code, this chapter, nor any other provision of law.
- B. Notice of adoption. The Board of Trustees shall publish a notice of adoption summarizing all rules and regulations upon adoption of least

6. Editor's Note: So in original.

10 days prior to the effective date thereof in the official newspaper of the Village of New Paltz.

§ 113-5. Permits.

A. Issuance. Upon payment of the fee as prescribed in the schedule of fees adopted by the Board of Trustees; and the performance of a fire safety and property maintenance inspection by Fire Code Enforcement Officer, permits shall be issued by and bear the name and signature of the Fire Code Enforcement Officer, or in his absence, the Village Clerk of the Village of New Paltz, and shall specify: **[Amended 8-25-2010 by L.L. No. 8-2010]**

(1) The activity or operation for which permit is issued.

(2) The address or location where activity or operation is to be conducted.

(3) The name and address of permittee.

(4) The permit number and date of issuance.

(5) The period of permit validity.

B. Nontransferable. Permits shall not be transferable and any change in the activity, operation, location, ownership, or use shall require a new permit.

C. Indefinite term; limitations. Permits shall continue until revoked, or for a period of time designated at the time of issuance. An extension of the permit time period may be granted provided a satisfactory reason can be shown for failure to start or complete the work or activity authorized within the required time period.

D. Activities for which permits are required. Permits shall be obtained for the following:

(1) Acetylene generators: To operate an acetylene generator having a calcium carbide capacity exceeding five pounds.

(2) Automobile tire-rebuilding plants: To operate an automobile tire-rebuilding plant.

(3) Automobile wrecking yards: To operate an automobile wrecking yard.

(4) Bowling establishments: For bowling pin refinishing and bowling lane resurfacing operations involving the use and application of flammable or combustible liquids or materials.

(5) Cellulose nitrate motion-picture film: To store, keep, or have on hand more than 25 pounds of cellulose nitrate motion-picture film.

(6) Cellulose nitrate plastics (pyroxylin):

- (a) To store, keep, or have on hand more than 25 pounds of cellulose nitrate plastics (pyroxylin).
 - (b) To manufacture articles of cellulose nitrate plastics (pyroxylin) which shall include the use of cellulose nitrate plastics (pyroxylin) in the manufacture or assembling of other articles.
- (7) Combustible fibers: To store, handle, or use combustible fibers in quantities in excess of 100 cubic feet, except agricultural products on a farm.
- (8) Combustible materials: To store combustible materials, including but not limited to empty combustible packing cases, boxes, barrels, or similar containers, rubber tires, baled cotton, cotton, rubber, cork, or other similar materials in excess of 2,500 cubic feet gross volume, on any premises.
- (9) Compressed gases:
 - (a) To store, handle, or use at normal temperatures and pressures more than:
 - [1] Two thousand cubic feet of flammable compressed gas; or
 - [2] Six thousand cubic feet of nonflammable compressed gas.
 - (b) To store, handle, or use any quantity of liquefied natural or hydrogen gas.
- (10) Cryogenics: To store, handle, or use cryogenic fluids, except cryogenics used as motor fuel and stored in motor vehicle tanks, as follows:
 - (a) Production, sale, or storage of cryogenic fluids.
 - (b) Storage or use of flammable cryogenic fluids, cryogenic oxidizers, or liquefied oxygen in excess of 10 gallons.
- (11) Dry-cleaning plants: To use in excess of four gallons of solvents or cleaning agents classified as flammable or combustible.
- (12) Dust-producing plants: To operate any grain elevator, flour, starch, or feed mill, woodworking plant, or plant pulverizing aluminum, coal, cocoa, plastics, magnesium, spices, sugar, sulfur, or other materials producing explosive-potential dust.
- (13) Explosives, ammunition, and blasting agents:
 - (a) To manufacture, possess, store, sell, or otherwise dispose of explosives and blasting agents.
 - (b) To use explosives or blasting agents.
 - (c) To operate a terminal for handling explosives or blasting agents.

(14) Flammable and combustible liquids:

- (a) To store, handle, or use flammable liquids in excess of 6 1/2 gallons inside dwellings; or in excess of 10 gallons inside any other building or other occupancy; or in excess of 60 gallons outside of any building. This provision shall not apply to:
 - [1] Liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat, or portable heating plant; or
 - [2] Paints, oils, varnishes, or similar flammable mixtures, when such liquids are stored for maintenance, painting, or similar purposes.
- (b) To store, handle, or use combustible liquids in excess of 25 gallons inside a building; or in excess of 60 gallons outside of a building. This provision shall not apply to fuel oil used in connection with oil-burning equipment.
- (c) A permit shall be obtained for the initial installation of an oil burner and a fuel oil tank used in connection therewith. A permit shall be required for the replacement of a fuel oil tank connected to an oil burner.
- (d) For processing, blending, or refining of flammable or combustible liquids.

(15) Flammable finishing: For spraying, coating, or dipping operations utilizing flammable or combustible liquids.

(16) Fruit-ripening process: To conduct a fruit-ripening process using ethylene gas.

(17) Fumigation and thermal insecticidal fogging: To conduct fumigation or thermal insecticidal-fogging operations.

(18) Hazardous chemicals:

- (a) To store, handle, or use more than 55 gallons of corrosive liquids; or more than 50 pounds of oxidizing materials; or more than 10 pounds of organic peroxides; or more than 50 pounds of nitromethane; or 1,000 pounds or more of animonium nitrate, ammonium nitrate fertilizers, and fertilizer mixtures containing 60% or more ammonium or any amount of toxic material or poisonous gas.
- (b) To store, handle, or use any quantity of air-reactive, water-reactive, or unstable materials.

(19) Junkyards: To operate a junkyard.

(20) Liquefied petroleum gas: For each installation of liquefied petroleum gas employing a container or an aggregate of

interconnected containers of over 2,000 gallons of water capacity, and for each permanent installation, irrespective of size of containers, made at buildings in which 20 or more persons congregate for civic, political, educational, religious, social, or recreational purposes. Installers shall maintain a record of all installations and replacement of portable cylinders and have it available for inspection.

(21) Lumberyards: To operate a lumberyard.

(22) Magnesium: For melting, casting, heat treating, machining, or grinding of more than 10 pounds of magnesium per working day.

(23) Matches:

(a) To manufacture matches.

(b) To store matches in excess of 25 cases of matches. (Note: One case equals one matchman's gross of 14,400 matches.)

(24) Organic coatings: To perform organic coating operations utilizing more than one gallon of organic coating on any working day.

(25) Ovens and furnaces: To operate industrial processing ovens and furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° Fahrenheit which are heated with oil or gas fuel or which during operation contain flammable vapors from the material in the oven or the catalytic combustion system.

(26) Places of assembly: To maintain, operate, or use a place of assembly with an occupant load of 100 persons or more.
[Amended 8-25-2010 by L.L. No. 8-2010]

(27) Service stations and repair garages: To operate a service station or repair garage.

(28) Welding and cutting: To operate a welding and cutting business. A record of all locations where welding or cutting operations are performed shall be maintained and kept available for inspection by the permit holder.

(29) Use of pyrotechnic devices in assembly occupancies **[Added 8-25-2010 by L.L. No. 8-2010]**

(30) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Building Inspector. **[Added 8-25-2010 by L.L. No. 8-2010]**

E. Consolidated permits. When more than one permit is required for the same property or premises, a single permit may be issued listing all materials or operations covered. Revocation of a portion or portions of

such consolidated permit, for specific hazardous material or operations, shall not invalidate the remainder.

- F. Location of permits. Permits shall be kept on property or premises covered by the permit or carried by the permit holder.
- G. Revocation of permits. Permits may be suspended or revoked when it is determined there is a violation of a condition under which the permit was issued or there has been misrepresentation or falsification of material facts in connection with the permit application or a condition of the permit.

§ 113-6. Inspections.

- A. Periodic. The Fire Code Enforcement Officer shall conduct periodic inspections for compliance with the provisions of the State Fire Prevention Code. Such inspections may be made at any reasonable time.
- B. Refusal to admit; procedure. If entrance to make an inspection is refused or cannot be obtained, the Fire Code Enforcement Officer may apply for a warrant to make an inspection to any court of competent jurisdiction.

§ 113-7. Violations.

- A. Compliance with applicable laws. A person owning, operating, occupying, or maintaining property or premises within the scope of the State Fire Prevention Code or this chapter shall comply with all the provisions of the State Fire Prevention Code, this chapter, and all orders, rules, notices, regulations, or determinations issued in connection therewith.
- B. Issuance of violation order. Whenever the Fire Code Enforcement Officer finds that there has been a violation of the State Fire Prevention Code, this chapter, or any rule or regulation adopted pursuant to this chapter, a violation order shall be issued to the person or persons responsible.
- C. Violation orders; contents. Violation orders shall be in writing; shall identify the property or premises; shall specify the violation and remedial action to be taken; shall provide a reasonable time limit for compliance; and shall state the time within which an appeal may be taken.
- D. Service of violation orders. Violation orders may be served: by personal service, by mailing by registered or certified mail, or by posting a copy thereof in a conspicuous place on the premises and by mailing a copy thereof to the premises on the same day as posted, enclosed in a postpaid wrapper addressed to the person responsible.

- E. Application to court. In case the owner, lessor, occupant, or the agent of any of them shall fail, neglect, or refuse to remove, eliminate, or abate the violation within the time specified in the violation order, the Fire Code Enforcement Officer shall issue an appearance ticket with respect to the violation.

§ 113-8. Penalties for offenses.

- A. Failure to comply. Failure to comply with any of the State Fire Prevention Code, this chapter, rules or regulations adopted pursuant to this chapter, or a violation order shall be deemed a violation and the violator shall be liable for a fine set annually by resolution of the Board of Trustees, or imprisonment not to exceed 15 days, or both. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. Injunctive relief. An action or proceeding in the name of the Village of New Paltz may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision adopted pursuant to this chapter, or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

§ 113-9. Records.

The Fire Code Enforcement Officer shall keep official records of all permits, inspection reports, recommendations, complaints, and violation orders.

§ 113-10. Removal of dangerous buildings; emergencies; assessment of costs.

- A. Public nuisance. A building or structure or part thereof which is an imminent danger to life and safety of the public as a result of a fire or explosion is hereby declared to be a public nuisance.
- B. Emergencies. **[Amended 11-14-2001 by L.L. No. 13-2001]**
- (1) Whenever the Fire Code Enforcement Officer finds a building or structure, or part thereof, to be an imminent danger to life and safety of the public as a result of a fire or explosion, the Fire Code Enforcement Officer may cause it to be demolished and removed or may cause work to be done in and about the building or structure as may be necessary to remove the danger.
 - (2) If the building or structure has heretofore been designated as a landmark pursuant to the provisions of § 9-20 of the Municipal Code or is located within an historic district, the Fire Code Enforcement Officer shall consult with the Historic Preservation Commission before ordering the demolition or renovation of the building or structure.
- C. Vacating premises.

- (1) The Fire Code Enforcement Officer may require the occupants of any such building or structure, or part thereof, to vacate the premises forthwith. No person shall use or occupy such building or structure, or part thereof, until it is made safe.
 - (2) Except for the owner, no person shall enter the premises which have been ordered vacated unless authorized to perform inspections or to repair or demolish and remove such building or structure or part thereof.
- D. Assessment of costs and expenses. All costs and expenses incurred by the Village of New Paltz in connection with any work done to remove the danger, or in connection with the demolition and removal of any such building or structure, shall be assessed against the land on which such building or structure is located and a bill for such shall be presented to the owner of the property, or if the owner cannot be ascertained, then such bill shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay for such expenses within 10 days after the bill is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of such action, the Fire Code Enforcement Officer may file with the assessor a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof. The assessor shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien upon such property, and shall be collected and enforced in the same manner, by the same proceedings, at the same time, and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Village of New Paltz.

§ 113-11. Appeal to Review Board.

Where practical difficulties or unnecessary hardships may result from an enforcement of any provision or requirement of the State Fire Prevention Code, a petition for an appeal or a variance may be presented to the Board of Review for the New York State Uniform Fire Prevention and Building Code established in the Department of State of the State of New York pursuant to Title 19 of the New York Codes, Rules, and Regulations.

Chapter 116

FIREWORKS

§ 116-1. Designation of Mayor as permit authority.

Pursuant to Subdivision 1 of § 405.00 of the Penal Law of the State of New York, the Mayor is hereby designated the "permit authority" to grant and

issue permits for the public display of fireworks in accordance with the provisions of § 405.00 of the Penal Law.

§ 116-2. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that in no case shall the fine set annually by resolution of the Board of Trustees.⁷

Chapter 120

GAMES OF CHANCE

GENERAL REFERENCES

Bingo — See Ch. 79.

§ 120-1. Title.

This chapter shall be known as the "Games of Chance Law of the Village of New Paltz."

§ 120-2. Definitions.

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

AUTHORIZED ORGANIZATION — An authorized organization as defined in Subdivision 4 of § 186 of the General Municipal Law.

GAMES OF CHANCE — A game of chance as defined in Subdivision 3 of § 186 of the General Municipal Law.

§ 120-3. Games of chance authorized.

Authorized organizations may, upon obtaining a license from the Village Clerk, conduct games of chance within the Village of New Paltz as provided in Article 9-A of the General Municipal Law and as provided further in this chapter. Such games of chance shall be conducted in accordance with the laws of the State of New York and with the rules and regulations adopted by the New York State Racing and Wagering Board and pursuant to this chapter.

7. **Editor's Note: So in original.**

§ 120-4. Restrictions.

The conduct of games of chance shall be subject to the restrictions imposed by § 189 of the General Municipal Law.

§ 120-5. Sunday games.

Games of chance may be conducted on Sunday pursuant to this chapter. However, no games of chance shall be conducted on Easter Sunday, Christmas Day or New Year's Eve.

§ 120-6. Enforcement.

The Chief of Police of the New Paltz Police Department shall exercise control over and supervision of all games of chance conducted under duly authorized license. The Chief of Police shall have all those powers and duties set forth in and for the enforcement of Article 9-A of the General Municipal Law.

Chapter 124**GRASS, RUBBISH AND TRASH**

ARTICLE I
Grass, Weeds and Other Noxious Growth

§ 124-1. Maintenance of grass lawns.

Grass shall not be allowed to grow in excess of three inches. This provision shall not apply to land under cultivation, naturally wooded areas or undeveloped areas which are at least 200 feet distant from any occupied building or residence.

**§ 124-2. Cutting of grass and other vegetation along streets.
[Amended 3-7-2007 by L.L. No. 2-2007]**

It shall be the duty of the lessee or person having charge, or if there be no lessee or person having charge, then the owner of each and every parcel of land in this Village fronting upon any street or highway to cut or cause to be cut and removed, all grass, brush and weeds growing between the curb or edge of roadway and the sidewalk or pathway at least once in each month from May to October, inclusive. Every owner of any hedges, bushes or other vegetation shall prune such vegetation so that it does not encroach upon the lateral edges of any Village sidewalk.

§ 124-3. Weeds and other rank or noxious vegetation.

It shall be the duty of the owner, lessee or other person in possession or having charge of each and every parcel of land in this Village to keep said parcel free of poison ivy, poison sumac, ragweed, goldenrod and other harmful weeds and rank or noxious vegetation.⁸

8. Editor's Note: Former § 73.5, Enforcement procedures, which immediately followed this section, was repealed 2-13-2002 by L.L. No. 4-2002.

ARTICLE II
Rubbish and Trash

§ 124-4. Accumulation of waste and other materials. [Amended 2-13-2002 by L.L. No. 4-2002]

- A. The owner, lessee, tenant or other person who has the management or control of, or who occupies, any land in the Village of New Paltz shall keep such land at all times free and clear of accumulation of ashes, rubbish, refuse, grass, construction materials, cuttings, leaves, garbage and other waste material, except that during the semiannual spring and fall pickup of leaves, grass cuttings and other lawn debris by the Village Department of Public Works, such material may be placed alongside the curb in accordance with the announced pickup schedule, notwithstanding any other provisions in this article. Bulk leaves must be raked to the curblane for collection; or, containerization will only be allowed in biodegradable bags. **[Amended 11-16-2005 by L.L. No. 9-2005]**
- B. As used herein, the term "construction materials" shall not be deemed to include:
- (1) Materials intended for resale and stored at a retail or wholesale establishment in a district authorized for such purpose;
 - (2) Materials intended for use with respect to improvements to be made at the subject premises and stored at the premises for a period not exceeding 60 days; or
 - (3) During the effective period of any building permit issued by the Building Inspector with respect to such improvements, whichever is longer.

§ 124-5. Use of receptacles or containers.

- A. Type and use. No person shall deposit any waste such as ashes, rubbish, refuse, grass cuttings, tree cuttings, leaves, garbage or other offensive substance on any lot or plot of land in the Village except in receptacles or containers which shall be kept covered at all times and shall be of metal or other impervious substances of sufficient strength and size to securely contain such waste material. Each of such receptacles shall be watertight, kept covered with a cover, and maintained in a sanitary condition by periodic cleaning. Any waste material other than garbage, which cannot be readily deposited in any receptacles, may be compacted and securely bundled, tied or packed so as to be easily handled, but not weighing more than 75 pounds and not likely to be scattered and when packed and secured, may be placed alongside such a receptacle.
- B. No person shall cause any waste materials defined at § 124-4 to be placed upon land not owned by such person, without the prior

authorization of the property owner. **[Amended by L.L. No. 2-1984; 2-13-2002 by L.L. No. 4-2002]**

- C. Exception for leaves. The Board of Trustees may waive the restriction on the accumulation of leaves during the time specifically designated for leaf pickup.

§ 124-6. Location of receptacles or containers. [Amended 1-27-1999 by L.L. No. 1-1999; 2-14-2001 by L.L. No. 3-2001]

No receptacles or containers of rubbish, refuse, garbage, recyclable material or other waste or offensive material or rubbish, debris or other refuse not kept in containers shall be placed on any lot between the public street and a line extending across such lot at the front of the building line of the principal building on each lot except to facilitate refuse collection during a period beginning no more than 15 hours before the scheduled time of collection or extending no more than 15 hours thereafter.

§ 124-7. Exceptions.

Nothing in this chapter shall be construed as denying any person the right to maintain a mulch pile or accumulation of grass cuttings, leaves or other inoffensive materials on his own or leased property, as long as dust, odors or other nuisances are not permitted to develop from the resulting compost. Nothing in this chapter shall be construed as denying any person the right to use ashes or other clean material as fill on his property so long as dust or any other nuisance is not permitted to develop therefrom.

ARTICLE III

Penalties**§ 124-8. Enforcement and penalties for offenses. [Amended by L.L. No. 3-2001; 2-13-2002 by L.L. No. 4-2002]****A. Civil enforcement.**

- (1) Upon failure of the owner or other person responsible therefor having management or control of any property within the Village to maintain the premises in accordance with the requirements of this chapter, the Village may perform the same, and the property owner or other responsible person shall be liable to the Village for an amount equal to the actual cost of having the work performed, plus an administrative charge set annually by resolution of the Board of Trustees as compensation to the Village for supervising, administering and handling such work. Such liability may be enforced through an action or proceeding initiated by the Building Inspector in the name of the Village in the Town Court of the Town of New Paltz, or another court of competent jurisdiction.
[Amended 10-22-2014 by L.L. No. 13-2014]
- (2) In the event the owner of the subject premises is found liable by the court for the charge or fails to appear on the date and time specified in the summons or other process of the court, the amount adjudged due shall be a lien upon the subject premises and shall be collected by the Village Treasurer as an assessment upon said premises on the real property tax statements issued by the Village Treasurer on the tax collection date next following as provided by law.
- (3) The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to enforce the provisions of this article, including the commencement of a civil action or proceeding for injunctive relief and/or the filing of charges pursuant to Subsection B of this section.

- B. Each violation of this chapter shall be deemed to be a violation of the Penal Law of the State of New York, and any person violating this chapter or any provision thereof may be prosecuted pursuant to the Penal Law for the violation of a petty offense; provided, however, that in no case shall the fine set annually by resolution of the Board of Trustees.⁹ Each continuous week of violation shall be deemed to constitute a separate offense. The Building Inspector or Municipal Code Enforcement Officer shall file charges with respect to any violations, and may issue and serve appearance tickets when he has reasonable cause to believe that any such violation has been committed.
[Amended 10-22-2014 by L.L. No. 13-2014]

9. Editor's Note: So in original.

Chapter 129
HOUSING STANDARDS

GENERAL REFERENCES

Building construction — See Ch. 86.

Grass, rubbish and trash — See Ch. 124.

Unsafe buildings — See Ch. 90.

ARTICLE I
General Provisions

§ 129-1. Purpose and scope.

- A. The purpose of this chapter is to protect the public health, safety, morals and welfare of the people of the Village of New Paltz, New York by establishing minimum standards governing the condition, occupancy and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises; establishing minimum standards governing utilities, facilities and other physical components and conditions essential to make dwellings, dwelling units, rooming houses, rooming units and premises safe, sanitary and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and the occupants of dwellings and dwelling units, rooming houses and rooming units; authorizing and establishing procedure for the inspection of dwellings, dwelling units, rooming houses and rooming units and the condemnation and vacation of those dwellings, dwelling units, rooming houses and rooming units unfit for human habitation; and fixing penalties for the violations of the provisions of this chapter. This chapter is hereby declared to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to effectuate the purpose as stated above.
- B. This chapter shall apply to all residential rental premises as follows:
- (1) Lots, plots or parcels of land on which residential buildings, buildings of mixed occupancy or accessory structures are located;
 - (2) Residential buildings, including one- and two-family dwellings and multiple dwellings;
 - (3) Residential occupancies in buildings of mixed occupancy; and
 - (4) Accessory structures, accessory to residential occupancies.

§ 129-2. Definitions.

- A. Except as otherwise specified in this chapter, the definitions for words in this chapter shall be the same as those found in other chapters of the Municipal Code of the Village of New Paltz, and said definitions shall be deemed incorporated herein as though set forth herein in full.
- B. Except where specifically defined in Chapter 212 of the Municipal Code of the Village of New Paltz (entitled "Zoning"), all words used in the present tense shall include the future. Words used in this chapter shall carry their customary meanings. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot"

includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership, and any other agency of voluntary action.

- D. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. As used in this chapter, the following terms shall have the meanings indicated:

DISPLACED TENANT — A residential tenant who loses use of his/her residence as a result of the loss of a certificate of occupancy and/or rental registration by virtue of a violation of this chapter.

LANDLORD — The person who has the right to exclusive possession of certain premises and, who, for consideration under a rental agreement, agrees to relinquish that right to another temporarily, retaining a right of reversion of the premises upon termination of such agreement.

NORMAL WEAR AND TEAR — The deterioration which occurs, based on the use for which the residential unit is intended, without negligence, carelessness, accident or abuse of the premises or equipment or chattels by the tenants or members of his/her household or their invitee or guests. The term "normal wear and tear" does not include sums or labor expended by the landlord in removing from such residential unit articles abandoned by the tenant such as trash. If a rental unit was leased to a tenant in a habitable condition or if it was put in a habitable condition by the landlord during the term of the tenancy, "normal wear and tear" does not include sums required to be expended by the landlord to return the rental unit to a habitable condition, unless expenditure of those sums was necessitated by action of the landlord, events beyond the control of the tenant or actions of someone other than the tenant or members of his/her household or their invitee or guests.

PROPERTY MANAGER — A person or company hired by a property owner to take responsibility for ensuring rental properties are continually maintained to the standards set by the Village Code, New York State law, and the interests of the property owner(s).

PROPERTY OWNER — The person(s) or company/corporation whose name appears on the deed. For purposes of this chapter, a property owner shall mean the designated owner. If the property has multiple owners or is owned in partnership, then one person must be designated and named as the responsible party for registration purposes.

RENTAL AGREEMENT — A written or oral agreement embodying and fixing the terms and conditions for the transfer of possession and the use and occupancy of premises, whether or not for a definite period of time.

RENTAL PROPERTY — Any parcel, house, apartment or room within whose boundaries housing accommodations are provided in exchange for money, trade or barter, whether said accommodations are short-

term or long-term, owner-occupied or nonowner-occupied. "Rental property" does not include housing exchanged for the specific purposes of child care or nursing/companion or home health care.

RESIDENTIAL UNIT — Any premises which are used for residential purposes under the terms of a rental agreement.

SECURITY DEPOSIT — The total of all payments and deposits given by a tenant to the landlord as security for the performance of the tenant's obligations.

SURRENDER OF PREMISES — A tenant's voluntary relinquishment of his or her renter's legal rights and return of possession of the leased premises to the landlord, upon landlord's consent.

TENANT — A person entitled to exclusive possession and occupancy of a residential unit and the right of use of the appropriate appurtenances as provided in a rental agreement, including any other person 18 years of age or over who shares such unit with the knowledge and consent of the landlord.

TERMINATION OF TENANCY — The severance of the landlord and tenant relationship, which is either effectuated through: i) written notice from the landlord based on a lease violation; ii) written notice from the landlord based on the end of a month to month term; iii) written notice from the landlord based on a lease violation; or iv) an order of a court of competent jurisdiction. Such termination of tenancy does not relieve either the landlord or tenant of their respective contractual obligations in existence at the time of termination.

§ 129-3. Nonapplicability.

This chapter shall not apply to institutional occupancies, including, but not limited to, nursing, convalescent and old-age homes; or to occupancies intended primarily for transients, including, but not limited to, hotels, motels and tourist courts.

§ 129-4. Application.

- A. Consistency with other regulations. The provisions of this chapter shall supersede local laws, ordinances, codes, or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this chapter, provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a higher standard than those provided in this chapter and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.
- B. Conflict with other regulations. Where a provision of this chapter is found to be in conflict with the provision of a zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or

other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

- C. Relationship to New York State Uniform Fire Prevention and Building Code (the Uniform Code). Installations, alterations and repairs to residential premises, and materials, assemblies and equipment utilized in connection therewith, shall be reasonably safe to persons and property, and in conformity with applicable statutes of the State of New York, and orders, rules and regulations issued by authority thereof. Conformity of such work, materials, assemblies or equipment with the applicable requirements of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) shall be prima facie evidence that the same is reasonably safe to person and property.

§ 129-5. Partial invalidity.

If a term, part, provision, section, subsection or paragraph of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subsections and paragraphs.

ARTICLE II

Rental Property Registration and Inspection**§ 129-6. Registration and inspection required.**

- A. Any rental property shall be registered and inspected annually in accordance herewith.
- B. If the owner of a registered rental property does not maintain his or her primary residence within 15 miles of the Village of New Paltz, said owner shall appoint a property manager who does maintain his primary residence within that distance, and, in that event, such property manager shall be registered with the Code Enforcement Official along with the rental property itself.
- C. Whenever ownership of a rental property is transferred, the new owner - if the property is to be rented - must notify the Code Enforcement Official of the change of ownership within 15 days of the date of change in title. No additional annual fee for the year in which the transfer was completed shall be required from the new owner of the rental property. The new owner if the property is to be rented shall be liable for compliance with this chapter and the rental property registration requirements as set forth herein, including any violations thereof whether before or after taking title.

§ 129-7. Registration requirements.

- A. The owner of a rental property shall file with the Building Department a rental property registration form as prescribed by the Code Enforcement Official within the time frame set forth in § 129-6C and prior to its first-time use or occupancy as a rental property. Such form shall include, but not necessarily be limited to:
 - (1) The name, street address, mailing address, email address and home, work and cell numbers of both the property owner and property manager if applicable;
 - (2) The property location, both by street or postal address and tax roll identification number of the subject rental property;
 - (3) The number of dwelling units contained in said building;
 - (4) The number of individual sleeping units contained in each dwelling unit;
 - (5) The number of intended tenants, subtenants and/or occupants of each dwelling unit;
 - (6) The signature of the property owner and/or property manager;
 - (7) The signature of the Code Enforcement Official, which shall not be affixed until the inspection procedure set forth herein has been

completed and there is a determination that there are no violations of this or any other Code provision;

- (8) Date and time of the annual inspection;
 - (9) Verification by the Code Enforcement Official or designee that the property meets the requirements of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), and the property has passed the annual inspection;
 - (10) An attached copy of the completed annual inspection checklist. The Code Enforcement Official may extend the annual inspection checklist deadline by no more than 15 days;
 - (11) The signature of the property owner or designee affirming he/she was present at the inspection and received a copy of the inspection.
- B. The Village shall collect an annual fee for each registration form filed with the Code Enforcement Official in the amount set annually by resolution of the Board of Trustees.
- C. After the inspection, the application made by the owner shall contain verification on the part of the Code Enforcement Official that the property meets the requirements of the New York State Uniform Fire Prevention and Building Code (the Uniform Code), as well as any other laws, rules and regulations promulgated by any local, state or federal agency.
- D. Annual rental property inspection required.
- (1) An approved rental property registration form shall be valid for one year from the date issued.
 - (2) For a registration to be valid, it must be accompanied by a successful annual inspection report. Such inspection shall follow the following procedure:
 - (a) Prior to any inspection, the applicant must pay a registration fee as described above.
 - (b) The Code Enforcement Official shall inspect the property, providing the property owner and tenants with a copy of the written inspection report.
 - (c) If a property owner knowingly rents a property found physically lacking one or more of the following: running water, heat or heat source, electricity, sanitary facilities, windows in sleeping spaces, cooking facilities and/or smoke/carbon monoxide detector(s) or there is the presence of black mold, the property may not be rented until remedied and a reinspection completed. If there are current tenants, they must be vacated and placed in temporary housing as per § 129-7E.

- (d) If it is feasible for the owner to remedy the violation during the inspection in which it is identified, or within 24 hours thereof, reasonable effort will be made by the Code Enforcement Official to remain or return accordingly, to avoid unreasonable delay in compliance. Where such remedy is accomplished, no violation shall be issued.

E. Temporary housing.

- (1) If a rental property is found not to be registered and/or upon inspection been denied, suspended or revoked for any reason set forth in Subsection D(2)(c) of this section unrelated to force majeure or the acts, omissions or negligence of tenant or tenant's invitees, the property owner shall provide, at owner's expense, temporary housing or the expense thereof for all displaced tenants, unless otherwise agreed to by tenant until:

- (a) Said tenant's lease expires;
- (b) A certificate of occupancy and a rental registration is issued, whichever is earliest; or
- (c) The displaced tenant(s) find alternate housing.

- (2) Such temporary housing shall be provided at the nearest feasible geographical location and rental rate.

- F. Tenant list. The property owner shall certify or affirm that he or she has the name, address and contact information for each tenant or subtenant occupying each dwelling unit. Any property owner who fails to maintain said information shall be guilty of a violation of this chapter, which is hereby declared to be a violation, and, upon conviction thereof, shall be punished by a fine not to exceed the amount set forth in the schedule of penalties, fees and fines maintained by the Village per tenant or subtenant.

§ 129-8. Inspection procedure.

- A. All registered rental properties shall be inspected by the Code Enforcement Official at least annually.
- B. Property owner or manager shall be provided a copy of the blank annual inspection report checklist at the time that the registration application is filed whose criteria shall be maintained by the Code Enforcement Official. Tenants of the subject rental property shall be entitled to a copy of the annual inspection report checklist upon request.
- C. The Code Enforcement Official shall have the right to inspect all properties which are required to be registered in accordance with this chapter except that the owner, property manager or owner's agent shall have the right to insist upon the procurement of a search warrant from

a court of competent jurisdiction by the Code Enforcement Official in order to enable such inspection. The Code Enforcement Official shall be required to obtain a search warrant whenever the owner, property manager or owner's agent refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of such official without a search warrant.

- D. Property owners, managers, and tenants shall be responsible for providing access to all parts of the premises within their control to the Code Enforcement Official and/or Code Enforcement Assistant or their designees, acting in their official capacity under these or other provisions of the Code.
- E. If access is refused or cannot be obtained, the Village shall have the right to revoke or deny the rental property registration.
- F. After the completion of the inspection itself, the Code Enforcement Official shall cite the property owner with a notice to remedy within 30 days, and, if the violation is not remedied within 30 days, then the Code Enforcement Official shall issue a violation and appearance ticket for said violation. Notwithstanding the foregoing, if in the Code Enforcement Official's judgment, the violation witnessed during the inspection poses an imminent threat to the health, safety, and welfare of the property occupants or the public, the Code Enforcement Official may issue a violation and appearance ticket immediately, without first issuing an order to remedy.
- G. If there are no code violations or violations of this chapter, the owner shall be issued a rental property registration.
- H. If there are code violations or violations of this chapter which are not or cannot be immediately remedied according to § 129-7D(2)(c), the Code Enforcement Official shall not issue the rental property registration, and shall issue orders to remedy or appearance tickets for all such violations as set forth herein.
- I. In the event of the issuance of appearance tickets, a rental property registration shall not be issued to the owner until there has been a final disposition of the matters which are the basis for the appearance ticket or tickets before the Town Court and the conditions remedied or a determination made by the Court that no violation of code or this chapter had been committed.

§ 129-9. Rental index.

- A. The Code Enforcement Official shall maintain a rental index of all registered rental properties, and shall make said index available to any person seeking access thereto.
- B. The rental index shall include, but not be limited to:

- (1) All information required of registered rental properties, including the completed rental inspection checklists.
- (2) A history of all violations, fires, or other incidents at the property in question.

§ 129-10. Failure to register.

- A. A property owner who is required to register his/her property, and who fails to register said property; and/or provides incomplete or incorrect registration information; and/or has failed to update all registration information within 30 days of a change in that information; or fails to comply with any other provision of this chapter, shall first be given 30 days' notice by the Code Enforcement Official of the violation.
- B. If the property has not been registered within the 30 days provided, the Code Enforcement Official shall issue the owner an appearance ticket.

§ 129-11. Compliance.

- A. Responsibilities of occupants. Occupants of dwelling units shall be responsible for compliance with the housing standards in regard to the following:
- B. Limiting occupancy of that part of the premises which he occupies or controls to the maximum permitted by the housing standards.
- C. Maintenance of that part of the premises which he occupies or controls in a clean, sanitary and safe condition.
- D. Maintenance of all plumbing, cooking and refrigeration fixtures and appliances, as well as other building equipment and storage facilities in that part of the premises which he occupies or controls, in a clean and sanitary condition, and providing reasonable care in the operation and use thereof.
- E. Keeping exits from his dwelling unit clear and unencumbered.
- F. Disposal of garbage and refuse into provided facilities in clean and sanitary manner.
- G. Extermination of insects, rodents or other pests within his dwelling unit if his unit is the only one infested in the premises.
- H. Hanging and removing required screens.
- I. Keeping his domestic animals and pets in an appropriate manner and under control.

§ 129-12. Enforcement and penalties for offenses.

- A. Each day that a violation shall continue shall constitute a separate violation at the discretion of the Building Department.

- B. The Code Enforcement Official shall file charges with respect to any violations and may issue and serve appearance tickets when he or she has reasonable cause to believe that such violation or offense has been committed.
- C. For every violation of this chapter, the owner and/or the tenant shall be subject to a fine set annually by resolution of the Board of Trustees as part of its fee schedule and at the discretion of the Code Enforcement Official.
- D. In addition to the foregoing, the Board of Trustees may 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 injunction the violation of this chapter.

§ 129-13. Applicability.

The provisions of this article shall be applicable to all newly registered rental properties as of the effective date of this article. For those properties that are currently registered under the existing Chapter 129 of the Village Code, the provisions of this newly enacted Article II of Chapter 129 shall be applicable to those properties as of the date of the expiration of said property's current registration.

§ 129-14. (Reserved)

ARTICLE III
Security Deposits

§ 129-15. Purpose.

- A. The Village of New Paltz has a significant tenant population.
- B. Equitable landlord-tenant relations are a matter of public welfare.
- C. Prompt, reasonable return of security deposits is an important factor in tenants being able to obtain subsequent housing.
- D. The issue of return of security deposits is a source of potential conflict between landlords and tenants which may result in a burdensome effect on the court system.

§ 129-16. Ownership of security deposit; trust provisions.

Whenever a tenant shall deposit with the landlord a security deposit, such deposit, or any portion thereof, until repaid or rightfully applied for obligations of the tenant to the landlord, shall continue to be the money of the tenant and shall be held in trust by the landlord with whom such deposit shall be made and shall not be mingled with the personal moneys or become an asset of the landlord.

§ 129-17. Notification to tenant.

Whenever a tenant shall provide to the landlord a security deposit, the landlord shall provide to the tenant a written receipt for the security deposit and shall further inform the tenant, in writing, of the location where the deposit is held; if the deposit is being held in a banking organization, the name and address of the banking organization in which the security deposit is being held; and a statement as to whether or not the deposit is being held in an interest-bearing account.

§ 129-18. Obligation of tenant to clean premises.

Upon the expiration of the Rental Agreement or the time that a tenant surrenders possession of the residential unit, whichever occurs later, the tenant shall have the obligation of placing the residential unit in an overall clean condition as it was when the tenancy commenced, excepting normal wear and tear.

§ 129-19. Return of security deposit landlord to tenant.

- A. Within 21 days after the termination of tenancy or the surrender of the premises, whichever occurs later, the landlord shall return to the tenant the full security deposit deposited with the landlord by the tenant or, if there is actual cause for retaining the security deposit or any portion of it, the landlord shall provide to the tenant a written statement specifying the reasons for such retention, including a good-faith estimate of the costs to be incurred for each item of damage or if said

damage has already been repaired, documentation (e.g. receipts, invoices) of the costs incurred for each item of damage. The written statement specifying the reasons for the retention of any portion of the security deposit shall be accompanied by a full payment of the difference, if any, between the security deposit and the amount retained. Failure to return the security deposit or provide the aforesaid written statement within 21 days of termination of the tenancy or surrender of the premises shall preclude the landlord from any right to retain all or a portion of the security deposit unless good cause is shown for said failure by landlord. Nothing contained in this section shall preclude the landlord from retaining all or a portion of the security deposit to cover the costs of storing and/or disposing of unclaimed property, for nonpayment of rent and for nonpayment of utility charges which the tenant was required to pay directly to the landlord.

- B. If there is a provision in a rental agreement that a tenant is responsible to reimburse or apply from a security deposit any amounts due from any violations issued to the landlord pursuant to the New Paltz Village Code or the New York State Uniform Fire Prevention and Building Code (the Uniform Code) for the property or residential unit being rented as a result of the actions of tenant or members of his/her household or their invitees or guests, it shall be the landlord's responsibility to give the tenant notice of that ticket in a timely fashion as a condition to enforce that provision, and in order to help the tenant correct and prevent the condition for which the violation was issued. Timely notice shall be no later than three weeks from the date the violation is sent from the Village to the landlord. Failure to provide such notice shall serve as the landlord's waiver of reimbursement or application of security deposit for any ticket for which notice was not given.
- C. Nothing in this section shall be construed to imply other than it is the landlord's responsibility to return the tenant's security deposit or balance as soon as reasonably possible.

§ 129-20. Wrongful retention of security deposit.

Absent good cause shown by the landlord, should the landlord fail to return the security deposit or provide the aforesaid written statement within the twenty-one-day period established in § 129-19A herein, the landlord shall be liable to the tenant for an additional 25% of the entire security deposit in landlord's possession. Furthermore, in the event that the landlord willfully and without good cause fails to return all or a portion of the security deposit, a court may award to the tenant up to triple the amount of that portion of the security deposit wrongfully withheld from the tenant, together with reasonable attorney's fees and court costs. In determining whether to award such treble damages and/or attorney's fees, the court may consider the past practices of the landlord regarding return of other security deposits. Treble damages and/or attorney's fees shall not be awarded pursuant to this section where a landlord has made a good-faith estimate or has properly documented (e.g. with receipts, invoices) the

amounts which properly should be withheld from the security deposit and has returned to the tenant the balance of the security deposit in a timely manner. Should the landlord, within the aforesaid twenty-one-day period, fail to return the entire security deposit or fail to provide the aforesaid written statement specifying the reasons for the retention of all or a portion of the security deposit, accompanied by full payment of the difference between the security deposit and the amount retained, it shall be presumed that the landlord is willfully and without good cause retaining the security deposit.

§ 129-21. Burden of proof.

In any court action brought by a tenant for the return of the security deposit, the landlord shall bear the burden of proving that the withholding of the security deposit or any portion of it was justified.

§ 129-22. Waiver of provisions void.

Any attempted waiver of the terms of this article by a landlord or tenant, by contract or otherwise, shall be deemed to be against public policy and shall be considered void and unenforceable.

Chapter 132

HOUSING, AFFORDABLE

GENERAL REFERENCES

Housing standards — See Ch. 129.

Subdivision of land — See Ch. 178.

§ 132-1. Short title.

This chapter shall be known as "Chapter 132, Housing, Affordable," and may be cited as the "Village of New Paltz Affordable Housing Law."

§ 132-2. Village Housing Board establishment and responsibilities.

- A. The Village Board of Trustees shall establish a Village Housing Board which shall be responsible for the administration of the Affordable Housing Program and the housing units created under the program.
- B. The Village Housing Board will be composed of five members appointed by the Mayor and subject to the approval of the Village Board of Trustees. Members must be residents of the Village of New Paltz and eligible to vote in Village elections. The term of each appointment after the appointment and establishment of the first Housing Board shall be three years. The first appointments of the Village Board to the Housing Board shall be staggered as follows: one member appointed for one year, two for two years, and two for three years. On expiration of these terms of appointment, members will be appointed for three-year terms of office. Vacancies are to be reported to the Village Board.
- C. The Housing Board shall have the following responsibilities:
 - (1) Acceptance and review of applications submitted for affordable housing (AH) units. A receipt and reference number shall be issued to the applicant by the Housing Board no later than three business days after receipt of a completed application is confirmed at a meeting of the Housing Board.
 - (2) Maintenance of an eligibility priority list as well as certification of applications placed on the eligibility priority list according to the provisions of this chapter. Eligibility priority lists will be reviewed at least annually. An applicant on an eligibility priority list will receive a letter from the Housing Board, sent to his/her address set forth on his/her application, requesting that the applicant confirm the applicant's intention to remain on the eligibility priority list and certifying to the Housing Board that his/her total family income complies with the criteria established in this chapter and with the information provided on his/her application. Such inquiries may be sent as deemed necessary or proper by the Housing Board.

- (3) Certify as eligible all applicants for rental or sales of AH units and annually re-examine, or cause to be re-examined, each renter occupant's family income and assets. Within 90 days of the adoption of this chapter, and on or before March 30 of each year thereafter, the Housing Board shall notify the owner or manager of each multifamily development containing AH units as to the rent, sales and income eligibility requirements for such units derived from the preceding calendar year, together with a copy of this chapter. The owner or manager of each multifamily development shall certify to the Housing Board within 30 days of receipt of such notification, or on or before May 31 of each year, whichever is later, that the current rental or sales prices and income eligibility of all AH units and their occupants comply with the criteria established in this chapter.
- (4) Provide an annual report to the Village Board, documenting current housing needs indicating:
 - (a) The number of applicants on the eligibility priority list;
 - (b) The affordable housing stock within the Village as of the time of the report;
 - (c) The number of AH units currently filled by purchase or rental and the number of vacancies.
- (5) Take any other action and promulgate rules to effectuate the purpose of this chapter, subject to approval of the Village Board, which are not contrary to this or any other chapter of the New Paltz Code, and to make recommendations to the Village Board as to policies or local laws which in its view would advance the purposes of this chapter.

§ 132-3. Housing unit standards.

- A. Qualifying developments; density bonus. Applicants who propose a qualifying development under this chapter are required to set aside at least 10% of all units for the affordable housing needs of the Village. A "qualifying development" shall be defined as a proposal to develop 10 or more dwelling units ("base density") for sale or rent, whether on one or more contiguous parcels, wherein the applicant can demonstrate to the satisfaction of the Village Attorney and Village Engineer that the base density can be accomplished in accordance with existing bulk and area requirements for the zoning district in which it is situated. When the base density calculation is not a whole number, it will be rounded up to the next whole number. Where the applicant proposes to provide more than 10% of the units of a qualifying development as AH units, the applicant shall be entitled to increased total density equal to the number of additional AH units proposed over 10% on a one-for-one basis ("density bonus market rate units").

Calculation Example: By way of example, if an applicant proposes a base density of 20 units, the developer is only required to provide two AH units. If, instead, the developer proposes four AH units, or 20%, then the developer has proposed a base density of 20 units, with 16 market rate units and four AH units, thus exceeding the number of required AH units by two units. The developer then qualifies for two additional market rate units, resulting in a total density of 22 units (16 market rate base density units + 4 AH units + 2 density bonus market rate units).

- B. Approval. Where a qualified development would require site plan, special permit, subdivision, or variance approval, the application shall be made to the appropriate board or boards as the Code would otherwise require, and, except where modified by this chapter, shall be processed in accordance with the procedures set forth in the Village Code for such applications. Notwithstanding the foregoing, where the proposed total density is more than 30% of the base density, the application shall first be made to the Village Board, which shall in such cases render conceptual approval of the proposed project. In such cases, the Village Board shall thereafter refer the application to the Planning Board for its review and determination as to site plan, special permit and/or subdivision, which review shall be undertaken by the Planning Board in accordance with the Village Code and all applicable laws, rules and regulations, including SEQRA, for such applications as if the application had been made directly to the Planning Board, subject to payment by the applicant of all appropriate application fees and escrow deposits. The Village Board shall be empowered to modify the bulk and area requirements of this chapter and the Village of New Paltz Zoning Code to accommodate approved bonus density where it is found that to do so would advance the interests of this chapter without significantly adversely impacting the health, safety and welfare of the community. The applicant shall be entitled to waiver of 50% of the recreation fee attributable to the creation of AH units.
- C. Exemptions.
- (1) Projects in the Village proposed and funded in accordance with the standards of a federal or state affordable housing program and subject to a verifiable regulatory compliance agreement to ensure affordability shall be exempt from the requirements of this chapter, except that the provisions of § 132-3B concerning modified bulk and area requirements and recreation fee waiver shall apply.
 - (2) Projects in the Village approved under Article 46 of the Public Health Law of New York State as continuing-care retirement communities shall be exempt from the requirements of this chapter.
- D. Integration of units. All AH units shall be physically integrated into the design of the subdivision or development. AH units shall be constructed to the same quality standards as market-rate units, and they shall include a comparable number of bedrooms. The exterior finishes of AH

units shall be indistinguishable from all other units. The developer may, however, propose different appliances and interior hardware where such substitutions would not adversely impact the habitability of the unit. All AH units shall be physically distributed throughout the subdivision or development in the same proportion as other housing units.

- E. Minimum gross floor area (living space) per dwelling unit shall not be less than the following:
- (1) Efficiency: 450 square feet.
 - (2) One-bedroom: 700 square feet.
 - (3) Two-bedroom: 900 square feet.
 - (4) Three-bedroom: 1,100 square feet.
 - (5) Four-bedroom: 1,200 square feet with at least 1.5 baths.
- F. At the time of sale or lease, the following schedule of occupancy shall apply to AH units:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
Efficiency	1	1
1	1	2
2	2	4
3	3	6
4	4	8

§ 132-4. Income eligibility.

- A. To qualify for rental housing, family income must be at or below 60% of the Ulster County median income adjusted for family size. To qualify for purchased housing, family income must be at or below 100% of the Ulster County median income adjusted for family size.
- B. The Housing Board shall require complete disclosure of all income and assets. Family income shall include the gross income from all sources for all family members, utilizing the latest federal income tax returns, in addition to full disclosure of assets. Non-income-producing assets may be assigned an income-producing value and deemed income by the Housing Board. Complete disclosure of income and assets is to be made on forms and/or applications provided by the Housing Board. Full income and asset disclosure is the responsibility of the applicant and is to be provided to the Housing Board with a notarized certification of accuracy and completeness of all information provided.

- C. For the purposes of these regulations, "family" shall be defined as it is applied by HUD at the time of the application submission.
- D. For the purposes of these regulations, family income shall exclude any earned income from a minor or full-time student, up to a maximum of \$5,000.
- E. Applicants for AH rental units referred to in this section shall, if eligible and if certified for occupancy by the Housing Board, sign leases for a term of no more than two years.
- F. In the case of an owner-occupied AH unit, title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then-maximum sales price for said AH unit, regardless of improvement or condition.
- G. All personal and financial information submitted by applicants shall be kept confidential by the Village and shall not be subject to disclosure under New York's Freedom of Information Law. Disclosure of such information shall only be made pursuant to the laws, rules and regulations of any local, federal or state agency having jurisdiction over affordable housing matters or by a so-ordered subpoena issued by a court of competent jurisdiction.

§ 132-5. Maximum sales price and rent.

- A. The maximum sales price for an AH unit shall not exceed two times the maximum family income allowed for eligibility for a moderate-income family, as defined in this chapter, for the maximum-size family eligible for such units as specified in this chapter.
- B. Maximum monthly rent; lease.
 - (1) The maximum monthly rent for an AH unit shall not exceed 1.75%, excluding utilities (gas, oil, electricity, water and sewage, common charges), or 2%, if utilities and common charges are included, of the multiple assigned to the number of bedrooms in the dwelling unit times the average of the last three-year median income levels published by HUD for the Kingston Metropolitan Statistical Area (MSA).
 - (2) A two-year lease shall be offered to all tenants of moderate-income housing units available on a rental basis.

§ 132-6. Resale price and lease renewal requirements.

- A. Resale requirements.
 - (1) All AH units shall contain a deed or share restriction providing that in the event of any resale by the owner or any successor, the resale price shall not exceed the then-maximum sales price for said unit, as determined in this chapter, or the sum of:

- (a) The net purchase price (i.e., gross sales prices minus subsidies) paid for the unit by the selling owner, increased by the percentage increase, if any, in the Consumer Price Index for Wage Earners in Ulster County, as published by the United States Bureau of Labor Statistics (the "Index") on any date between:
 - [1] The month that was two months earlier than the date on which the seller acquired the unit; and
 - [2] The month that is two months earlier than the month in which the seller contracts to sell the unit. If the Bureau stops publishing this Index, and fails to designate a successor index, the Village Board shall designate a substitute index; and
 - (b) The cost of major capital improvements made by the seller of the unit during his/her ownership period evidenced by paid receipts depreciated on a straight-line basis over a fifteen-year period from the date of completion.
- (2) Notwithstanding the foregoing, in no event shall the resale price exceed an amount affordable to a household at 100% of area median income at the time of the resale.
- B. Lease renewal requirements. As long as a household remains eligible and has fully complied with all the terms of the lease, said household shall be offered renewal leases for a term of no more than one year each. At the time of renewal, a tenant shall resubmit all financial information required by the Housing Board to determine continued income eligibility. A lease shall not be renewed in instances where a tenant's income has risen above the qualifying limit, subject to review by the Housing Board, and such tenants shall be given one year within which to relocate. Renewal of a lease shall be subject to the conditions of federal, state or county requirements that may be imposed by the terms of the original development funding agreements for the development or to the provisions of other applicable local law. If no such provisions are applicable and if a household's annual gross income should subsequently exceed the maximum then allowable, as defined in this chapter, then said household may complete its current lease term and shall be offered a market-rate rental unit available in the development at the expiration of such lease term, if available. If no such dwelling unit shall be available upon lease expiration, the resident may be allowed to sign one additional six-month lease for the AH unit he or she occupies at market rate but shall not be offered a renewal of the lease beyond the expiration of said term.
- C. All tenants of rental AH units shall be required to verify their family incomes upon renewal of their leases. If the tenant's family income exceeds 80% of the county area median income at the time of any renewal, the lease shall be renewed, but not for more than six months in

length at the tenant's option, during which renewal period the rent may be adjusted to market rate. Upon expiration of such renewed lease, the tenant shall be required to vacate the AH unit unless at that time there is no eligible renter on the Board's eligibility list who is ready, willing and able to take tenancy and the present tenant meets the eligibility standards at that time. The tenant shall be notified of such a requirement prior to signing a lease, and a clause setting forth this requirement shall be included in the lease.

§ 132-7. Tax assessment.

The limited rental income and/or sales value of AH units shall be taken into consideration by the Town Assessor in determining the full value basis for assessments on such units.

§ 132-8. Occupancy requirements.

All AH units shall be occupied by the qualified person(s) owning or renting such units. All eligible applicants who are owners of any other residences shall satisfy the Housing Board that they have divested themselves of any other residences prior to the purchase of an AH unit. For the purposes of this section, real estate used by the applicant to derive income shall be excluded from this requirement. Such income is to be calculated in determining the applicant's gross annual family income. Notwithstanding the foregoing, it is intended that lenders retain all of their rights in foreclosure such that a lender may take title to the premises for the limited purpose of transferring title to or leasing of such premises only to a purchaser or lessee qualified under and pursuant to this chapter.

§ 132-9. Eligibility priority list; income eligibility for lease renewals.

- A. The eligibility priority list shall be established as follows. Applicants may be awarded the indicated point(s) for each category for which they qualify:

Category	Point Value
Current or former New Paltz Village or Town resident	
Current 6 months to 1 year resident	1
Current 1+ years to 2 years resident	2
Current 2+ years to 3 years resident	3
Current 3+ years to 5 years resident	4
Current 5 or more years resident	5
Current New Paltz resident, 65 years of age or older	1

Category	Point Value
Former resident of Village, with aggregate prior residency of at least 2 years	1
Village of New Paltz municipal employee; full time or qualified retiree, minimum of 24 months	1
New Paltz Police, part time or full time, with a minimum of at least 24 months' aggregate service for full time, or 24 months' consecutive service for part time	1 per qualifying category
New Paltz School District or BOCES full time employee with a minimum of at least 24 months' aggregate service	1
New Paltz Rescue Squad member in good standing as certified by NPRS with a minimum of at least 24 months' aggregate service	1
Active duty U.S. military veteran	1
Physically and/or mentally disabled resident of Village with at least 50% disability as verified by a physician	1

- B. Nothing contained herein shall be construed to allow the foregoing priorities to supersede the requirements of the federal fair housing standards. If there is any conflict between these priority assignments and the federal fair housing standards, the federal fair housing standards shall prevail. Where such a conflict exists, the priority points system may be used to prioritize between two or more applicants identically situated under the federal fair housing standards.

§ 132-10. Ownership; deed restrictions.

- A. Ownership of an AH unit shall be on a fee-simple, condominium or cooperative basis, and title to the same shall vest in the eligible purchaser either individually, as joint tenant with other eligible purchasers or as tenants by the entirety. AH rental units may be owned by individuals or corporations, who or which will offer such units at rent levels which conform to the criteria established by the Village Board. The deed of ownership of any AH unit shall contain a covenant and restriction that ownership, rental and sale are subject to the moderate-income housing provisions of the Code of the Village of New Paltz, as amended from time to time, and that such provisions include restrictions on occupancy and resale.
- B. Upon the death of the last of the eligible owners of an AH unit, the executor or administrator of the estate of the deceased owner shall

place the AH unit for resale on the basis as set forth herein. In no event shall the beneficiaries of the estate, distributees or heirs at law of the deceased owner be entitled to occupy the AH unit or be entitled to ownership status, unless the eligibility provisions of these regulations are separately adhered to and complied with.

- C. Under no circumstances shall an AH unit, whether available for ownership or on a rental basis, be offered for rental, lease, sublease, boarding, timeshare or any other basis whereby persons other than the eligible owners and qualifying family members reside in the AH unit on either a temporary (more than one week) or permanent basis.
- D. All requirements of this section and of this chapter are to be memorialized in covenants and deed restrictions imposed on AH units in a form and content acceptable to the County Clerk for recording and approved by the Village Attorney.

§ 132-11. Maintenance and repairs.

- A. Prior to engaging in any nonemergency repair or rehabilitation of an AH unit requiring a building permit, the owner shall first obtain the written permission and approval of the Housing Board. In the case of emergency structural repairs, such repairs must be approved by the Village Building Inspector, and the Building Inspector shall be responsible for inspecting the repair work when completed and for notifying the Housing Board when said work is completed. Under no circumstances shall the Housing Board or any other Board of the Village of New Paltz approve any addition in size to the structure. The original square footage of the unit shall be maintained throughout the unit's existence.
- B. All AH units shall be maintained at the standard up to the original builder's specification level. At the time of resale, the Housing Board shall be authorized to: 1) determine the expense of repairs; 2) examine the unit for conditions indicative of owner neglect; and 3) reasonably return the unit to its original condition; said assessment(s) and determinations shall be deducted from that portion of the selling price reverting to the seller of the unit, unless such remedial work is performed prior to ownership transfer by the seller with the prior approval of the Housing Board.

§ 132-12. Procedures for purchaser/tenant selection.

- A. This procedure shall apply to the filling of all new units and the filling of units that become vacant.
- B. The following steps shall be followed to choose the applicant for the available unit:
 - (1) The Housing Board shall canvass the eligibility list for qualified applicants with a family size in the range allowed for the available

unit, as per the occupancy schedule in this chapter, and create a priority list for each size unit. Applicants may be on more than one priority list so long as they meet the criteria for eligibility for the size of the unit.

- (2) The highest-priority applicant with the earliest received application will be selected. If two or more applications from this list were submitted on the same day, then a lottery shall determine the selected applicant, drawn by the Chair.
- (3) The selected applicant shall be notified by the Board of the available unit and its rental or sales price. The applicant will be directed to provide documentation necessary to verify the applicant's family income eligibility and priority as per this chapter. The selected applicant must respond within 10 business days of his/her intent to occupy the available unit and with the documentation requested. This documentation shall be verified by the Housing Board and kept by the Village Clerk for the length of the tenant's occupancy in the AH unit.
- (4) If the selected applicant rejects the offer, cannot provide the necessary documentation, or does not respond in the time specified, the Housing Board shall choose the next available applicant in the same manner. An applicant rejecting a particular offer of an AH unit shall maintain his position on the eligibility priority list for the duration of that list, unless the applicant fails to meet the eligibility requirements at the time of the offer. Notwithstanding the foregoing, an applicant who rejects an offer, despite remaining eligible, or who fails to respond to the offer, on three occasions, shall be removed from the list.

§ 132-13. Cooperation with local, state, or federal agencies.

The Housing Board may delegate or partner with any local, state or federal agency to accomplish the requirements and administration of this chapter, with the prior approval of the Village Board.

§ 132-14. Enforcement.

The Village Board or the Village Building Inspector may institute a proceeding in New York State Supreme Court to enforce compliance with this chapter against developers, applicants, owners, or tenants of the AH units and the developments in which they are situate, including relief at law or equity.

§ 132-15. Appeals.

The Village Board of Trustees shall review and decide appeals from any determination of the Housing Board. Applicants requesting an appeal must do so, in writing, within 10 business days of receipt of the determination

of the Housing Board from which the appeal is filed. The Village Board of Trustees shall render its decision within 30 days thereafter.

Chapter 135

LITTERING

GENERAL REFERENCES

Grass, rubbish and trash — See Ch. 124.

Collection of solid waste — See Ch. 171.

Peace and good order — See Ch. 152.

Streets and public places — See Ch. 175.

Peddling and soliciting — See Ch. 155.

§ 135-1. Short title.

This chapter shall be known and may be cited as the "Village of New Paltz Anti-Litter Law."

§ 135-2. Definitions.

- A. Generally. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. Specific terms. As used in this chapter, the following terms shall have the meanings indicated:

AUTHORIZED PRIVATE RECEPTACLE — A litter storage collection receptacle as required and authorized by the Village Superintendent of Public Works.

COMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature, which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profits; but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up wholly for a charitable

or educational purpose or by a church or institution of religion for its lawful purposes or for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, whenever the same is held, given or taken place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where such license is or may be required by any law of this state or under any provision of this Code; or

- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

LITTER — "Garbage," "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER — Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues and sold to the public.

NONCOMMERCIAL HANDBILL — Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

PARK — A public park, reservation, playground, recreation center or any other public area in the Village devoted to active or passive recreation.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind that has a lease, oral or in writing, for any premises within the Village of New Paltz.

PRIVATE PREMISES — Any privately owned parking lot and any dwelling, housing, building or other structure, designated or used either wholly or in part for private residential purpose, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule

or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

PUBLIC PLACE — Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds, buildings and parking lots.

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, construction materials and similar materials. As used herein, the term "construction materials" shall not be deemed to include:**[Amended 2-13-2002 by L.L. No. 4-2002]**

- (1) Materials intended for resale and otherwise lawfully stored at a retail or wholesale establishment in a district authorized for such purpose; or
- (2) Materials intended for use with respect to improvements to be made at the subject premises, and stored at the premises for a period not exceeding 60 days, or during the effective period of any building permit issued by the Building Inspector with respect to such improvements, whichever is longer.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

VILLAGE — The Village of New Paltz.

§ 135-3. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Village except in public receptacles, in authorized private receptacles for collection, or in Village dumps.

§ 135-4. Placement of litter to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 135-5. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot from any public or private sidewalk or driveway. Persons owning or

occupying property shall keep the sidewalk in front of their premises free of litter.

§ 135-6. Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalks or driveway. Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their business premises free of litter.

§ 135-7. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Village or upon private property.

§ 135-8. Truck loads causing litter.

No person shall drive or move any truck or other vehicle, excluding private passenger vehicle, within the Village unless such vehicle is so constructed or loaded as to prevent any load contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry into or deposit in any street, alley or other public place, mud, dirt, litter or foreign matter of any kind.

§ 135-9. Litter in parks.

No person shall throw or deposit litter in any park within the Village except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

§ 135-10. Litter in bodies of water.

No person shall throw or deposit litter in any pond, lake, river or any other body of water in a park or elsewhere within the Village.

§ 135-11. Posting, distributing or throwing commercial and noncommercial handbills in public places.

- A. No person shall throw or deposit any commercial or noncommercial handbills in or upon any sidewalk, street or other public place within the Village; nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the

Village for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to person who is willing to accept it.

- B. No person shall post, tack, tape or otherwise place or adhere any commercial or noncommercial handbill on any utility box or pole, traffic-control box or stanchion, traffic or street sign or pole, guard rail, bridge, trash container or other exposed surface of any public building or structure within the Village.
- C. It shall be presumed that the person, business, corporation or other entity whose name appears on the handbill as the sponsor of the advertisement or message printed thereon shall have knowingly caused such handbill to be distributed or posted in violation of this section.

§ 135-12. Placing commercial and noncommercial handbills on vehicles.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be lawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

§ 135-13. Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

§ 135-14. Prohibiting distribution of handbills where properly posted.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "No trespassing," "No peddlers or agents," "No advertisement" or similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left upon such premises.

§ 135-15. Distributing commercial and noncommercial handbills at inhabited private premises.

- A. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, however, that in case of inhabited private

premises which are not posted as provided in this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be used when so prohibited by federal postal regulations or laws.

- B. It shall be presumed that the person, business, corporation or other entity whose name appears on the handbill as the sponsor of the advertisement or message printed thereon shall have knowingly caused such handbill to be distributed or posted in violation of this section.
- C. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 135-16. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the Village any litter, handbill or any other object.

§ 135-17. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the Village, whether owned by such person or not, except that the person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

§ 135-18. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

§ 135-19. Litter on vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the Village, whether owned by such person or not.

§ 135-20. Enforcement. [Amended 2-13-2002 by L.L. No. 4-2002]

- A. Notice to remove. The Building Inspector is hereby authorized and empowered to notify the owner or person in control of any private property within the Village to properly dispose of litter located on such owner's property. The notice shall be deemed sufficient if delivered to

the owner or person in control of the property in person or by certified mail to the property postal address and, if different, to the last known address of the owner appearing on the most recent tax rolls of the Village.

- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or person in control of any private property notified to properly dispose of litter within five days after receipt of the oral or written notice by the Building Inspector as above specified, or within 10 days after the date of such written notice in the event the same is returned to the Village because of the inability to make delivery thereof, provided the same was properly addressed as specified in Subsection A hereof, the Building Inspector is hereby authorized to cause the removal of the litter from the property.
- C. Enforcement.
- (1) The Building Inspector is authorized to enforce this chapter by sending a statement to the owner or person in control of the premises cleared on each such occasion in the amount as set annually by resolution of the Board of Trustees plus the actual cost of the removal of the litter, together with a notice to appear in the Town Court of the Town of New Paltz on a date and time specified in the notice to be given the opportunity to be heard regarding the charge to be imposed and to assert any objections thereto. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - (2) A notice shall be deemed sufficient if delivered to the owner or person in control of the property in person or by certified mail to the property postal address and, if different, to the last known address of the owner appearing on the most recent tax rolls of the Village.
 - (3) In the event the owner or person in control of the property is found liable by the court for the charge or fails to appear on the date and time specified in the notice and fails to pay the charge due within 10 days thereafter, the charge shall be a lien upon the premises from which the litter was removed and shall be collected by the Village Treasurer as an assessment upon said premises on the real property tax statements issued by the Village Treasurer on the tax collection date next following as provided by law.
 - (4) The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to enforce the violation of this chapter.

§ 135-21. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Each violation of this chapter shall be deemed to be a violation pursuant to the Penal Law of the State of New York and any person violating this chapter

or any provision thereof may be prosecuted pursuant to the Criminal Procedure Law for the violation of a petty offense. Any person violating this chapter or any provision thereof shall be liable to and pay a penalty as set annually by resolution of the Board of Trustees.

Chapter 138

LOITERING

GENERAL REFERENCES

Curfew — See Ch. 98.

§ 138-1. Obstructing use or access to public places.

- A. No person shall loiter in or around public buildings or obstruct corridors, stairways or doorways so as to prevent free access by members of the public, officers or employees. No person shall by his presence or by means either alone or in consort with others interfere with or interrupt the conduct of business in the offices located in any such buildings.
- B. No person shall loiter in or upon any public sidewalk, street, bridge, public building or place or obstruct the use thereof so as to prevent free and reasonable access by other members of the public or prevent the exercise of duties by public officers or employees.

§ 138-2. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that in no case shall the fine imposed exceed that which is set annually by resolution of the Board of Trustees.

Chapter 143

NOISE

GENERAL REFERENCES

False alarms — See Ch. 63.

Blasting and explosives — See Ch. 82.

Animals and fowl — See Ch. 70.

Peddlers and solicitors — See Ch. 155.

§ 143-1. Short title; repealer.

This chapter shall be known and may be cited as the "Noise Control Law of the Village of New Paltz." The provisions of Chapter 143 of the Municipal Code, as enacted by Local Law No. 2 of the year 2003, currently in effect, are hereby repealed.

§ 143-2. Declaration of policy.

- A. Excessive noise is a hazard to the public health, welfare, safety, and quality of life to the residents of the Village of New Paltz; and
- B. Residents have a right to an environment free from excessive noise.
- C. It is the policy of the Village of New Paltz to prevent excessive noise that may jeopardize the health, welfare, or safety of residents or degrade the quality of life of residents.
- D. This chapter shall apply to the control of sound originating within the Village of New Paltz. Nothing herein shall be construed to abridge the emergency powers of any Village department or the right of such department to engage in any necessary or proper activities. Nothing herein shall abridge the powers and responsibilities of any police department or law enforcement agency to enforce the provisions of this chapter. This chapter shall be liberally construed so as to effectuate the purposes described in this section.

§ 143-3. Definitions.

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

ADULT — Any person who is 18 years of age or older.

AMBIENT NOISE — The all-encompassing normal and customary noise associated with a given environment, being usually a composite of sounds from many sources near and far.

CONSTRUCTION — Any site preparation, excavation, assembly, erection, repair, alteration or similar action of buildings or structures.

CONTINUING SOUND — A sound that is steady, regular, ongoing.

DEMOLITION — Any dismantling, destruction or removal of buildings, structures or roadways.

EMERGENCY WORK — Any work or action necessary at the site(s) of an emergency to restore or deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions or a state of emergency declared by a governing agency.

EXCESSIVE NOISE — Any sounds of such a level and/or duration which are continuing or unusually loud and plainly audible in excess of the ambient

noise of a particular area to the extent that it either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities or which causes injury to plant or animal life, or damage to property or business.

EXCESSIVE STREET NOISE — Unreasonable noise in the streets of the Village of New Paltz after 11:00 p.m. and before 7:00 a.m. as defined as disorderly conduct in New York State Penal Law § 240.20.

FALSE ALARM — Noise from a burglar alarm or other alarm system of any building or motor vehicle that is found to be a result of mechanical failure or the intentional triggering of said system when no actual emergency exists.

HOLIDAY — Those days recognized as holidays by New York State.

IMPULSIVE SOUND — A sound of short duration, usually less than one second, and of high intensity, with an abrupt onset and rapid decay.

MINOR VIOLATION — A violation that is not the result of the purposeful, negligent or reckless conduct of the alleged violator; and/or the activity or condition constituting the violation which has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediate preceding 12 months for the same or substantially similar violation.

MOTOR VEHICLE — Any vehicle that is propelled other than by human or animal power on land.

MUFFLER — A properly functioning sound dissipative device or system for abating the sound on engines or equipment where such a device is part of the normal configuration of the equipment.

MULTI-DWELLING-UNIT BUILDING — Any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple-family houses, townhouses and attached residences.

MULTIUSE PROPERTY — Any distinct parcel of land that is used for more than one category of activity, including, but not limited to, a building which is both commercial and residential.

NOISE — A sound which exceeds the ambient noise of a particular area to the extent that it is plainly audible and disturbs the peace, comfort, repose or concentration of a reasonable person of normal sensitivities.

NOISY AND/OR DISORDERLY BUILDING OR ESTABLISHMENT — One which exhibits an ongoing pattern of prohibited activities, including, but not limited to, excessive noise, open container violations, assaults and general (civil or criminal) misconduct that disrupts the quiet enjoyment of the surrounding neighborhoods and threatens public safety. A noisy building is one that creates excessive noise in the streets and other buildings in its neighborhood.

OWNER — Person(s) or principal of corporation or business in whose name a property is owned, leased, managed or controlled.

PLAINLY AUDIBLE — Any excessive sound that can be detected by a police officer or Code Enforcement Officer using his/her unaided hearing faculties of normal range. The officer need not be able to determine specific words.

PROPERTY LINE (REAL PROPERTY LINE) —

- A. The vertical boundary that separates one parcel of property from another parcel of property;
- B. The vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling-unit building; or
- C. On a multiuse property or building the vertical or horizontal line that divides the uses.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased or controlled by a government entity.

PUBLIC SPACE — Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

REFUSE COMPACTING VEHICLE — Any vehicle which is designated to be used or is actually used to compact, transport and/or transfer refuse, garbage, recyclables or trash.

REPETITIVE SOUND — That sound which recurs regularly and/or frequently for a period of 10 minutes or longer.

RESIDENTIAL DISTRICT — Any zoning district in which one-family detached dwellings or one-family and multifamily dwellings are permitted principal uses. Should such law be amended or replaced and by so doing adds additional districts or differently denominated districts, residential districts shall mean those districts determined under such law or any successor statute wherein the predominant intended land use is residential.

RESPONSIBLE PARTY — Any person who is 16 years of age or older.

SOUND PRODUCTION DEVICE — Any device whose primary function is the production of sound, including, but not limited to, any musical instrument, loudspeaker, radio, television, computer, digital or analog music player, alarm, public address system or sound-amplifying equipment.

SOUND REDUCTION DEVICE — Any device provided by the manufacturer, or that is otherwise required, that mitigates the sound emission of equipment.

TENANT, CURRENT OCCUPANT — A person(s) at a residence other than the person listed as the owner of the premises.

VEHICLE — Any machine which is propelled or drawn on land or water by an engine or motor or other artificial or natural means of propulsion, including, but not limited to, automobiles, trucks, buses, motorcycles, mini-bikes, and any other vehicle as defined by the Vehicle and Traffic Law of the State of New York.

§ 143-4. Excessive noise prohibited.

The creation or perpetuation of any excessive noise, as said term is defined in § 143-3 of this chapter is prohibited.

- A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effects on others, shall cause, allow or permit the creation of excessive noise.
- B. The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration is not to be deemed as exclusive.
 - (1) Any excessive noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.
 - (2) Noise from a dog or other privately owned animal that continues with only minor interruptions for 10 minutes or more.
 - (3) Noise from a burglar system or other alarm system of any building or motor vehicle that continues with only minor interruptions for 10 minutes or more and is found to be a false alarm.
 - (4) Noise from any sound reproduction system operating or any device that reproduces or amplifies sound at a level as to be heard 50 feet beyond the property line from where the sound emanates.
 - (5) All construction, including excavation, demolition, alteration or repair of any structure, other than between 7:00 a.m. and 9:00 p.m. except in case of an emergency public safety requirement.
 - (6) The operation of a motor vehicle, motorcycle, lawn mower, tractor or other gasoline/diesel/electric engine that, due to modifications or through normal wear and tear, emits a sound greater than that emitted as originally manufactured.
 - (7) The operation of a refuse compacting and/or recycling vehicle in the process of compacting or collecting refuse contained in a dumpster or similar receptacle or individual garbage/recycling cans or power equipment, such as tractors, mowers, power saws and similar noise-producing equipment on weekdays between the hours of 8:00 p.m. and 7:00 a.m. the following day.
 - (8) The sounding of any horn or signaling device of a motorized vehicle for any unnecessary or unreasonable period of time.
 - (9) Operating a motorized vehicle in such a manner as to cause excessive motor roar or excessive squealing of tires.
 - (10) Shouting or other outcry or clamor on public streets or sidewalks between 11:00 p.m. and 7:00 a.m. of the following day except to sound an emergency.

- (11) Excessive noise emanating from any bar, restaurant, or multipurpose use property as to be heard 25 feet beyond the property line from where the noise emanates.
 - (12) Excessive noise emanating from any single or multifamily residence or multi-dwelling-unit building as to be heard beyond the property line where the noise emanates.
- C. Noisy and/or disorderly house. In the interest of protecting the general welfare and public safety, the Village Board finds that certain properties within the Village of New Paltz exhibit a continued pattern of activities that disrupt the quiet enjoyment of the surrounding neighborhoods and threaten public safety. These activities include but are not limited to excessive noise, open container violations, assaults and civil and criminal misconduct.
- (1) No person shall keep or maintain any noisy and disorderly building or establishment or knowingly own or be interested in as a proprietor or landlord of any such building or establishment.
 - (2) The Town of New Paltz Police Department is hereby authorized to declare a building or establishment as noisy and/or disorderly and as such a threat to public safety if the following criteria are met:
 - (a) The existence of one or more arrests and three or more documented chronic legitimate complaints to the Police Department regarding a pattern of excessive noise, open-container violations, assaults and/or general civil or criminal misconduct in a thirty-day period; or
 - (b) The existence of documented chronic 911 calls for police assistance or complaint-driven calls to other sources that are referred to the Police Department consisting of at least three legitimate calls in a thirty-day period.
 - (3) Service of notice; plan by owner to abate; fine.
 - (a) The Town of New Paltz Police Department shall designate a premises noisy or disorderly pursuant to this section by notice personally delivered to the property owner of record or by certified mail. In addition, if necessary, the Police Department is authorized to use such other methods of service for the aforementioned notice as are authorized by applicable law. Such notice shall request that the property owner attend an informal meeting with the police and other appropriate Village officials to address the concerns that led to the building or establishment being designated as noisy and/or disorderly.
 - (b) The property owner will then have 30 days after such meeting to submit to the Police Department a plan, in writing, that addresses the issues causing the premises to be declared noisy and/or disorderly. Failure by the property owner to respond to

the request for such a meeting or to address the issues cited by the Police Department within 30 days shall subject the property owner to the fine as set forth in § 143-9 below, with the amounts of the fine to be set annually by the Village Board.

§ 143-5. Excessive mechanical noise.

- A. When an unattended mechanical device such as an engine or an alarm is emitting noise for a period of 10 minutes or more, the Town of New Paltz Police Department or other local, county or state enforcement agency will make a reasonable effort to find the person or persons responsible for the device or a person who can silence the device.
- B. Exemptions to excessive mechanical noise. The provisions of this chapter shall not apply to the following acts:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - (2) Noise from municipally sponsored or sanctioned celebrations, parades or events. This includes music in connection with a military or civic parade, funeral procession or religious service authorized by the Village.
 - (3) Noise of aircraft or flight operations.
 - (4) The operation or use of any organ, radio, bell, chimes, or the like by any church, synagogue, or school licensed or chartered by the State of New York, provided that such operation or use does not occur between the hours of 8:00 p.m. and 8:00 a.m.
 - (5) Sounds created by any government agency or its agents or by the use of an emergency warning device, alarm or authorized emergency vehicles or other emergency work and operations.
 - (6) Sounds created by any federal, state or local government agency carrying out its routine functions, including, but not limited to, property and infrastructure maintenance and repairs.
 - (7) Authorized sporting events.
 - (8) Sound production devices required or sanctioned under the Americans with Disabilities Act,¹⁰ FEMA or other government agencies.
 - (9) Sounds created by an audible alarm when actually giving notice of fire, unlawful entry or other damage to or intrusion upon property, for a period of 15 minutes after the alarm device is initially activated.

10. Editor's Note: See 42 U.S.C. § 12101 et seq.

§ 143-6. Excessive street noise or animal noise.

The Town of New Paltz Police or any other local, county or state law or code enforcement agency is authorized to take any reasonably necessary action to abate excessive street noise and/or plainly audible animal noise in the Village of New Paltz.

§ 143-7. Penalties for excessive mechanical noise, excessive street noise or animal noise(s).

- A. Any person who violates any provision of this chapter after receiving a notice of warning within a twelve-month period shall be guilty of an offense, punishable by a fine to be set annually by the Village Board.
- B. The Village of New Paltz may also seek injunctive relief to prevent continuing violations of this chapter.

§ 143-8. Excessive noise other than mechanical or street noise.

The Town of New Paltz Police Department or any other local, county or state code enforcement agency is authorized to take any reasonably necessary action to abate excessive noise other than street or mechanical that is plainly audible noise in the Village of New Paltz.

§ 143-9. Enforcement; violations and penalties.

- A. If a violation of this chapter is deemed by an enforcement officer to be a minor violation, a notice of warning may be issued to the named occupant(s) and/or property manager and/or owner of record of the premises for which the complaint is received by either the New Paltz Police Department (NPPD) or the Village Code Enforcement Officer at the discretion of the responding police or Code Enforcement Officer.
- B. In accordance with police policy and procedure, a complaint will be entered in the NPPD log and a notice of warning of violation will be presented in person or by logged and recorded telephone message to the occupant(s) and/or property manager and/or owner of record within five business days of the complaint or as soon thereafter as possible. The notice of warning is intended to give the responsible party an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation. Appearance tickets/summonses shall be issued either by the NPPD or by the Village Code Enforcement Officer for any violations that occur following the service of the notice of warning.
- C. Should a violation occur at the property within 12 months of the warning issued at the first complaint, the responsible parties and/or adult(s) at the location shall be issued an appearance ticket. The violation will be entered in the NPPD log, and a notice of violation will be presented in person by an officer or phoned to the owner of record of the property within five business days of the violation.

- D. Should a second violation occur at the property within 12 months of the first violation, the responsible parties and/or adult(s) shall be issued an appearance ticket. The violation will be entered in the NPPD log, and a notice of violation will be presented in person by an officer or phoned to the owner of record of the property within five business days of the violation.
- E. Should a third violation occur at the property within 12 months, both the responsible parties and/or adult(s) and the owner of record of the property shall be issued a criminal summons by the Village Code Enforcement Officer at the direction of the NPPD.
- F. Any person who repeatedly violates any provision of this chapter within 12 months after receiving a first notice of warning shall be guilty of an offense, punishable by a fine to be set each year by the Village Board. Should there be a third violation or subsequent violations within 12 months, both the violator(s) and owner of record of the property will be fined.
- G. If an enforcement agency must return within 12 hours of the notice of warning of a violation, an appearance ticket will be issued. The violation will be entered in the NPPD log. The owner will be phoned of the violation. If the owner is not reachable, then the notice of violation will be presented in person by an officer or phoned within five business days.
- H. If an officer must return a second time within 12 hours, an appearance ticket will be issued. The violation will be entered in the NPPD log. The owner will be phoned of the violation. If the owner is not reachable, then the notice of violation will be presented in person by an officer or phoned within five business days.
- I. A third violation within 12 hours will result in a criminal summons issued by the Village Code Enforcement Officer or the NPPD to both the responsible party and/or adult(s) and the owner of record of the property.
- J. Any person who repeatedly violates a notice of warning within 12 hours shall be guilty of an offense, punishable by a fine to be set each year by the Village Board.
- K. The Village may also seek injunctive relief to prevent continued violation of this chapter.

§ 143-10. Severability.

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

Chapter 146**NOTIFICATION OF DEFECTS****§ 146-1. Written notice of defective condition required for injuries on highways and Village property.**

No civil action shall be maintained against the Village of New Paltz, or the Superintendent of Public Works of the Village of New Paltz, or any of the officers, agents or employees of the Village of New Paltz, for damages or injuries to person or property sustained by reason of any highway, bridge, culvert, or any other property owned by the Village of New Paltz, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed conditions of such highway, bridge, culvert, or any other property owned by the Village of New Paltz was actually given to the Village Clerk of the Village of New Paltz or Superintendent of Public Works of the Village of New Paltz and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the Village of New Paltz, unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village of New Paltz or the Superintendent of Public Works of the Village of New Paltz and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

§ 146-2. Written notice of defective condition required for injuries on sidewalks.

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

§ 146-3. Duties of Superintendent of Public Works pertaining to notices.

The Village Superintendent of Public Works of the Village of New Paltz shall transmit, in writing, to the Village Clerk of the Village of New Paltz, within five days after receipt thereof, all written notices received by him pursuant to this chapter.

§ 146-4. Clerk to maintain record of notices.

The Village Clerk of the Village of New Paltz shall keep an indexed record in a separate book of all written notices which he or she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of any accumulation of ice and snow upon any Village highway, bridge, culvert or sidewalk, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. The record of each notice shall be preserved for a period of five years after the date it is received.

§ 146-5. Substitute notice inapplicable.

There shall be no substitute for written notice as set forth in this chapter. Constructive notice is hereby expressly declared to be insufficient notice.

§ 146-6. Repeal of existing requirements not intended.

Nothing contained in this chapter shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions but, on the contrary, shall be held to be additional requirements to the right to maintain such action, nor shall anything herein contained to be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the Village of New Paltz any greater duty or obligation than to keep its streets, sidewalks and public places in a reasonably safe condition for public use and travel

§ 146-7. Severability.

If any clause, sentence, phrase, paragraph or any part of this chapter shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this chapter would have been adopted had any such provisions not been included.

Chapter 152

PEACE AND GOOD ORDER

GENERAL REFERENCES

Curfew — See Ch. 98.

Loitering — See Ch. 138.

§ 152-1. Destruction of Village property.

It shall be unlawful for any person without lawful authority to do so, to destroy, injure, mutilate, deface, remove or otherwise interfere with any property of the Village of New Paltz.

§ 152-2. Destruction of traffic and safety equipment.

It shall be unlawful for any person to break, damage, mutilate or carry away any lantern, glass frame, barrier, street designation, fixture, road marker, official sign or any part of any public lamp or any official marker or designation erected for the regulation and control of traffic, or any other Village property.

§ 152-3. Throwing stones or other missiles.

It shall be unlawful for any person to throw any stone, snowball or other missile of any kind in the Village of New Paltz in any way that is likely to do harm or injury to any person or property, or in such a manner as to cause reasonable apprehension of such harm or injury.

§ 152-4. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that in no case shall the fine imposed exceed that which is set annually by resolution of the Board of Trustees.

Chapter 155

PEDDLING AND SOLICITING

§ 155-1. Title.

This chapter shall be known and may be cited as the "Peddler and Solicitor Law of the Village of New Paltz."

§ 155-2. Legislative intent.

This chapter is enacted for the purpose of regulating itinerant merchandising in order that the peace, health, safety, welfare and good order of the Village and of the inhabitants thereof shall not be endangered or unduly disturbed.

§ 155-3. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ESTABLISHED PLACE OF BUSINESS — Any building, store or depository in which or where the person transacts business and deals in the goods, wares and merchandise he hawks, peddles or solicits.

HAWKER or PEDDLER — Except as herein expressly provided, any person, principal or agent who, in any public street or highway or public place, or by going from house to house or place of business, on foot or on or from any vehicle standing in a street or highway, sells or barter, offers for sale or barter or carries on exposes for sale or barter any goods, wares or merchandise, except as hereinafter exempted.

LICENSEE — A person to whom a license has been granted pursuant to this chapter.

MERCHANDISING — The selling, bartering or trading, or offering to sell, barter or trade, of any goods, wares, commodities or services.

PUBLIC PLACE — As used herein, shall include privately owned lands which are generally open to public access, including sidewalks, parking lots of schools, banks, gasoline service stations, shopping centers, and other retail stores and establishments.

SOLICITOR — Any person who goes from place to place or house to house, or stands in any street or public place, taking or offering to take orders for goods, wares or merchandise, except as hereinafter exempted, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever, for future delivery.

§ 155-4. License required.

It shall be unlawful for any person, within the limits of the Village of New Paltz, to act as a hawker, peddler or solicitor, as herein defined, except in conformity with the provisions of this chapter, and without first having obtained and paid for and having in force and effect a license, as provided herein.

§ 155-5. Application requirements.

Every applicant for a license under this chapter shall file with the Village Clerk a sworn written application, in duplicate, on a form to be furnished by said Clerk, which shall give or be accompanied by the following:

- A. Name and description of the applicant.
- B. Permanent home address and full local address of the applicant.
- C. A brief statement of the nature of the business and a description of the merchandise or service to be sold.
- D. If employed, the name and address of the employer, together with credentials establishing the exact relationship, and the name and address of a person upon whom legal process and notice may be served.
- E. The length of time for which the license is desired.
- F. If a vehicle is to be used, a description of such vehicle and its license number.
- G. The place where the goods or property to be sold or offered for sale are manufactured or produced, where such goods or property are located at the time such application is filed and the proposed method of delivery.
- H. A photograph of the applicant taken within 60 days immediately prior to the date of the application, which photograph shall clearly show the head and shoulders of the applicant and shall measure two inches by two inches.
- I. Two business references located in the County of Ulster, State of New York, or, in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.
- J. A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, local law, rule or regulation, the nature of the offense and the punishment or penalty assessed therefor.
- K. If peddling or soliciting is to be conducted as a team, group, or other organized party under single leadership, or direction, control or sponsorship, the above required personal information shall also be supplied as to such leader or person in charge and with respect to each other person, employee or agent so involved.
- L. If the applicant represents or is the agent for a principal, there shall be appended to the application a letter or other evidence of authorization or agency from the principal describing the nature and scope of such applicant's authority, and any restrictions, limitations and conditions imposed on such applicant by the principal agency or organization he represents. In addition, copies of each order form, contract, or other form or document to be utilized by the applicant in such sale or solicitation shall be attached to the application.
- M. Where the applicant is offering for sale goods, merchandise or commodities required to be sold by weight, measure or count as

provided under Article 16 of the Agriculture and Markets Law of the State of New York, such application shall be accompanied by a certificate from the Sealer of Weights and Measures, having jurisdiction thereof, certifying that all weighing and measuring devices to be used by the applicant have been examined and approved.

- N. A statement whether any previous application for a license was made, and the disposition of the application.
- O. If the applicant shall peddle or solicit on any privately owned lands which are generally open to public access, as defined in § 155-3 hereof, the applicant shall furnish the written consent of the owner of the premises and the site plan approval of the Planning Board pursuant to § 212-23 of Chapter 212, Zoning.
- P. Any additional information required by any competent Village office or agency in the interest of the health, safety, and welfare of the citizens of the Village.

§ 155-6. License fees; term.

- A. The fee for each license issued pursuant to this chapter shall be set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. Term. All licenses shall expire on the first day of June, following their issuance, but such license may provide for an earlier expiration date.

§ 155-7. Issuance of license.

- A. Investigation and issuance. The Licensing Officer with such assistance from the Police Department as may be reasonably necessary, shall investigate all applications and shall thereafter, with due dispatch, issue or deny such license to the applicant.
- B. Denial; appeal. If after investigation of any application, the Licensing Officer shall deny same, he shall endorse on such application such disapproval and the reason for the same, and the Licensing Officer shall forthwith notify the applicant in writing of such denial and of his right of appeal as herein set forth.

§ 155-8. License restrictions.

- A. Deceptive practices; threats; unfit food or merchandise. A licensee shall not resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his business, or offer for sale any provision, food or merchandise that is unwholesome, unfit, deleterious or harmful to the user or consumer thereof.
- B. Disobey signs or request to depart. A licensee shall not peddle at or solicit a private residence which has displayed a sign bearing the words "No peddling or soliciting" or words of like intent. Nor shall any

licensee remain on the premises after the owner or occupant thereof shall have requested his departure therefrom.

- C. Maintenance of equipment. A licensee shall not keep the vehicles and receptacles used by him in an unclean and unsanitary condition nor the foodstuffs and edibles offered for sale uncovered and unprotected from dirt, dust, insects, contamination or spoilage or as otherwise required by any competent municipal health authority.
- D. Standing. Unless the license shall specifically provide otherwise, a licensee shall not stand or permit the vehicle used by him to stand in one place 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 of the premises objects. However, in no case shall the holder of any license issued hereunder remain in any one fixed location and vend his goods, wares and merchandise continuously for a period in excess of 30 minutes, nor shall said licensee resume operations during the same business day from a new location within 1/4 mile of said former site of operation.
- E. School premises. A licensee shall not sell any confectionery or ice cream within 250 feet of any school between the hours of 7:00 a.m. and 4:00 p.m. on school days.
- F. Block crosswalk. A licensee shall not permit any vehicle used by him to stop or remain on any crosswalk.
- G. Maintain stand. A licensee shall not create, erect or maintain any booth or stand, or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- H. Noises. A licensee shall not blow a horn, ring a bell or use any other noisy device in excess of 75 decibels to attract public attention to his wares or shout or cry out his wares.
- I. Use of license by another. A licensee shall not assign or transfer his license to any other person, and any transfer to, or use of such license by any other person shall be a violation, and shall automatically thereupon terminate such license.
- J. Exhibition of license. A licensee shall not fail to carry his license upon his person, nor exhibit the same upon demand to any police, or Village officer, or citizen being solicited or involved in a transaction with him.

§ 155-9. Records.

It shall be the duty of the Village Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of revocation of all licenses revoked.

§ 155-10. Exemptions.

- A. Veterans. No part of this chapter shall be enforced so as to conflict with § 32 of the General Business Law of the State of New York, providing exemption for veterans.
- B. Exempt organizations. The requirements of this chapter shall not apply to the following, provided that official uniforms, clothing or other suitable identification is displayed.
 - (1) Any recognized nonprofit religious, charitable, educational, civic or political organization.
 - (2) Any such organization as the Boy Scouts, Girl Scouts or local volunteer firemen.
- C. Exempted transactions. Nothing in this chapter shall be held to apply to:
 - (1) Sales conducted pursuant to statute or by order of any court.
 - (2) Persons selling personal property at wholesale to dealers in such articles.
 - (3) Merchants having an established place of business within the Village, or their employees.
 - (4) The peddling of meats, fish, fruits and similar produce by farmers and persons who produce such commodities, provided they have otherwise complied with any licensing, health and safety requirements of any other competent governmental body or agency.
 - (5) Dealers in milk, baked goods, heating oil, daily newspapers, and bottled gas.
 - (6) Licensed real estate brokers.

§ 155-11. Revocation of license.

- A. Causes. Licenses issued under the provisions of this chapter may be revoked by the Board of Trustees of the Village of New Paltz after notice and hearing for any of the following causes:
 - (1) Fraud, misrepresentation or false statement contained in the application for a license.
 - (2) Fraud, misrepresentation or false statement made in the course of carrying on his business as a hawker, peddler or solicitor.
 - (3) Any violation of this chapter.
 - (4) Conviction of any crime or misdemeanor involving moral turpitude.

- (5) Conducting the business of peddling, hawking or soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- B. Notice of hearing. Notice of hearing for revocation or refusal of a license shall be given in writing setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the licensee at his last known address at least 10 days prior to the date set for hearing.
- C. New application. No applicant to whom a license has been refused or who has had a license which has been revoked shall make further application until a period of at least 12 months shall have elapsed since the last previous rejection or revocation, unless he can show that the reason for such rejection or revocation no longer exists.
- D. Suspension; hearing; revocation by Licensing Officer. In addition to the foregoing, the Licensing Officer may forthwith temporarily suspend any license issued pursuant to this chapter upon receiving information giving reasonable cause to believe that any licensee hereunder has either violated this chapter by an act involving moral turpitude, physical abuse, threats, intimidation or harassment, or has been convicted of any violation of this chapter or of any crime or offense endangering the peace, safety, health or general welfare of the inhabitants of this Village. Within 10 days after such suspension, the Licensing Officer shall conduct a hearing and issue his determination as to whether the license shall be revoked or reinstated. If such hearing or determination is not made within said ten-day period, the license shall be restored automatically.

§ 155-12. Signs.

Appropriate signs, as the Trustees of the Village of New Paltz shall deem necessary, shall be erected by the Highway Department of the Village of New Paltz at such places within the Village of New Paltz as the Board of Trustees directs, advising of the existence of this chapter.

§ 155-13. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law punishable by a fine not exceeding that which is set annually by resolution of the Board of Trustees or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

Chapter 160

RETAIL CHECKOUT BAGS

GENERAL REFERENCES

Shopping carts — See Ch. 166.

§ 160-1. Legislative purpose.

The intent of this chapter is to improve the environment in the Village of New Paltz by encouraging the use of reusable checkout bags and banning the use of plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

§ 160-2. Findings.

Plastic bags often are discarded into the environment and end up polluting our waterways, clogging sewers, endangering marine life, and causing unsightly litter. These bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down.

§ 160-3. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the following definitions:

CHECKOUT BAG — A carry-out bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags, garment bags, or plastic bags measuring 28 inches by 36 inches or larger in size.

GARMENT BAG — A large plastic bag with two openings that is used to transport clothing from a clothing retailer or a garment cleaner such as a dry cleaner.

PLASTIC PRODUCE BAG — A bag made of very thin plastic used to transport produce, meats or other items selected by customers.

RECYCLABLE PAPER BAG — A paper bag that should have the following characteristics:

- A. Contains no old growth fiber;
- B. Is 100% recyclable overall and contains a minimum of 40% postconsumer recycled content; and
- C. Displays the words "reusable" and "recyclable" on the outside of the bag.

RETAIL SALES — The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea

markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

REUSABLE BAG — A bag with handles that is specifically designed and manufactured for multiple reuse and is:

- A. Made of cloth or other fabric; and/or
- B. Made of durable plastic that is at least 2.25 mils thick.

§ 160-4. Restriction on checkout bags.

Any person engaged in retail sales shall provide only reusable bags and/or recyclable, biodegradable bags and/or recyclable paper bags as checkout bags to customers.

§ 160-5. Penalties for offenses; continuing violations.

- A. In the event that there is noncompliance with this chapter, the owner or local manager shall be notified in writing with a first-time warning and shall forthwith stop the violating activity. Such notice shall be served upon the person to whom it is directed either by delivering it personally to him or her or by posting the same upon a conspicuous portion of the property and sending a copy of the same by certified mail. Such notice shall provide a period of 10 business days to cure such violation and come into compliance with this chapter, after which a violation and summons may be issued.
- B. The penalty for each violation thereafter shall be a fine not exceeding \$150 for each offense.
- C. Each day that such violation continues shall constitute a separate violation and shall be punishable as such.

§ 160-6. Effective date.

This chapter shall become effective on April 1, 2015, to allow retail establishments to dispose of their existing inventory of plastic checkout bags and convert to alternative packaging materials.

Chapter 163

SEWERS

ARTICLE I
Definitions

§ 163-1. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BOD (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in parts per million by weight.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls not including subsurface soil drains of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

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

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

pH — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is owned or controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SHALL — Is mandatory; "may" is permissive.

SLUG — Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or quantity of flow during normal operation.

STORM DRAIN (sometimes termed "STORM SEWER") — A sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

SUPERINTENDENT — The Superintendent of Public Works of the Village of New Paltz or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II
Use of Public Sewers Required

§ 163-2. Unsanitary disposal of wastes prohibited.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Village of New Paltz, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste, excepting insofar as may be permitted under the provisions of the State Sanitary Code.

§ 163-3. Discharge of untreated sewage prohibited.

It shall be unlawful to discharge to any natural outlet within the Village of New Paltz, or in any area under the jurisdiction of said Village, any sanitary sewage, industrial wastes, or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 163-4. Use of privies, septic tanks and other facilities restricted.

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

§ 163-5. Connection to available public sewer required.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Village of New Paltz, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line and the connection to said public sewer is feasible.

§ 163-6. Restriction on public sewer connection outside of Village boundaries. [Added 7-9-2003 by L.L. No. 5-2003; amended 12-17-2003 by L.L. No. 8-2003; 8-23-2006 by L.L. No. 14-2006]

- A. No connection may be made to the sanitary sewerage system of the Village by or on behalf of the owner of any parcel of land located outside of the Village which is, or could reasonably be made, contiguous to the incorporated boundary line of the Village unless and until such parcel of land has been annexed to the Village of New Paltz in the manner prescribed in Article 17 of the General Municipal Law of the State of New York or of any laws amending or supplementing the same.

- B. Such parcel of land defined above may connect to the Village sewer supply and distribution system without annexing to the Village only if:
- (1) It is an undue hardship to connect directly to the Village sewer supply and distribution system, such determination to be made solely by the Village Board of Trustees; and
 - (2) The parcel in question lies contiguous to an existing Town sewer district; and
 - (3) The owner(s) of said parcel have received the permission of both the Village Board of Trustees and the residents of said Town sewer district.

ARTICLE III
Private Sewage Disposal

§ 163-7. Private system permitted when public sewer not available.

Where a public sanitary or combined sewer is not available under the provisions of § 163-5 hereof, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the regulations of the appropriate authority having jurisdiction.¹¹

§ 163-8. Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent.

§ 163-9. Inspection.

A permit for a private sewage system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspections shall be made within 48 hours of the receipt of notice by the Superintendent.

§ 163-10. Compliance with state and other requirements.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the New York State Department of Environmental Conservation or any other agency having jurisdiction.¹² No permit shall be issued for any private disposal system employing subsurface soil absorption facilities where the area of the lot is less than 7,000 square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

§ 163-11. Connection with public sewer when available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 163-5 hereof, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

11. Editor's Note: Permit for new outlet and for disposal system required, Environmental Conservation Law § 17-0701.

12. Editor's Note: See Ulster County Department of Public Health regulations.

§ 163-12. Operation at owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village of New Paltz.

§ 163-13. Superintendent may impose additional requirements.

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

ARTICLE IV
Building Sewers and Connections

§ 163-14. Permit required to connect with public sewer.

No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 163-15. Classes of permits.

- A. There shall be two classes of building sewer permits:
- (1) For residential and commercial service.
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner or his agent shall make application on a special form furnished by the Village of New Paltz. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

§ 163-16. Apportionment of costs.

- A. Laterals. All costs and expenses for making the tap in the sewer main and the laying and installation of the sewer lateral from the main to the property shall be borne by the owner. The owner shall be responsible for the maintenance, repair and replacement of the lateral and the removal of any obstruction from the building to the sewer line.
- B. Building sewer. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§ 163-17. Separate building sewers; exception.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

§ 163-18. Old building sewers; when permitted.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 163-19. Building sewer specifications.

- A. Material and installation. The building sewer shall be cast iron soil pipe, ASTM specification (A74-42) or equal; vitrified clay sewer pipe, ASTM specification (C-13-44T) or equal; or approved asphalt pipe or other suitable material approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within three feet of a water service pipe level or above shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.
- B. Size, slope and diameter. The size and slope of the building sewer shall be subject to the approval of the Superintendent but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than 1/4 inch per foot.
- C. Elevation, depth and alignment. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
- D. Lift. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
- E. Excavations. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C-12-19) except that no backfill shall be placed until the work has been inspected.
- F. Joints and connections.
 - (1) All joints and connections shall be made gastight and watertight.
 - (2) Cast iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification (QQ-L-156), not less than one inch deep. Lead shall be run in one pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved.

- (3) All joints in vitrified clay pipe or between such pipe and metals shall be made with approved hot-poured jointing material or cement mortar as specified below.
 - (4) Material for hot-poured joints shall not soften sufficiently to destroy the effectiveness of the joint when subjected to a temperature of 160° F., nor be soluble in any of the wastes carried by the drainage system. The joint shall first be caulked tight with jute, hemp or similar approved material.
 - (5) Cement joints shall be made by packing a closely twisted jute or oakum gasket of suitable size to fill partly the annular space between the pipes. The remaining space shall be filled and firmly compacted with mortar composed of one part Portland cement and three parts mortar sand. The material shall be mixed dry; only sufficient water shall be added to make the mixture workable. Mortar which has begun to set shall not be used or retempered. Lime putty or hydrated lime may be substituted to the extent of not more than 25% of the volume of the Portland cement that may be added. Approved collars shall be used for asphalt pipe.
 - (6) Other jointing materials and methods may be used only by approval of the Superintendent.
- G. Interior cleanout. An interior cleanout fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall. The fitting shall contain a 45° branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout diameter shall be no less than that of the building lateral. **[Added 3-17-2004 by L.L. No. 1-2004]**
- H. Connection to sewer main. The connection of the building sewer into the public sewer shall be made at the Y branch, if such branch is available at a suitable location. Where no properly located Y branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45°. A forty-five-degree ell may be used to make such connection, with the spigot-end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.
- I. Notification of Superintendent. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

- J. Trench water; safeguards; restoration. Trench water will not be allowed to enter the public sewer unless specifically authorized. The building sewer trench shall be completely dewatered before the tap is made into the public sewer system. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent. When installation requires disturbance of paved public roads and shoulders, restoration shall involve backfilling to road grade. As soon as possible thereafter, the Village Department of Public Works (DPW) shall complete the road and shoulder restoration to Village standards. The cost of such final road and shoulder restoration by the DPW shall be included with the fees paid with the application for the permit required in § 163-14. **[Amended 3-17-2004 by L.L. No. 1-2004]**
- K. At the time of the issuance of the permit as provided for in § 163-15 hereof, the owner shall pay to the Village Clerk-Treasurer the sum as set annually by resolution of the Board of Trustees as a permit fee and in payment of the cost of the materials and labor supplied by the Village. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- L. Superintendent to supervise connection. The connection with the public sewer system shall be made by or under the supervision of the Superintendent and the Village shall supply the saddle to be used in making the connection.
- M. Maintenance. After the installation of the sewer connection, the building owner shall maintain the lateral line from the building to the point of connection to the public sewer line.

§ 163-20. Costs borne by owner. [Added 3-17-2004 by L.L. No. 1-2004]

All costs associated with the provisions of this article shall be borne by the property owners, unless specifically stated or agreed to be a cost borne by the Village. The property owner shall indemnify the Village from any loss or damage that may be directly or indirectly occasioned by the installation of the building and street laterals, connections and appurtenances.

ARTICLE V

Sanitary Sewer Specifications**§ 163-21. Approval of plans by Ulster County Department of Health.**

- A. No sanitary sewer shall be extended, or constructed with the intent to connect to the general sanitary sewer system, without first having the plans for the same approved by the Ulster County Department of Health.
- B. All sanitary sewers shall be constructed in accordance with the minimum requirements of the Ulster County Department of Health standards.

§ 163-22. Pipe laying.

Clay pipe shall be laid with asphaltic jointing material. Where groundwater conditions are encountered and the Superintendent deems it necessary, the bell and spigot of the clay pipe shall be primed before pouring the asphaltic compound. And where groundwater conditions are so severe as to prevent the construction of watertight joints, a cement-asbestos pipe or equal shall be substituted. This pipe shall be equipped with rubber rings and shall be installed as specified by the manufacturers.

§ 163-23. Manholes.

Manholes shall be constructed of brick or eight inch by eight inch blocks in accordance with specifications in the Superintendent's office. A channel of half-tile shall be laid in an eight-inch concrete base, and the exterior of the walls shall be plastered at least 3/4 inch in thickness with cement plaster. The manhole top shall be of the heavy highway type used by the Village of New Paltz.

§ 163-24. Discharge of trench water into system.

Trench water or any other water will not be allowed to enter the public sanitary sewer system unless specifically authorized. If no other place of disposal is available, permission may be given to discharge limited quantities into the sanitary sewer. However, under such circumstances, a settling area with sufficient retention period shall be provided to remove all earth, sand and similar substances.

**§ 163-25. Notification of Superintendent for inspection; approval.
[Amended 3-17-2004 by L.L. No. 1-2004]**

When trenches are excavated for the laying of building lateral pipes or for laying of street lateral pipes, such trenches shall be inspected by the Superintendent or his designated agent, as the proper official. Before the trenches are backfilled, the person performing such work shall notify the Superintendent, when the laying of the building lateral is completed, and

no backfilling of trenches shall begin until approval is obtained from the Superintendent.

ARTICLE VI
Use of Public Sewers

§ 163-26. Discharge of surface waters prohibited in sanitary sewer.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer.
- B. No person shall permit, continue or maintain on property owned by him any drain, pipe or other connection through which surface water, rainwater or roof water may flow into any sanitary sewer or any private drain connected to the sanitary sewer.

§ 163-27. Discharge of stormwater or unpolluted drainage.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling waters or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 163-28. New inflow sources prohibited. [Added 3-17-2004 by L.L. No. 1-2004]

No connections shall be made to a sanitary or combined sewer which connections are intended to discharge inflow. Such prohibited connections include but are not limited to footing drains, roof leaders, roof drains, cellar drains, sump pumps, catch basins, uncontaminated cooling water discharges or other sources of inflow.

§ 163-29. Existing inflow sources disconnected. [Added 3-17-2004 by L.L. No. 1-2004]

- A. For properties where separate storm sewers are available within 100 feet of the property line or where, in the judgment of the Superintendent, sufficient natural drainage is available, connections which contribute inflow to the sanitary sewers must be disconnected in a fashion approved by the Superintendent prior to the sale of the property.
- B. Upon notice from the Tax Assessor or Building Inspector, the Superintendent shall inspect any newly sold property for the purpose of determining if storm sewers or natural drainage is available, and, if so, if all connections which contribute inflow have been disconnected.
- C. It shall be a willful violation of this chapter for any person to reconnect any inflow source which has been disconnected pursuant to this article.

§ 163-30. Charges for inflow. [Added 3-17-2004 by L.L. No. 1-2004]

The Superintendent is enabled to take whatever action is necessary to determine the amount of inflow, including the requirement for installation of a control manhole. The property from which the inflow originated shall be billed for inflow according to Article IX. The Village Board may cause a surcharge at a rate not to exceed five times that for normal sewage volume charge.

§ 163-31. Prohibited wastes or waters.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waste or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150° F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substance capable of creating public nuisance.

§ 163-32. Grease, oil and sand interceptors.

- A. When required. Grease and oil traps and interceptors shall be installed at all premises of commercial kitchen and restaurants engaged in the preparation or service of food for the proper handling of liquid wastes containing grease in excessive amounts, flammable wastes, or other harmful ingredients prior to entering the Village wastewater collection

system. Interceptors shall not be required for private living quarters or dwelling units.

- B. Construction, general. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- C. Existing installations. When in the opinion of the Superintendent, an existing installation is incapable of handling liquid waste, the owner shall install a 1,000 gallon precast exterior grease interceptor if there is available space on the premises. The manufacturer's specification and installation plan must be reviewed and approved by the Superintendent prior to installation. When adequate space is not available on the premises, a 100 pound grease trap shall be installed inside the building, at a maximum distance from hot water discharges, as acceptable to the Superintendent. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. The manufacturer's specification and the installation plan from the owner must be reviewed and approved by the Superintendent prior to installation. All installations shall comply with New York State Department of Environmental Conservation (NYSDEC), Ulster County Health Department and local laws governing this type of construction.
- D. New construction. All food service facilities hereafter established shall be fitted with separate grease traps of precast concrete having a minimum 1,000 gallon capacity exterior to the structure, and accessible for inspection and pumpout, except that any food service facility with a seating capacity in excess of 150 seats shall be provided with a grease trap with a minimum capacity of 2,000 gallons. All installations shall comply with NYSDEC, Ulster County Health Department and local laws governing this type of installation.
- E. Preexisting nonconforming uses. All food service facilities which do not have grease and oil traps and interceptors at the premises shall install such interceptors in accordance with the requirements of this section no later than April 1, 1999.
- F. Maintenance. All grease and oil interceptors shall be maintained at the owner's expense in continuously efficient operation at all times. The grease and oil interceptor shall be pumped out when it is at 80% of its intended capacity and the contents disposed of at a NYSDEC approved disposal facility.
- G. Inspection. All installations shall be readily accessible and open to inspection by the Superintendent or his designee at any time. If during the time of inspection it is determined that the interceptor is at or above capacity, and not adequately performing its intended function, the owner of the facility will be given 72 hours from the time of the inspection to have a licensed contract hauler pump out and properly

dispose of the contents. The owner shall then contact the Superintendent for a reinspection. If the owner is found to be in noncompliance with these maintenance and inspection requirements, the Superintendent shall notify the Building Inspector who shall issue and serve an appearance ticket to the owner and pursue the remedies set forth in § 163-47 of this chapter.

- H. Recordkeeping. The owner of each facility responsible for the installation and maintenance of grease and oil traps and interceptors shall maintain a pumpout log which will include the proper recording of pumpout dates. It shall also include receipts indicating service dates and pumpout volumes from the hauler. This information shall be made available to the Superintendent at the time of inspection.

§ 163-33. Restrictions on discharge of certain wastes.

- A. Review and approval by Superintendent. The admission into the public sewers of any waters or wastes having:

- (1) A five-day BOD greater than 300 parts per million by weight;
- (2) Containing more than 350 parts per million by weight of suspended solids;
- (3) Containing any quantity of substance having the characteristics described in § 163-31 hereof; or
- (4) Having an average daily flow greater than 2% of the average daily sewage flow of the Village;

shall be subject to the review and approval of the Superintendent.

- B. Preliminary treatment. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- (1) Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight; or
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 163-31 hereof; or
- (3) Control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Water Pollution Control Commission of the County of Ulster, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- C. Maintenance. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 163-34. Manholes.

When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§ 163-35. Measurements, tests and analyses.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided or by suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by the customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

§ 163-36. Special charges.

No statement contained in this article shall be construed as preventing the Village from establishing special charges whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor, by the industrial concern.

ARTICLE VII
Protection From Damage

§ 163-37. Damaging or tampering with sewer. [Amended 11-28-2012 by L.L. No. 13-2012]

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.
- B. It shall be unlawful to discharge into any outlet within the district which is serviced by public sewers under the jurisdiction of the district any natural gas and oil production byproducts. It shall be unlawful to install any infrastructure or materials for the purpose of transporting or discharging any industrial wastes, or to perform natural gas exploration, extraction, or to produce natural gas extraction byproducts.
- C. Penalties for violations. Violation of this chapter is a misdemeanor and punishable by a maximum fine as set annually by resolution of the Board of Trustees and/or imprisonment of up to 15 days for each separate offense. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- D. The Village may maintain a civil action or proceeding to enjoin any action in violation of this chapter, or enforce any provision hereof, and for damages occasioned by the acts prohibited.

ARTICLE VIII
Powers and Authority of Inspectors

§ 163-38. Right to make inspections.

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 163-39. Observation of safety rules.

While performing the necessary work on private properties referred to in § 163-38 hereof, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by the negligence or failure of the company to maintain safe conditions as required in §§ 163-33C and 163-34 hereof.

§ 163-40. Entry on private property; easements.

A. Legislative considerations.

- (1) The Board of Trustees acknowledges that the sanitary sewage effluent and stormwater from a large number of private properties in the Village are discharged into sewer lines that were, in the course of years past, laid through neighboring private properties before connecting to the sanitary sewer mains and stormwater drainage system of the Village, and that there has heretofore been no clear delineation of the responsibility of the respective affected property owners or the Village for the maintenance and repair of those mains serving several properties located within the bounds of private lands.
- (2) The Board of Trustees is mindful that § 163-5 of the Municipal Code of the Village of New Paltz requires the owners of all properties abutting a street in which there is located a public sanitary sewer main within 100 feet of the property line to connect the sewer laterals of such properties to the municipal sewerage system.

- (3) The Board of Trustees is mindful that employees of the Village Department of Public Works have no legal right to enter upon private property to perform routine inspections, maintenance and repair of lines serving multiple properties except to rectify an emergency condition, unless the Village obtains a right-of-access by easement, condemnation or otherwise.
 - (4) The Board of Trustees further recognizes that it is illegal for the Village to perform repair services for private persons on private property as an unconstitutional gift of public funds in violation of Article VIII § 1 of the Constitution of the State of New York, even if the Village were to recoup the commensurate cost thereof by charging for such services because such undertaking is not a Village purpose.
 - (5) In adherence to these considerations, the Board of Trustees prescribes those sewer lines which are deemed to have a public character and the cost of performing work thereon.
- B. Circumstances authorizing entry. The Superintendent and other duly authorized employees of the Department of Public Works shall be permitted to enter upon private properties through which the Village has been granted a duly executed easement for the repair or replacement of a sanitary or stormwater sewer line which has been so damaged or obstructed as to create an imminent threat to the public health or welfare and which requires corrective action; provided, however:
- (1) That the property affected by a damaged or obstructed sanitary sewer line does not abut a street in which a municipal sanitary sewer main is located within 100 feet of the property line;
 - (2) That the repair or replacement by the Village may be performed only on that portion of a sewer line between the point of connection of two or more lines serving private properties and the public right-of-way; and
 - (3) That no such work shall be performed by employees of the Village on any portion of a sewer line serving only one parcel of land or adjoining parcels of land under common ownership.
- C. Cost of corrective action. The performance of work under the circumstances described in Subsection B of this section shall be undertaken at the expense of the Village unless the Superintendent determines that the obstruction or damage to the sewer line was caused by the negligence or misconduct of the owner or occupant of a particular parcel of property connected to such sewer line in which event he shall furnish to the Village Treasurer an itemization of the cost of such repair. The Village Treasurer shall send a statement to the owner or occupant to recover the cost thereof. If the charge is not paid, it shall be collected by the Village Treasurer as an assessment upon the premises on the real property tax statements issued by the Village

Treasurer on the tax collection date next following as provided by law. The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to redress the damage caused to the sewer system.

- D. Easement required. No premises shall hereafter be connected to a sewer line underlying and serving two or more private properties unless the owner thereof grants a duly executed easement to the Village, in form and manner suitable for recording, for access to the sewer line for the purpose of inspection, observation, measurement, sampling, repair, replacement, improvement and maintenance of any portion of the sewer line lying within said easement.
- E. Waiver or modification. Upon request of the Superintendent of Public Works or the owner of a parcel of property affected by the discharge of effluent into a shared use sewer line on private property, the Board of Trustees may waive or modify the provisions of this section following a public hearing, upon at least 10 days' prior written notice given to the Superintendent and to the owners of all other parcels of land believed to be affected by the same shared use private sewer line, upon proof that there are special circumstances or conditions:
 - (1) Which caused or resulted in the damage or obstruction to the shared use sewer line located on private property; or
 - (2) The inability or failure of the private property owner or owners to repair the damaged or obstructed sewer line without the need of assistance of the Department of Public Works; or
 - (3) Which reasonably preclude the direct connection of a sanitary sewer lateral on the property to the municipal sewerage system.

ARTICLE IX
Sanitary Sewers

§ 163-41. Legislative intent.

The purpose of this article is to establish and impose sewer rents for all users of the sewer system of the Village of New Paltz, pursuant to the authority vested in the Village by § 452 of the General Municipal Law of the State of New York.

§ 163-42. Short title.

This article shall be known and may be cited as the "Sewer Rent Law of the Village of New Paltz."

§ 163-43. Rental charges. [Amended 6-15-2005 by L.L. No. 4-2005; 8-22-2007 by L.L. No. 8-2007; 10-10-2012 by L.L. No. 11-2012]

- A. User charge system established. In addition to any other fees or charges provided by law, the owner or occupant of any parcel of real property located within or without the incorporated boundaries of the Village of New Paltz who contributes sewage to the Village sanitary sewerage system shall pay a sewer rent or charge for use of the sewer system. For the purpose of this action, such owner or occupant shall be referred to as a "user."
- B. Sewer user classifications. Sewer user classifications are hereby established to insure that the users of the Village sewerage system pay their proportionate share of the operation and maintenance (including replacement) costs of the Village sewerage system and sewage treatment facility. Rates are set to encourage and foster conservation of water usage and infrastructure resources among the highest-volume users, who have the greatest impact on the system as a whole, and who have the greatest ability to implement efficiencies to conserve water and lessen overall system degradation. The sewer-user classifications are hereby established and defined as follows:
- (1) Municipal water users; being any metered water user within the Village regardless of classification.
 - (2) Residential water user; any metered unit used primarily as a living facility within the Village.
 - (3) Residential nonmunicipal water user; any metered unit provided water by the Village used primarily as a living facility outside the Village.
 - (4) Industrial users; privately owned metered users primarily in the activity of either manufacturing or materials processing.
 - (5) Commercial water users; privately owned metered users primarily in the provision or distribution of a product or service.

- (6) Institutional users; being a public facility dedicated to public service, including but not limited to schools, governmental buildings, hospitals, and nursing homes.
- C. Municipal water users. For any such property supplied with water from the municipal water supply system, the sewer rental charges shall be as follows:

Rate per Gallon per Quarter

Number of Gallons	Village	Town
Minimum (up to 4,000)	\$17.50	\$26.25
4,001 to 50,000	\$0.004375	\$0.006563
50,001 to 100,000	\$0.004813	\$0.007219
100,001 to 200,000	\$0.005294	\$0.007941
200,001 to 400,000	\$0.005823	\$0.008735
400,001 to 750,000	\$0.006405	\$0.009608
750,001 and above	\$0.007046	\$0.010569

Rate per Cubic Feet per Quarter

Number of Cubic Feet	Village	Town
Minimum (up to 500)	\$17.50	\$26.25
501 to 7,000	\$0.035000	\$0.052500
7,001 to 15,000	\$0.038500	\$0.057750
15,001 to 25,000	\$0.042350	\$0.063525
25,001 to 50,000	\$0.046585	\$0.069878
50,001 to 100,000	\$0.051244	\$0.076865
100,001 and above	\$0.056368	\$0.084552

- (1) Users outside the Village. The meter charge to consumers outside the Village limits whose water service is not provided under an agreement with the Town of New Paltz shall be at the rate of 150% of the Village rate as set forth herein. Those properties to which water service is provided shall, by accepting such service, consent to the attachment of a tax lien against the property for nonpayment of any amount due under this provision.
- (2) Residential nonmunicipal water users. For any property not supplied with water by the Village water supply system, the amount of sewer rent shall be no less than that rate as set forth herein. Each user shall install an outflow meter to monitor the sewage outflow.

(3) Industrial and commercial municipal water users. For industrial and commercial properties supplied with water from the Village water supply system, the amount of the sewer rent shall be as set forth herein. As an alternative, the Village may enter into a contract with such user to charge at a rate based upon the domestic flow or properly pretreated large or industrial flow according to a formula established by said contract, based on the user's proportionate contribution to the total wastewater load from all users and user classes. The rates and charges in such agreement would be determined by such factors as the strength, volume and delivery flow-rate characteristics of the users.

(4) Industrial pretreatment shall be required for industrial users.

§ 163-44. Payment dates; enforcement.

- A. All sewer rents shall be paid to the Village Clerk-Treasurer quarterannually on the first days of March, June, September, and December in each year. In the event of failure to pay on the due date, a penalty of 5% of the amount of the sewer rent shall be added for the first month or portion thereof and an additional 0.5% for each month thereafter or portion of such default in payment.
- B. If bills remain unpaid 60 days after they become due, the water supply may be cut off in the same manner and procedure as for nonpayment of water bills and will not be turned on again until all charges are paid and until payment, in addition thereto, of the charges for turning off and on the water. No claim for damage or rebate shall be allowed by reason of the water being shut off.
- C. Sewer rents shall constitute a lien upon the real property for which they have been established and imposed. Pursuant to General Municipal Law § 452, Subdivision 3, the lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment, or other lawful charge imposed by or for the state or a political subdivision or district thereof. Delinquent sewer rents may also be enforced in the same manner provided for collection of water rents in § 207-13 of this Municipal Code.

§ 163-45. Sewer system described.

As used in this article, the "sewer system" for which the sewer rents are established shall mean and include all pipes and other appurtenances used in whole or in part in connection with the collection, treatment or disposal of sewage, industrial wastes and other wastes and which are owned, operated or maintained by the Village of New Paltz and shall also include any sewage pumping stations and sewage treatment or disposal works which may hereafter be constructed.

§ 163-46. Sewer rent fund.

All revenues derived from sewer rents shall be credited to a special fund, to be known as the "Sewer Rent Fund," and shall be used for the purposes and in the manner provided under Article 14F of the General Municipal Law.

ARTICLE X
Penalties

§ 163-47. Penalties for offenses.

- A. Enforcement. Violation of any of the provisions of this chapter is hereby declared to be a violation pursuant to the Penal Law. The Building Inspector shall issue and serve appearance tickets with respect to any violation of this chapter when he has reasonable cause to believe that such violation or offense has been committed.
- B. Violation of § 163-26. Any person found violating any provision of § 163-26 shall be liable to a penalty not exceeding the sum as set annually by resolution of the Board of Trustees or imprisonment not exceeding 15 days, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate, additional violation. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- C. Violation of § 163-37. Any person found violating any provision of § 163-37 shall be liable to a penalty not exceeding the sum as set annually by resolution of the Board of Trustees or imprisonment not exceeding 15 days, or by both such fine and imprisonment. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- D. Violation of chapter except §§ 163-26 and 163-37 and Article IX.
 - (1) Any person found violating any provision of this chapter except §§ 163-26 and 163-37 and Article IX shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The violator shall, within the period of time stated in such notice, permanently cease all violation.
 - (2) Any person who shall continue any violation beyond the time limit provided for in Subsection D(1) shall be guilty of a violation pursuant to the Penal Law and, upon conviction thereof, shall be fined in an amount not exceeding that which is set annually by resolution of the Board of Trustees for each violation. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- E. Injunctive relief. In addition to the above-provided penalties, the Board of Trustees may also 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 injunction the violation of any of the provisions of this chapter.
- F. Liability for damages. Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

Chapter 165

STORM SEWERS AND STORMWATER MANAGEMENT

GENERAL REFERENCES

Sewers — See Ch. 163.

Zoning — See Ch. 212.

ARTICLE I
General Provisions

§ 165-1. Title.

The title of this chapter shall be "Storm Sewers - Water Quality Standards, Stormwater Management, Access, and Operations."

§ 165-2. Statutory authority.

In accordance with § 10 of the Municipal Home Rule Law of the State of New York, the Village Board of Trustees of the Village of New Paltz (referenced interchangeably as "Village Board" and/or "Village Trustees") has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Village of New Paltz and for the protection and enhancement of its physical environment. The Village Board of Trustees of the Village of New Paltz may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor(s) to effectuate, administer and enforce such local law.

§ 165-3. Definitions.

When used in this chapter, unless otherwise expressly stated, or unless the context or subject matter otherwise requires, the following terms shall have the specific meaning indicated, with intent at the point of law construction for there to be interchangeability of terminology across different articles.

303(d) LIST — A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 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.

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 — See the definition within the Zoning chapter.¹³

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping measures, pollution prevention, and educational practices, maintenance procedures, and other physical or behavioral management procedures intended and established through evidence and standards to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices,

13.Editor's Note: See Ch. 212, Zoning, § 212-5.

operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BETTER SITE DESIGN (BSD) — A term used by NYSDEC representing site planning that incorporates nonstructural, open space conservation, and naturalistic techniques within new and redevelopment projects in order to reduce impacts on watersheds by conserving/enhancing natural areas, reducing impervious cover and better integrating stormwater treatment with a setting and its resource base. BSD relates to green infrastructure and low impact development (LID) planning.

BUILDING — See the definition within the Zoning chapter.¹⁴

CHANNEL — A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

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

CLEARING — Any activity that removes the vegetative surface cover.

CONSTRUCTION ACTIVITY, STATE REGULATED — Actions requiring state and local authorization under the NYDEC's SPDES permit for stormwater discharges from construction activity, General Permits GP-02-01 and GP-02-02, as amended or revised. Generally, in 2017, these activities included construction projects resulting in land disturbance of one or more acres unless otherwise excluded from regulation under GP-02-01 and/or GP-02-02. Such activities include but are not limited to clearing, grubbing, grading, excavating and demolition.

DEDICATION — Deliberate appropriation of property by its owner for general public use.

DEPARTMENT OF PUBLIC WORKS — The Village of New Paltz Department of Public Works (DPW), which is headed by the Superintendent of Public Works.

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.

DEVELOPER — A person who undertakes land development activities.

DISCHARGE — Any addition or introduction of any pollutant, stormwater, or any other regulated substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

DISCHARGER — Any person, as defined herein, who causes, allows, permits, or is otherwise responsible for a discharge into a municipal storm sewer.

EPA — The Environmental Protection Agency of the United States of America.

14. Editor's Note: See Ch. 212, Zoning, § 212-5.

EROSION CONTROL MANUAL — The most recent effected version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book."

EXEMPT LAND DEVELOPMENT ACTIVITY — The following activities are exempt from review under land development (Article III) thresholds of this chapter: defined agricultural activities; routine maintenance activities that disturb less than one acre of land and which are performed to maintain the original line and grade, hydraulic capacity, or the original purpose of a legally conforming or legally nonconforming existing facility; routine repairs to an established stormwater management facility expressly authorized in writing by the Stormwater Management Officer; any parcel of land within a subdivision plat indicated on a subdivision plat which received final approval and on which construction commenced on or before the effective date of this chapter; land development activities on land not incorporated within an approved subdivision, but for which a currently valid building permit was approved on or before the effective date of this chapter; cemetery graves; installation of fence, sign, telephone, and electric poles and other kinds of posts or poles, where there is not a requirement for site plan approval per zoning; emergency activities deemed immediately necessary by the Village Trustees, or when more timely action is needed as deemed necessary by the Mayor, or their assigns, to protect life, property or natural resources; limited landscaping and horticultural activities in connection with an existing legally conforming or legally nonconforming structure and/or existing site; activities of an individual engaging in home gardening intended primarily for the benefit and use by that person and his or her household.

FACILITY — Any lands and appurtenances, including but not limited to construction sites, required by the Federal Clean Water Act, or other jurisdiction, to have a permit to discharge stormwater associated with industrial activity and/or any other regulated activity.

GRADING — See the definition within the Zoning chapter;¹⁵ generally movement, excavation, or fill of material, including the resulting conditions thereof.

HAZARDOUS MATERIAL — 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 present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, exposed, or otherwise managed.

HOTSPOT, STORMWATER — A land use or activity that generates higher concentrations of hydrocarbons, trace metals, or other toxicants than are found in typical stormwater runoff, based on monitoring activity.

ILLICIT CONNECTION — Any drain or conveyance, on the surface or subsurface, which allows an unlawful discharge to enter the Village-owned

15. Editor's Note: See Ch. 212, Zoning, § 212-5.

municipal separate storm sewer system, including but not limited to (see also § 165-8):

- A. Any conveyances regulated under Article II which allow any nonstormwater discharge, including treated or untreated sewage, process wastewater, and wash water, to enter the Village-owned municipal separate storm sewer system 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 Village-owned municipal separate storm sewer system that has not been documented in plans, maps, or equivalent records and applications lawfully approved by an authorized enforcement agency.

ILLCIT DISCHARGE — Any direct or indirect regulated nonstormwater discharge to the Village-owned municipal separate storm sewer system, except as explicitly exempted within an article within this chapter.

IMPERVIOUS SURFACE — See the definition within the Zoning chapter.¹⁶ Permitted and properly operated/maintained green infrastructure like but not exclusive of green roofs, porous pavers, or porous pavement should be considered pervious.

INDUSTRIAL STORMWATER PERMIT — A State Pollutant Discharge Elimination System (SPDES) 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, such as per GP-98-03, as amended or revised.

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, not including an exempt land development activity, including clearing, grading, excavating, soil disturbance, or other building and site programming activity, that involves land surface modification/movement of fill that results in land disturbance of equal to or greater than 3,000 square feet, or an activity 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. Generally, in the Village of New Paltz there is a requirement that land development activity must undergo site plan review as per Chapter 212, Zoning.

16. Editor's Note: See Ch. 212, Zoning, § 212-5.

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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM — MS4.

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.

NYSDEC — The New York State Department of Environmental Conservation, or its successor (also referred to as "Department").

PERSON — Any individual, association, organization, partnership, firm, corporation, county or state government or any subdivision thereof, or any other entity recognized by law and activity as either the owner, or as the owner's agent or vendee, such entity which is operating a property, or conducting a practice or activity on it.

PHASING — Clearing a parcel of land in distinct pieces or parts, in a sequence, 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.

RECHARGE — The replenishment of underground water reserves.

SEDIMENT CONTROL — Measures that prevent eroded sediment from leaving the site and/or the location where it is intended to remain.

SENSITIVE AREAS — Cold-water fisheries, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 — A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land, or any applicable superseding permit.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-02-02 — The permit under the New York SPDES, or as subsequently amended or superseded, issued to municipalities to regulate discharges from municipal

separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION — The use of practices that prevent exposed soil from eroding.

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 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 COMMITTEE — A group of designated municipal officials that provides administrative review and in certain defined instances makes determinations concerning this chapter. At the point of establishing this chapter the Committee consisted of the Stormwater Management Officer, DPW Superintendent, and Village Planner. Membership of this body is appointed annually by the Trustees. The Committee should meet at least every six months and maintain a record of its proceedings, with copies provided to the Village Clerk.

STORMWATER MANAGEMENT FACILITY — One or a series of stormwater management practices, including structures, landscaping, and grading, installed, stabilized and operating for the purpose of controlling stormwater runoff, including its quality.

STORMWATER MANAGEMENT OFFICER (SMO) — The head of the Building Department, or the Building Inspector expressly authorized by the Village Trustees, responsible for the inspection of stormwater management practices, enforcement of this chapter and corresponding Municipal Code compliance, including the administration and enforcement of approved SWPPPs, who also has the power to accept and review or administer review of stormwater pollution prevention plans, forward such materials to an applicable municipal review board, or provide approval of certain actions as defined herein.

STORMWATER MANAGEMENT PRACTICES (SMPs) — Measures, either structural or nonstructural, that are determined through evidence to be the most effective or 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, program and specifications for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF — Flow on the ground surface resulting from precipitation.

SURFACE WATERS OF STATE OF NEW YORK — Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals 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 in 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.

TDML — Total maximum daily load; the maximum amount of a pollutant allowed to be released into a water body so as not to impair uses of the water, allocated among the sources of that pollutant.

VILLAGE — The incorporated Village of New Paltz.

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

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 directing surface runoff to a watercourse or public storm drain.

ARTICLE II

Illicit Discharges, Activities and Connections**§ 165-4. Purpose, intent and findings.**

The purpose of this article is to provide for the health, safety and general welfare of the citizens of the Village of New Paltz (Village) through the regulation of stormwater and nonstormwater discharges, as regulated hereunder, to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the MS4 in order for the Village to comply with requirements of the SPDES general permit for municipal separate storm sewer systems.

A. Among several purposes of this article are the following:

- (1) To meet the requirements of the SPDES general permit for stormwater discharges from MS4s, Permit No. GP-02-02, or as amended or revised;
- (2) To regulate the contribution of pollutants to the MS4;
- (3) To prohibit illicit connections, activities and discharges to the MS4;
- (4) To conserve the capacity of the MS4 and provide for its optimal operation;
- (5) To prohibit illicit connections, activities and discharges to the MS4;
- (6) To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance; and
- (7) 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, other pollutants, and flows into the MS4.

B. The Village Board makes the following findings in consideration of this article:

- (1) That the regulation of nonstormwater discharges to the Village-owned municipal separate storm sewer system, to the maximum extent practicable, is essential to protect the health, safety and general welfare of the citizens of the Village.
- (2) The Village Trustees further determines that controlling the introduction of polluted stormwater and nonstormwater pollutants into the Village-owned municipal separate storm sewer system is critical in order to comply with requirements of the state Pollution Discharge Elimination System General Permit No. GP-02-02 for municipal separate storm sewer systems.

- (3) In addition to the enforcement processes, penalties, and fees provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article which is deemed to be an imminent threat to public health, safety, and/or welfare may further be declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action may be taken to abate, enjoin, or otherwise compel the cessation of such violation and/or nuisance in accordance with the procedures set forth within this article.
- (4) This article shall apply to all MS4 designated areas situate within the Village that are Village-controlled. The Village is a Traditional Land Use Control MS4. At point of enactment, this policy covers the full area of Village government land use control encompassing United States Census defined urbanized and nonurbanized areas, including around Huguenot Street and west of the Wallkill River. It does not cover areas owned or managed by government jurisdictions such as public schools, universities, facilities of Ulster County and the New York State Department of Transportation, although it does cover emissions from them entering into the Village's control.

§ 165-5. Applicability.

This article shall apply to all water entering the Village-owned municipal separate storm sewer system within the Village's jurisdictional MS4 designated areas as generated on any developed and undeveloped lands unless explicitly exempted hereunder, or unless explicitly exempted as authorized by an enforcement agency.

§ 165-6. Administration.

The Stormwater Management Officer (SMO) shall administer, implement, and enforce the provisions of this chapter and article. Such powers granted or duties imposed upon and granted to the authorized enforcement official may be delegated in writing by the SMO. Such written delegation shall be kept and maintained within the Stormwater Management Officer's files, and copies shall further be provided to Village Clerk, Treasurer, DPW Superintendent, Village Planner, Village Engineer, and Attorney. The SMO shall possess the authority, as documented in records of the Stormwater Management Committee placed on file with Village Clerk, with a majority Committee vote, to promulgate rules and regulations necessary to administer, enforce and forward this article and this chapter and its purposes, including but not limited to the institution and use of permits, forms, procedures, fees, and other regulatory mechanisms, in order to advance the purposes of this article and chapter, provided that any matter requiring Trustees action shall be also ratified by them.

§ 165-7. Illegal discharges.

No person shall discharge or cause to be discharged into the Village-owned MS4 any materials other than lawful discharges of stormwater, except as provided in § 165-8, Exemptions. The commencement, conduct or continuance of any illegal discharge to the Village-owned MS4 is prohibited except as described in § 165-8.

§ 165-8. Exemptions.

- A. Consistent with definitions, the following discharges are exempt from discharge prohibitions established by this article, unless the Village or Department has, pursuant to law, officially determined such discharges to be substantial contributors of pollutants:
- (1) 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 firefighting activities, agricultural stormwater runoff from lawful agricultural practices, and any other water source not containing pollutants. In no event shall this article be read to create, permit or authorize agriculture discharge exemptions beyond those which are in effect pursuant to the Clean Water Act.
 - (2) Discharges approved in writing by the Stormwater Management Officer 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 Stormwater Management Officer may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this article.
 - (3) Dye testing in compliance with applicable state, regional and local laws.
 - (4) Activities and uses essential to ensure acute emergency police, fire, and rescue functions and emergency response undertaken by either the Village, town, or county, by New York State or any subdivision of it, or by a nonprofit organization authorized by the Village to provide related public services; essential activities to promote public health, safety, and well-being of persons and property therein and to implement emergency orders and regulations, upon appropriate jurisdiction, of the Ulster County

Department of Health, Ulster County Emergency Management Agency and/or New York State, including the State Department of Health, with written notification to the Stormwater Management Officer, Chief Elected Official (Mayor), and DPW Director; and any actual and ongoing emergency activity which directly addresses an imminent threat to life, property or structures of any kind. Such emergency activities may include, but are not limited to: fire suppression operations, preventative or remedial activities related to mitigation, cleanup, or control of stormwater and/or contamination or threatened contamination of groundwater and/or surface water, response to imminent floods, hurricanes and other hazard events that follow established emergency response plans, firefighting and public health emergencies.

- B. Despite the general exemption in § 165-8A, a sump(s) on a property can be prevented from discharging to the municipal separate storm sewer system if it is reasonably believed to be a source of hazardous pollutants, substantial turbidity, or flows. Nothing hereunder shall prevent the Stormwater Management Officer from preventing access to the MS4 or rescinding a prior discharge allowance for a sump based on probable cause.
- C. The prohibition shall not apply to any discharge permitted under an authorized 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 Village-owned municipal separate storm sewer system. A lawfully issued SPDES permit shall constitute compliance with this subsection in all manner and respects, provided that the person and/or discharger to which the permit is issued is fully compliant therewith.

§ 165-9. Illicit connections prohibited.

The construction, use, maintenance or continued existence of illicit connections to the Village-owned municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law and whether all lawful approvals were granted and/or regardless of whether the connection was previously unregulated pursuant to practices applicable or prevailing at the time of connection. A person is considered to be in violation of this article if he or she illegally connects a line conveying sewage or other waste waters to the Village-owned MS4, or allows such an illegal connection to continue.

§ 165-10. Activities contaminating stormwater prohibited.

- A. Activities are prohibited that cause or contribute to a violation of the Village-owned municipal separate storm sewer system SPDES permit or cause or contribute to the Village being subject to the special conditions.
- B. Upon written notification to a person that he or she is engaged in activities that cause or contribute to violations of the Village-owned municipal separate storm sewer system SPDES permit authorization, that person shall, upon receipt of such notice, immediately take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the Village's MS4 SPDES permit authorization.
- C. Discovery. If at any time the SMO believes there may be an illegal connection to the MS4, the property owner/applicant may be compelled to perform tests or generate acceptable documentation to confirm that there is not an illicit connection/contamination of stormwaters. Such investigation, as defined by the SMO, may be either directly performed by the owner/applicant or Village-led, either directly or by its assigned contractors. While not necessary, discovery can be triggered by an application for a building permit or certificate of occupancy, and fees and policy may be established to aid this purpose.

§ 165-11. Use of best management practices.

- A. Where the Stormwater Management Officer has identified illicit discharges, including as defined in § 165-3 or by way of activities in § 165-10, Activities contaminating stormwater prohibited, the Village may, among other remedies as set forth within this article, require the implementation of best management practices (BMPs) to control those illicit discharges and activities.
- B. The owner or operator of a commercial or industrial establishment shall provide, at her/his own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Village-owned municipal separate storm sewer system through the use of structural and nonstructural BMPs.
- C. Any owner, discharger or operator or other person responsible for a property or premises which is or may be the source of an illicit discharge as defined in § 165-3 or an activity contaminating stormwater as defined in this article may be required to implement, at said person's expense, additional structural and nonstructural BMPs to reduce or eliminate the source of pollutants to the Village-owned MS4.
- D. Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial and/or other regulated activities shall be deemed compliance with the provisions of this section.

§ 165-12. Suspension of access to system.

- A. Imminent danger. The Stormwater Management Officer may, without prior notice, suspend Village-owned municipal separate storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and/or substantial danger to the environment, to the health or welfare of persons, or to the Village-owned MS4. The SMO shall follow up such suspension within a reasonable time thereafter by providing in writing the reasons for the suspension. If the violator fails to comply with a suspension order issued in such emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the Village-owned municipal separate storm sewer system or to minimize and abate any and all danger to persons.
- B. Suspension due to the detection of illicit discharge. Any person discharging to the Village-owned MS4 in violation of this chapter may have its MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify an alleged violator in writing of the proposed termination of its Village-owned municipal separate storm sewer system access and the reasons therefor.
- (1) Within 15 days of the issuance of such notice, the alleged violator may petition the Stormwater Management Officer for a reconsideration and hearing. Access to the MS4 may be granted by the SMO if he or she finds in writing that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. A fee may be charged for renewed access to the MS4.
 - (2) Access to the MS4 may continue to be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur.
 - (3) A person commits an offense if there is reinstatement of access of the premises to the Village-owned municipal separate storm sewer system terminated pursuant to this section without the prior approval of the Stormwater Management Officer or a court of competent jurisdiction.

§ 165-13. 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 Stormwater Management Officer prior to allowing discharges to the Village-owned municipal separate storm sewer system. Upon such proof being provided, the SMO shall render his/her determination as to acceptability and shall provide the person with such written determination.

§ 165-14. Access to facilities and monitoring of discharges.

- A. Applicability. This section applies to all facilities that the Stormwater Management Officer must inspect to enforce any provision of this chapter or whenever the authorized enforcement agency has probable cause to believe that there exists, or potentially exists, in or upon any premises, any condition that constitutes a violation of this chapter.
- B. Access to facilities. Upon compliance with the requirements of this chapter, the Stormwater Management Officer 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 reasonable and necessary arrangements to allow access to the SMO.
- (1) Facility operators shall allow the 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.
 - (2) Unreasonable delay in allowing the Village access to a facility subject to this chapter is a violation of this chapter. A person who is the operator or owner or discharger of a facility subject to this chapter commits an offense if the person denies the SMO reasonable access to the facility for the purpose of conducting any compliance activity authorized or required by this chapter.
 - (3) 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 there may be a violation of this chapter or that there is a need to inspect and/or sample as part of such 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.
- C. Monitoring. Following any adjudicated violation of this chapter, or as part of an enforcement proceeding, the Village shall have the right to set up, on any facility subject to this chapter, such devices as are necessary in the reasonable determination of the Stormwater Management Officer to conduct monitoring and/or sampling of the facility's stormwater discharge. In connection therewith, the Village 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 or the owner at its own expense. All devices used to measure stormwater flow and quality shall be properly calibrated to ensure their accuracy, and proof of such calibration shall be furnished to the SMO following request therefor.

§ 165-15. Notification of spills.

Notwithstanding any other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response or environmental compliance for a facility or operation, or any contractor or vendee working at or on a premises, has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into the Village-owned municipal separate storm sewer system, said person shall take such 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 along with additional notification provided to the Village Stormwater Management Officer and DPW. Following on from the initial event, for a release of hazardous materials, said person shall notify the Village SMO in person or by telephone no later than the next business day, and for a release of nonhazardous materials within two business days. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Village care of the Village Clerk within five business days of original notice, with copies directed to the SMO and DPW. 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 promptly provided to the SMO, and such records shall be retained on site for at least five years.

§ 165-16. Enforcement.

- A. When the Village's Stormwater Management Officer determines that a person has violated a prohibition or failed to meet a requirement of this article or this chapter, he or she may order compliance by written notice of violation to the owner and the discharger, if different than the owner, as the alleged responsible person. A stop-work order or withholding or withdrawal of a building permit or a certificate of occupancy or application therefor may also occur per § 165-40. Such notice and/or subsequent enforcement remedies 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 and/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 fee, a fine, and/or recoupment of all quantified Village expenditures as necessary to abate the violation;
 - (6) The implementation of source control or treatment BMPs; and
 - (7) Ordering that all permits, approvals and/or authorizations be obtained, if lawfully permitted by statute, for any continuing discharges, practices and/or operations.
- B. If abatement of a violation and/or restoration of affected property is ultimately required, written confirmation 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 may be undertaken and completed by a designated Village governmental agency or a Village-retained contractor, and all expenses thereof shall be charged to the discharger and/or the owner as the violator, in addition to any fees, fines or penalties which may be assessed, including stop-work orders, or withholding or withdrawal of building permit or certificate of occupancy.
- C. Prior notice shall not be required in the event that the Stormwater Management Officer reasonably determines that an imminent threat to life may exist as a result of the violation of this article.

§ 165-17. Appeal of notice of violation.

- A. Procedure. Any person receiving a notice of violation may appeal the determination of the Stormwater Management Officer within 15 days of its issuance. Said appeal shall be filed with the Stormwater Management Officer, who shall transmit her/his original findings and the appeal to the Village Trustees (and Village Clerk), unless there is a cited violation of zoning performance standards, or other zoning regulations (Chapter 212), in which case the Zoning Board of Appeals has statutory standing and shall serve as the appeal body. Copies of the appeal package shall also be provided to the Department of Public Works Superintendent, Village Clerk, Village Planner, Village Attorney and Engineer. When the Village Trustees have standing, they shall hear the appeal within 30 days after the filing of the appeal and, within five business days of making their written decision, file their final written decision with Village Clerk and mail a copy of their decision by certified mail to the discharger, and provide a copy to the SMO, DPW Superintendent, Village Engineer and Attorney; otherwise, the ZBA shall follow protocols within zoning.
- B. Relief. Persons who may be individually, jointly or severally aggrieved by any determination made by the Village Trustees, or the Zoning Board of Appeals, as the case may be, may apply to the Supreme Court of the State of New York for review of such decision under Article 78 of the Civil Practice Laws and Rules of the State of New York.

§ 165-18. Corrective measures after appeal.

- A. Absent other controlling procedures, if an appeal under this chapter has been pursued and the violation has not been corrected pursuant to the requirements set forth in the notice of violation which has been adjudicated, then within 21 business days of the written issuance of the decision upholding the Stormwater Management Officer's action, the SMO shall request the owner's permission for access to the subject 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 property, the Stormwater Management Officer may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property and make any and all determinations which are authorized. Upon determination that a violation has occurred and/or is continuing, 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 as set forth in § 165-16, Enforcement, and besides the cost of any needed remediation and fees, the Village can pursue up to double the damages otherwise provided in § 165-19, Penalties for offenses.
- C. Nothing in this section shall be read to limit, abrogate or otherwise affect the authority possessed by the Stormwater Management Officer pursuant to § 165-12A of this article.

§ 165-19. Penalties for offenses.

- A. Administrative sanctions.
 - (1) Any person who violates the provisions of this chapter, including any provision of any authorization issued, any condition set, or any fees required, shall be liable to the Village for a civil penalty of not more than \$3,000 for every such violation. Each week of the violation may be considered a separate offense. Such civil penalty may be recovered in any action brought by the Village at the request and in the name of the Village in any court of competent jurisdiction. Such penalty shall be in addition to any separate required fees or remediation/corrective action/compliance expenses.
 - (2) Such civil penalty may be released or compromised by written action of the Village, and any action commenced to recover the same may be settled and discontinued by the Village. Any such penalty of the Village shall be enforceable in an action brought in any court of competent jurisdiction. Any civil penalty or order issued by the Village pursuant to the criteria set forth herein shall be reviewable in a proceeding pursuant to Article 78 of the State Civil Practice Law and Rules.

- B. Criminal sanctions. Any person who violates the provisions of this chapter, including any provision of any authorization issued, any condition set, or fees required pursuant to this article, may in addition, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 and not more than \$1,000. For a second and each subsequent offense he/she shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000, or a term of imprisonment of not less than 30 days nor more than six months, or both. Each violation may be deemed a separate and distinct offense, and in the case of continuing violation, each week in continuance thereof may be deemed a separate and distinct offense.
- C. Final determination; costs. In addition to the foregoing remedies, any person who violates the provisions of this chapter and is found guilty by a final administrative determination and/or a final adjudicated determination by a court of competent jurisdiction shall be responsible for paying over to and reimbursing the Village for all quantified costs, penalties and/or fines as may result from, or be imposed by, the Department, the EPA, and/or any other enforcement agency pursuant to the Clean Water Act, the State Pollutant Discharge Elimination System (SPDES) requirements, and/or any other applicable statutory authority for such violation.

§ 165-20. 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 Stormwater Management Officer 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 and/or remediation of the violation and/or for such other further relief as any court of competent jurisdiction may order.

§ 165-21. Alternative remedies.

- A. Where a person has been charged with violations of this chapter and/or when a person has been determined to have violated a provision of this chapter, he or she may be eligible for alternative remedies in lieu of a civil and/or criminal penalty, upon written recommendation of the Building Department Chief, Village Attorney, and the Village Trustees where a written determination is made that:
- (1) The violation was unintentional;
 - (2) The violator has no history of previous violations of this article;
 - (3) Any environmental damage was minimal;
 - (4) The violator acted quickly to remedy the violation; and/or
 - (5) The violator cooperated in the investigation and resolution.

- B. Alternative remedies may consist of one or more of the following:
- (1) Attendance at stormwater management compliance workshops.
 - (2) Storm drain stenciling and/or storm drain marking.
 - (3) Tree planting, other planned vegetative plantings, or other predetermined and pre-arranged environmental or ecological enhancements.
 - (4) Participation in community outreach programs concerning stormwater management.
 - (5) Other desirable reasonably related mitigation set forth in a local or regional plan or program or policy.
- C. In the event of noncompliance with the foregoing alternative remedies, the Village reserves the right to enforce any and all provisions of this article.

§ 165-22. Remedies not exclusive.

The remedies listed in this article and this chapter are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the Stormwater Management Officer to make such recommendations on alternative remedies and the Village Trustees to make such determinations. Nothing in this article shall be read to preclude the enforcement by the Village of any other laws as may be applicable to illicit discharges, including but not limited to statutory authorizations as set forth within the New York State Highway Law, the New York State Village or General Municipal Law, and the New York State Public Health Law.

§ 165-23. Annual review.

The Stormwater Management Officer shall submit an annual report to the Village Trustees not later than the first day of February of each year concerning the administration, efficacy and enforcement of this chapter. Such reports and recommendations shall assist the Village to monitor and evaluate the extent to which the intent and purpose of this article have been served.

§ 165-24. Conflict with other regulations.

Where the standards and legal requirements of this article are in conflict with other environmental and/or land use regulations and/or other environmental protective measures, the Village shall decide which standards and legal requirements shall apply, and it may choose those that are more restrictive.

§ 165-25. Interpretation.

This article shall be interpreted under, construed by and governed pursuant to the laws of the State of New York.

ARTICLE III

**Stormwater Management and Erosion and Sediment Control in
Conjunction with Land Development****§ 165-26. 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. Stormwater runoff contributes to increased quantities of waterborne pollutants, including siltation of aquatic habitat and increases in water temperature which are detrimental to fish and other desirable species.
- C. Clearing and grading during construction tends to increase soil erosion and impact native vegetation necessary for terrestrial and aquatic habitat.
- 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 of stormwater runoff 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 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 which is more 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.
- J. Climate change and the increased risk of severe storms, with the capacity to increase stormwater runoff and soil erosion, poses a significant threat to a community's sustainability and the health and safety of its citizens through potential increases in pollution of its

waterways and damage to infrastructure, economic assets, and natural resources;

- K. Green infrastructure (GI) is shown to be an effective method for reducing impacts from stormwater runoff. It delivers many co-benefits, and considering sub-area context, GI should be implemented in order to restore natural hydrologic regimes, increase infiltration, slow runoff, and protect communities from the risks associated with stormwater runoff and soil erosion;
- L. Stream buffers and vegetated floodplains treat stormwater, improve water quality, reduce floodwater velocity, and provide space to accommodate flood events; and
- M. Fitting development design to terrain and avoiding and mitigating impacts on steep slopes, floodplains, and wetlands helps to preserve natural hydrology, drainageways, and natural resources of sites, reduces the need for grading and land disturbance, and provides a framework for an integrated site design and layout.

§ 165-27. Purpose.

This article establishes 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 § 165-26 hereof. The article seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of Minimum Control Measures 4 and 5 of the most current applicable version of the New York SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s);
- B. Require land development activities to conform to the substantive requirements of the most current applicable version of the SPDES General Permit for Stormwater Discharges from Construction Activities;
- C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank 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;

- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices while ensuring that these management practices are properly maintained and sustained and eliminate threats to public safety;
- G. Advance the use of green infrastructure practices to control stormwater runoff, such as protecting natural areas, reducing impervious cover, maintaining natural hydrology, and using GI-based runoff reduction techniques to the maximum extent practicable;
- H. Adapt to current and projected climate change impacts, decrease risk of storm-related flooding, and increase resilience to severe storm surges;
- I. Reduce the impact on the environment, protect water quality, reduce the potential for erosion and protect sensitive habitats by locating development away from floodplains, more ecologically sensitive areas, by considering the relationship of development to permeable soils, and limiting the amount of clearing and grading; and
- J. Ensure control of stormwater management and the altered potential for flooding on site and on adjacent properties through a requirement that there be express permission in order to conduct land development activity.

§ 165-28. Applicability.

- A. This chapter shall be applicable to all actions that are not exempt land development activities as defined in this chapter, Article I, § 165-3. All land development activities subject to review and approval by the Planning Board of the Village of New Paltz under zoning or subdivision policy (including site plan and/or special permit regulations) shall also be reviewed subject to the standards contained in this chapter. Likewise, a land development activity coming before the Zoning Board of Appeals of the Village shall also be covered by the standards within this chapter.
- B. The municipality shall designate the Stormwater Management Officer, as defined in Article I, § 165-3, as the official who shall accept and administer all required stormwater pollution prevention plans (SWPPPs). The SMO may:
 - (1) Review an SWPPP, when applicable, including to define whether any initial submission is complete and may be referred to the Village Planning Board or Zoning Board, if applicable, for its review and approval (This is typically design-stage.);
 - (2) Engage the services of a registered professional engineer, or other qualified professional, to review SWPPPs, including all attendant specifications and related documents, at a cost not to exceed the rates established within a schedule and structure established by the SMO, such cost of review being fully funded by an applicant and

reimbursable to the Village using an applicant-funded escrow account (also known as a "trust and agency account") established and administered for that purpose. Funding placed within an escrow for the purpose of underwriting review is in addition to any associated fees established by the Village Trustees;

- (3) Accept the certification of a licensed or credentialed qualified professional on behalf of an applicant that an SWPPP conforms to the requirements of this chapter, including any case where an action is not subject to review per preceding Subsection B(1).
- (4) Approve an SWPPP. For cases where the Planning Board and/or Zoning Board of Appeals were involved in granting a permit or approval, such as for a site plan, and there has already been submission and review of a stormwater pollution prevention plan (SWPPP) with a written determination or decision of such body, such as conditional approval, when the Stormwater Management Officer is delegated such responsibility, the SMO may administer and approve the SWPPP in its final form (final SWPPP) in compliance with the requirements of this chapter and any project-specific conditions or stipulations.
- (5) Requests for waivers:
 - (a) The Stormwater Management Officer may act on a written request for waiver from § 165-29A by providing the rationale for granting such waiver and defining any stipulations associated with it by making a written determination.
 - (b) Any other waiver requested by an applicant in writing may be granted by the Stormwater Management Officer based on a majority vote in favor of allowing such waiver by the Stormwater Management Committee.

§ 165-29. Stormwater pollution prevention plans (SWPPPs) requirement.

No application for approval of a land development activity shall be reviewed until the appropriate board receives a substantially complete and intelligible stormwater pollution prevention plan prepared in accordance with the specifications in this chapter.

- A. Contents of stormwater pollution prevention plans. All SWPPPs shall be appropriately linked to a site plan, when a site plan is required under zoning, in that the SWPPP must be referenced on and relate to the main site plan presenting the overall development program.
 - (1) Each SWPPP shall provide the following data, contextual descriptions, programming and specifications, including details of the construction phase erosion and sediment control plans and specifications:

- (a) Background information about the project scope, including location, type, and size of project.
- (b) A smaller-scale general location map at one inch equals 200 feet.
- (c) Site map(s)/construction drawing(s) for the project, at a scale preferably of one inch equals 50 feet, but no smaller than one inch equals 100 feet. At a minimum, the site map should show total site area; existing stormwater management systems, including MS4, on or within 100 feet of the property; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) and classifications, if available, as well as any regulated buffer area, as per Village, state, or federal policy; one-hundred-year floodplain and floodway boundaries; wetlands; drainage patterns that could be affected by the construction activity; existing and final contours; locations of different soil types with boundaries; locations of on- and off-site material, waste, borrow or equipment storage and construction staging areas; and location(s) of the stormwater discharges(s).
- (d) Additional descriptions of soil(s) present at the site, including identification of the hydrologic soil group (HSG) and soil erosion factor(s).
- (e) A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Following methodology consistent with the protocols within the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one acre shall be disturbed at any one time unless pursuant to an approved SWPPP.
- (f) A description of the pollution prevention measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutant source in stormwater runoff.
- (g) A description of ground cover conditions on the property.
- (h) A description of construction and waste materials expected to be stored on site, with updates as appropriate, and a description and specifications of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and for spill prevention and response.
- (i) 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/grubbing to project close-out.

- (j) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (k) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins.
- (l) Temporary practices that will be converted to permanent control measures.
- (m) An implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and the duration that each practice should remain in place.
- (n) A maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice.
- (o) The name(s) of the receiving water(s).
- (p) Delineation of SWPPP implementation responsibilities for each part of the site.
- (q) A 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.
- (r) Any existing data that describes the stormwater runoff at the site.
- (s) Clear demarcations of the areas of impervious surface (cover) for pre-construction, construction and post-construction conditions, with summary figures of the areas and percentages of impervious surface pre- and post-construction.
- (t) Identification, if there is not equivalence to technical standards and documentation required per § 165-33B.
- (u) A written operation and maintenance program for any limited permanent structures or controls that will be instituted with the project along with any required easements, including descriptions of any permanent structures that would be placed on public property, with indication whether the DPW has provided its initial opinion on access to or augmentation of the Village's MS4.
- (v) This type of SWPPP shall be prepared by a landscape architect (preferably registered or possessing at least an associate's

degree in landscape architecture), a certified stormwater professional (possessing a credential from a national organization with a recognized standard), or professional engineer, and it must be signed by the qualified professional preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.

- (2) Land development activities as defined in § 165-3 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 § 165-29A(3) below as applicable:

Condition A: Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the NYSDEC's 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.

Condition B: Stormwater runoff from land development activities where the amount of land disturbance is equal to or greater than 5,000 square feet and where the impervious cover created is 1,000 square feet or more, or when there is disturbance of one or more acres, either at one point or cumulatively, per a plan of common development, exclusive of exempt land development activities. One exception from Condition B is for new one- or two-family residential development creating less than 1,750 square feet of impervious cover. (Section 165-29A still applies.)

Condition C: Stormwater runoff as required in any case so ordered by the Stormwater Management Officer, Planning Board, or the Zoning Board, despite Condition B above, as an allowable override for Condition B above, when it is determined there shall be definition of post-construction stormwater runoff controls in order to achieve orderly growth and protect public health, safety, and welfare.

- (3) SWPPP requirements for Condition A, B, and C shall include:

- (a) All information in § 165-29A(1) of this chapter.
- (b) Documentation verifying that stormwater management planning process was conducted to assess the potential to use green infrastructure practices as per the Design Manual. Detailed descriptions as to why green infrastructure practice cannot be utilized within the design must be provided with discussion on the top three techniques evaluated for feasibility and practicality.
- (c) A description of each post-construction stormwater management practice.

- (d) A site map/construction drawing(s) showing the specific location(s), size(s), and specification of each post-construction stormwater management practice.
- (e) Hydrologic and hydraulic analyses for all structural components of the stormwater management system for the applicable design storms.
- (f) Comparison of post-development stormwater runoff conditions with pre-development conditions.
- (g) Increases in stormwater runoff volume as a result of the land development activity shall be presented. Potential downstream impacts due to increased volume and proposed methods to lessen the volume shall be discussed.
- (h) Locations, dimensions, material specifications and installation details for each post-construction stormwater management practice.
- (i) Infiltration practices for water quality treatment are preferred, if practicable and fitting with area context, either in conjunction with green infrastructure practices or after the use of green infrastructure practices has been exhausted (per the Design Manual), if soils and other physical characteristics are suitable, including if the project does not involve a stormwater hotspot, or if when it does, the design of the applicable practice(s) is shown to be feasible as documented by a qualified professional. If infiltration practices are not used, a detailed description as to why this cannot be achieved must be provided.
- (j) Bioretention practices for water quality treatment are preferred after the use of green infrastructure practices in the design has been exhausted (per the requirements of the Design Manual) if physical characteristics of the site are suitable. If bioretention practices are not used, a detailed description as to why this cannot be achieved must be provided.
- (k) The method of soil compaction should be discussed. During construction, compaction of landscaped or pervious areas should be avoided, or if it cannot be avoided, minimized, to allow infiltration of stormwater into the subsoil.
- (l) A maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- (m) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be specified on site plans recorded on the plan and shall remain in effect with transfer of title to

the property through requirements to record these easements, provide proof of their recording to the SMO, and update and reference them on any subsequent site plan amendment.

- (n) An inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with the maintenance, inspection, and repair requirements of this chapter, including but not limited to § 165-31 and §§ 165-35 through 165-38, with unique identification of any portions that are intended to be dedicated as part of an MS4.
- (o) Construction or post-construction performance guarantees, such as in accordance with requirements in zoning, in conjunction with review of site plans, and construction pursuant to them, or as otherwise arranged by the Stormwater Management Officer.
- (p) For Condition A, B, or C, the SWPPP shall be prepared by a landscape architect or a certified stormwater professional with the supervision of a professional engineer, or by a professional engineer, and it must be signed by all qualified professionals involved with preparing the plan, who shall certify that the design of all stormwater management practices meets the requirements in this chapter.
- (q) Explicit written identification when there is departure from standard techniques and there is equivalence achieved to technical standards and associated documentation, as required per § 165-33B.
- (r) A description of permits and approvals necessary and the anticipated sequence.

§ 165-30. Other permits.

- A. The applicant shall assure that all other applicable permits and environmental approvals have been, or will be, acquired for the land development activity prior to approval of the final stormwater design plan.
- B. Except for exempt land development activity, it is a requirement to obtain a building permit from the Village of New Paltz in order to conduct ground-disturbing activity. The Stormwater Management Officer may be contacted in person or in writing to ascertain whether a potential proposed activity requires a building permit.

§ 165-31. Contractor certification.

- A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance, stormwater management practice installation, and future operation and maintenance of stormwater

practices shall be registered with the Building Department and sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- B. The certification must include the name and title of the person providing the signature; the address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
- C. The certification statement(s) shall become part of the SWPPP for the land development activity.

§ 165-32. Document retention.

A copy of the SWPPP and all documentation necessary to demonstrate compliance with this chapter 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.

§ 165-33. Performance and design.

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 chapter:
 - (1) The New York State Stormwater Management Design Manual (NYSDEC, most current version, or its effected successor, hereafter "Design Manual").
 - (a) Stormwater management practices must be selected, designed, installed, and maintained to meet the performance criteria in the Design Manual using sound engineering judgment.
 - (b) Within various submissions made to the Village, documentation should define, in writing, how stormwater management practices were designed to meet applicable sizing criteria.
 - (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 effected 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 the preceding Subsection A, and the SWPPP shall be prepared and stamped by a licensed professional engineer, with a detailed explanation provided of each specific departure from the applicable standards, the rationale, and the alternative approach used, with discussion of the impacts.

§ 165-34. 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.

§ 165-35. Maintenance, inspection and repair of stormwater facilities.

- A. Maintenance and inspection during construction.

- (1) The applicant or developer or his or her representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%.
- (2) The applicant or developer or his or her registered and appropriately trained and authorized 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.
- (3) For land development activities meeting Condition A, B, or C in § 165-29A(2), the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. Inspection reports shall be maintained in a site log book.

- 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 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 New Paltz 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.

- C. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this chapter. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 165-34. Proper operation and maintenance also includes, as a minimum, the following, which must be submitted to the Village for its records for the property:
- (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 chapter.
 - (2) Written procedures for operation and maintenance and training operations and maintenance personnel.
- D. Required reports after construction completion: See § 165-37.

§ 165-36. Maintenance agreements.

The Village of New Paltz shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Appendix B, entitled "Sample Stormwater Control Facility Maintenance Agreement."¹⁷ The Village, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, 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 and repair.

- A. All applicants are required to submit as-built plans for any stormwater management practices specified within the approved SWPPP after final construction is completed. As-built plans must show the final design specifications for all stormwater management facilities, including the conveyance system, and must be certified by a professional engineer. This shall include any stormwater management practices located on site.

§ 165-37. Performance guarantees.

The Village Board, based upon guidance of the Planning Board and/or Stormwater Management Officer, may require that prior to construction, or on-site or public improvements, including landscaping and buffering

17. Editor's Note: Said Appendix is on file in the Village offices.

requirements, site preparation and stabilization activities, and any necessary engineering, surveying, field work, legal, or other administrative or compliance expenses needed to construct and properly sustain stormwater management improvements, be secured by a performance guarantee put into effect in a mutually agreed upon manner.

- A. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities relating to compliance with conditions in an approved stormwater pollution prevention plan and/or site plan, the applicant or developer may be required to provide a bond, cash escrow, irrevocable letter of credit, or other acceptable performance guarantee, which shall provide, in the case of default or other circumstances, including those which may not be foreseen, for satisfactory completion of the project, and which names the Village as beneficiary. Such security shall be in an amount determined by the Planning Board based on submitted final design plans, with written reference to itemized costs in a comprehensive schedule. (In alternative instances, this may determined by the SMO.) This shall remain in full force and effect until it, or part of it, is released from liability by the Village Trustees based on a voice vote recorded in adopted minutes. (Any subsequent amounts remaining shall, likewise, be in full effect unless formally released by liability by the Trustees.) For a site plan with an SWPPP, the period that a performance guarantee shall typically remain in force for is not less than one year from the date of final acceptance, or such other certification that facilities have been constructed in accordance with approved plans and specifications, and that a one-year inspection has been conducted and the facilities have been found by the Village to be acceptable in terms of their quality and durability of construction and demonstrated operation according to acceptable tolerances or ranges thereof.
- B. Maintenance guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by and at the responsibility of the applicant or developer, prior to construction, these entities may be required to provide the Village with a bond, cash escrow, irrevocable letter of credit from an approved financial institution, or other acceptable surety, to ensure there are resources available to support and sustain the 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 there is failure to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village may draw upon the account to cover costs of proper operation and maintenance, including legal, engineering and inspection costs. A contract should be executed in such instances.
- C. Recordkeeping. The Village should require entities subject to this section to maintain records demonstrating compliance with this chapter and any guarantees, including annual or other periodic written reports on progress, and to confirm that the performance guarantee

remains in good standing should the Village have to rely upon it. Recordkeeping on performance guarantees may be linked with any applicable maintenance agreement and any required maintenance, inspection and reporting during or after construction. Periodic reports must be submitted to the Stormwater Management Officer as well as the Village Clerk, Treasurer and Attorney.

§ 165-38. Construction and post-construction inspections.

The Stormwater Management Officer may conduct, cause or require such inspections as necessary to determine compliance with this chapter. The SMO may, in writing, either approve that portion of the work completed, or notify the applicant wherein work fails to comply with requirements of this chapter, a valid site plan, and an approved SWPPP.

- A. Stormwater management practice inspections. In conjunction with the ongoing administration and enforcement of any stormwater pollution prevention plan, the Stormwater Management Officer may conduct or cause inspections of stormwater management practices (SMPs), both during the building permit stages as well as in conjunction with administering certificates of occupancy.
- (1) Right-of-entry for inspection. When any new stormwater management facility is installed on private property or any altered connection is made between private property and the public stormwater system, the landowner shall grant to the Village, and its assigns, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.
 - (2) Noncompliance. Consistent with established Village procedure, if violations are found based on an inspection, the Stormwater Management Officer may require immediate corrective actions with no further work allowed to be conducted except for site stabilization until such violations are corrected and all work previously completed has received approval by the Stormwater Management Officer. An order for corrective actions shall be followed within a reasonable time with a written report detailing such violation and defining corrective actions.
 - (3) Inspection support. The Stormwater Management Officer may require any party to deposit into escrow the reasonable costs at prevailing rates for construction and post-construction inspections. The purpose may include for providing stormwater management practice (SMP) maintenance and quality control, including as performed by a third party contracted in writing at the discretion of the Village, who will report to the SMO. If any escrow is not maintained with sufficient monies (reserves) by the developer/responsible party, then this may be cause for a stop-work order, a notice of violation, modification of site plan, revocation of building permit, revocation of certificate of occupancy, assessment of additional fees, and/or penalty on violation.

- (4) Recordkeeping; submission of reports. The Stormwater Management Officer may require monitoring and written reporting from entities (such as the developer) subject to this chapter as necessary to determine compliance both during and after construction. Given that Planning Board typically approves site plans (and attendant SWPPPs), it is reasonably expected that the Village's qualified consultants providing professional/technical services during the application review stage, including engineers and/or certified professionals in erosion and sediment control, will remain involved with such administration, and will issue written reports of inspections as assigned in writing by the Stormwater Management Officer. This chapter provides for the same practices and procedures for funding (underwriting) such professional technical services as is provided for as described in § 212-66B, Escrow deposits, within the Zoning chapter. It shall be required practice for any service delivery by professional technical service providers to be backed up by timely written reports submitted to the Stormwater Management Officer and for these technical services to be provided at the direction of the Stormwater Management Officer.
 - (5) Inspection of stormwater facilities after project completion. Inspection programs, routine in nature or not, shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections based upon complaints or other notice of possible violations; inspection of drainage basins or other property or MS4 inspections; inspections of areas identified as having higher than typical sources or incidences of sediment or other contaminants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.
- B. Inspection schedule. Each of the following inspections are encouraged to be requested in writing by a landowner/responsible party. To obtain inspections, the applicant shall notify the Stormwater Management Officer at least five business days before, and preferably further in advance of, any of the following inspections as required in the applicable site plan, stormwater pollution prevention plan, or as required by the Stormwater Management Officer. It is required for the applicant to obtain from the SMO permission in writing to proceed with any nonroutine inspection called for in the SWPPP, or any other specifically required inspection wherein the SMO, or his or her

designee, will not be in attendance for such scheduled inspection and the applicant's qualified professional will thus conduct such inspection and/or tests and must thereafter within a reasonable time submit the results in writing:

- (1) Start of construction.
- (2) Installation of sediment and erosion control measures.
- (3) Completion of site clearing.
- (4) Completion of rough grading.
- (5) Installation of key permanent components, including outfalls and infrastructure proposed to become part of the MS4.
- (6) Completion of final grading.
- (7) Close of the construction season.
- (8) Completion of final landscaping.
- (9) Successful establishment of landscaping.

§ 165-39. Fees and costs.

In addition to any other fees established in conjunction with receiving and processing an application/submission and administering this chapter, the Village of New Paltz may require any person undertaking any activities, including land development activities, regulated by this chapter to pay reasonable costs at prevailing rates for the review of SWPPPs, inspections, or SMP maintenance either performed by the Village, or performed by a duly authorized third party for the Village.

§ 165-40. Violations.

Consistent with § 165-16, any regulated activity herein, including any land development activity that is commenced or is conducted contrary to this chapter, may be provided a written notice of violation, restrained by injunction, and/or otherwise abated in a manner provided by law.

- A. Stop-work orders. The Village of New Paltz 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 New Paltz confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. In addition to any costs and fees imposed, 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.

- B. Withholding or withdrawal 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, or may withdraw a certificate of occupancy.
- C. Restoration of lands. Any violator may be required to repair land to its pre-development/undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- D. Notice of violation. When the Village determines that a land development activity is not being carried out in accordance with requirements of this chapter, the notice of violation shall contain:
 - (1) The name and address of the landowner;
 - (2) The address, SBL(s), and a description of the building, structure or land upon which the violation is occurring;
 - (3) The name and address of the party identified who conducted the noncompliant activity;
 - (4) A statement specifying the nature of the violation;
 - (5) A description of 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, as well as any required monitoring or reporting;
 - (6) A statement of fees, penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - (7) 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.

§ 165-41. Administrative sanctions.

- A. Consistent with § 165-19, any person or corporation, whether as owner, lessee, vendee, qualified professional, builder or contractor, operator, or any other agent or employee of any of the same, who violates or is accessory to the violation of any provision of this chapter, or any regulation made under the authority conferred by this article or chapter may be liable for an administrative sanction.
- B. An administrative sanction is reasonably applied against persons or corporations conducting ground-disturbing activities and/or creating impervious surfaces, or changes the use of land, including from open, undeveloped or unused or forested area, including by denuding large areas of contiguous trees, or who shall erect, construct, alter, enlarge,

convert or move any building or structure, including below ground, including by making changes in regulated landscaping and grading beyond the current line or grade, without an express approval hereunder, including a building permit, or in contradiction of any statement or plans submitted and approved under the provisions of this chapter.

ARTICLE IV

Severability and Effective Date**§ 165-42. 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.

§ 165-43. When effective.

This chapter shall be effective upon filing with the office of the Secretary of State. [Approved by the Village of New Paltz Board of Trustees (December 6, 2017)]

Chapter 166

SHOPPING CARTS

§ 166-1. Definitions.

Unless otherwise stated, the words and expressions used in this chapter shall have meanings as follows:

PERSON — A natural person of either sex, corporation, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

SHOPPING CART or WAGON — Any cart, basket, container or other device made of wire, metal or other material, mounted on wheels, manually operated and used generally for the conveyance of goods, wares, merchandise or other property.

STREET — A street, avenue, road, alley, public passageway, lane, highway, concourse, driveway, culvert, crosswalk and sidewalk, and every class of road, square and municipal or private parking field used by the general public.

§ 166-2. Carts or wagons conspicuously identified.

Every person who owns or makes available to the public in connection with the conduct of business and trade any shopping cart or wagon shall mark or cause the same to be marked and identified conspicuously with the name of the owner.

§ 166-3. Unlawful removal.

It shall be unlawful for any person, his agent or employee to take or remove any shopping cart:

- A. Beyond the immediate parking lot or area of the store;
- B. Into the limits of the Village of New Paltz; and
- C. Along any street of the Village of New Paltz.

§ 166-4. Penalty for removal. [Amended 10-22-2014 by L.L. No. 13-2014]

Any person who violates any provisions of § 166-3 of this chapter shall be liable to and pay a penalty as set annually by resolution of the Board of Trustees for each violation. The removal or possession of each shopping cart shall constitute a separate violation.

§ 166-5. Unlawful abandonment.

It shall be unlawful for any person, his agent or employee to leave or to suffer or permit to be left unattended any shopping cart or wagon, either

owned by the person or in such person's possession, custody or control, upon any street, sidewalk, parking field, public park or public place within the Village of New Paltz or upon the property of another without the consent of the owner of the property.

§ 166-6. Remedy for abandoned shopping carts.

The Superintendent of Public Works of the Village of New Paltz is hereby authorized to seize and remove or cause to be removed any abandoned shopping cart within the Village, from any public place or from such property of another without notice, and shall take or cause the same to be taken to a facility within the Village for redemption or disposition as hereinafter provided. The Superintendent of Public Works is authorized to call upon other Village agencies or departments to assist in enforcement of this section.

§ 166-7. Redemption.

- A. Notification. Whenever the Superintendent of Public Works shall take possession of any shopping cart or wagon as herein specified, and such shopping cart or wagon contains identification of ownership, a notice shall be sent by ordinary mail to the local mailing address and to the principal place of business or corporate headquarters of such person purported to be the owner of the cart or wagon advising that such property is held by the Village Clerk and advising the amount necessary to redeem.
- B. Procedure; costs; immunity of Village. Any shopping cart or wagon may be redeemed by the owner thereof at any time prior to the sale, dismantling, destruction or disposal thereof upon tendering the sum as set annually by resolution of the Board of Trustees for each cart to the Village Clerk. In addition, the person seeking to redeem shall be required to pay the cost of advertising the sale thereof, if any. No property shall be delivered to a person seeking to redeem the same unless proof establishing to the satisfaction of the Village Clerk such person's ownership is submitted. Any delivery to a person apparently entitled thereto shall be a good defense to the Village against any other person claiming to be entitled thereto, but if the person to whom delivery is made is in fact not entitled thereto, the person to whom the same ought to have been delivered may recover the same, with interest and costs, from the person to whom the same shall have been delivered.
[Amended 10-22-2014 by L.L. No. 13-2014]

§ 166-8. Disposal of unclaimed property.

- A. Public notice; conduct of sale. Where any shopping cart or wagon remains in the custody of the Village Clerk for a period of 15 days after removal and no person has redeemed the same and presented to the Village Clerk proof of establishing to his satisfaction such person's ownership thereof, the Village Clerk shall publish a notice once in the

official newspaper of the Village, advising that at a specified place and time not less than five days after such notice is published, such property will be sold at public auction for the best price that can be obtained in excess of the redemption fee, costs of publication and other expenses of the Village Clerk for conducting the sale. Such sale shall be conducted by the Village Clerk or by an auctioneer designated by him.

- B. Resale or other disposition: immunity of Village. In the event that such property shall remain unsold at public auction, the Village Clerk may re-offer said property for sale at a subsequent public auction held pursuant to this chapter, or he may dismantle, destroy or otherwise dispose of the property. Any such sale or other disposition of such property pursuant to this chapter shall be without liability on the part of the Village to the owner of such property or other person lawfully entitled therein or having an interest therein.
- C. Disposition of proceeds. All proceeds received from the redemption and/or sale of abandoned shopping carts or wagons pursuant to this chapter shall be deposited to the general fund of the Village.

§ 166-9. Penalties for offenses. [Amended 10-22-2014 by L.L. No. 13-2014]

Except as otherwise provided, any violation of any provision of this chapter shall constitute a violation pursuant to the Penal Law; provided, however, that in no case shall the fine imposed exceed that which is set annually by resolution of the Board of Trustees.

Chapter 171

SOLID WASTE, COLLECTION OF

GENERAL REFERENCES

Grass, rubbish and trash — See Ch. 124.

§ 171-1. Title.

This chapter shall be known and may be cited as the "Village of New Paltz Solid Waste Collection Law."

§ 171-2. Purpose.

The purpose of this chapter is to institute a licensing plan for the collection and management of solid waste and recyclable materials generated or originated in the Village of New Paltz, to promote the safety, health and well-being of persons and property within the Village. It has been determined jointly by the Town and Village of New Paltz that it is appropriate to award a single hauling license to an entity that has submitted

a proposal to the Town and Village through the competitive bidding process that is determined to be most beneficial to Town and Village residents.

§ 171-3. License required.

No person shall engage in the business of removing, collecting, transporting or disposing of garbage, rubbish or other refuse or waste material from properties within the Village of New Paltz without first obtaining a license therefor issued by the licensing officer of the Village of New Paltz.

§ 171-4. Licensing procedure.

A. Licensing officer; application.

- (1) Licensing officer. The Village Clerk shall serve as licensing officer for the purposes of this section.
- (2) Application. Application for a garbage, rubbish and recyclables collector's license shall be made in writing to the Village Clerk and shall be issued upon approval of such application and payment of the required annual fee. The application shall be furnished by the Village Clerk on forms approved annually by resolution of the Village Board.

B. Conditions.

- (1) Assumption of liability. As a condition to the issuance of a license under this chapter, the private garbage and rubbish collectors shall assume all liability for injury to person or property growing out of performance of the work required and shall agree to indemnify and save harmless the Village of New Paltz from all demands, claims, suits and actions on account of any injury or alleged injury to persons or property that may occur in the performance of the work or on account of any act or omission or alleged act or omission of the private garbage or rubbish collector, its agents, servants or employees.
- (2) Insurance.
 - (a) As a condition to the issuance of a license under this chapter, all private garbage and rubbish collectors shall procure, at their own expense, a motor vehicle liability insurance policy and a general public liability insurance policy in which it is the named insured, with policy limits as follows:
 - [1] For bodily injury: as set annually by resolution of the Village Board per person.
 - [2] For property damage: as set annually by resolution of the Village Board.
 - (b) The said liability insurance policies shall insure the private garbage and rubbish collector against any and all claims,

demands, causes of action and judgments which may arise, in any manner whatsoever, out of the collection and disposal of garbage, for damages to person or property caused by the negligence of the private garbage and rubbish collector, his agents, servants or employees.

- (c) Certificates of insurance shall be filed with the Village Clerk, which shall be revocable only on 10 days' notice in writing. It is understood that the collection and disposal of garbage and rubbish under this chapter shall be performed under the direction of and to the satisfaction of the Village of New Paltz; and as a condition to the issuance of a license under this chapter, all private garbage and rubbish collectors must agree to comply with all reasonable regulations of the Village of New Paltz relating to the collection and disposal of garbage and rubbish, along with all conditions set forth in any franchise agreement entered into between the licensee, Town and Village, and to comply with all the laws of the State of New York relating to the collection and disposal of garbage, rubbish and recyclable materials.

(3) Sanitation Code; recycling.

- (a) Ulster County Sanitation Code. In addition to the conditions and requirements of the Village, each licensee shall comply with all of the requirements of the Sanitation Code of the Ulster County Health Department and shall apply for and receive from such Department the permit provided for in said code, and shall also comply with all of the requirements of the Ulster County Health Commissioner in the issuance of such permit. All definitions set forth in the Ulster County Sanitation Code shall apply to this chapter.
 - (b) Recycling mandated. All applicants must agree to provide and collect all recyclable materials produced at properties in question, pursuant to § 304-13A of the Ulster County Code. Failure to provide recycling containers, or failure to provide an adequate number of recycling containers, shall result in a fine as determined by the Village Board at the last meeting at which the amount of such fine was established or amended, in addition to any fine or fee payable to any other state or local government entity with jurisdiction.
- C. Grounds for refusal. If the licensing officer shall determine that the applicant is not a fit and proper person to carry on the business of garbage and rubbish collection, he may refuse to grant a license. Upon written request of the applicant, the licensing officer shall specify, in writing, the grounds for refusal.

§ 171-5. License fee; expiration.

- A. License fee. At the time of the issuance of a license, the Village Clerk shall collect a fee therefor, the amount of which shall be that determined by the Village Board by annual resolution, in addition to any fee payable to any other state or local governmental entity having jurisdiction over the licensee.
- B. License expiration. The license issued pursuant to this chapter shall expire 12 months following the date of issuance.

§ 171-6. Operating regulations.

- A. Pickup schedule. Any person or firm licensed under the provisions of this chapter shall maintain a pickup schedule of at least once a week for all customers.
- B. Blocking of traffic. Any licensee under the provisions of this chapter shall not operate or permit to be operated any vehicle or equipment so as to block any crosswalk or interfere with the movement of traffic on any public street or highway.
- C. Use of containers. Garbage, refuse and recycling containers shall be provided in accordance with any applicable franchise agreement awarded to the licensee, or otherwise of impervious substances, and of sufficient strength and size to securely contain such waste material and shall be kept covered at all times except for loading and unloading. Such containers shall not be stored or placed in front of the building line of the principal building on each lot except to facilitate refuse collection during a period beginning no more than 15 hours before the scheduled time of collection and extending no more than 15 hours thereafter.

§ 171-7. Suspension or revocation of license; hearing; appeals.

- A. Revocation. Whenever the licensing officer shall determine that a licensee is violating any applicable provision of the Village of New Paltz Municipal Code, any applicable franchise agreement or any applicable state or county law, rule or regulation, the licensing officer, after notice and hearing, may revoke said license.
- B. Notice of hearing. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least 10 days prior to the date set for hearing.
- C. Appeals. Any person aggrieved by the action of the licensing officer in the denial of an application for a license or in the decision of the licensing officer with reference to the revocation of a license as provided for in this section shall have the right to appeal to the Village Board. Such appeal shall be taken by filing within 14 days after notice of the action complained of has been mailed to such person's last known

address, together with a written statement setting forth fully the grounds for the appeal. The Village Board shall set a time and place for hearing on such appeal, and notice of such hearing shall be mailed to the applicant at his last known address at least five days prior to the date set for the hearing. The decision and order of the Village Board on such appeal shall be final and conclusive. For purposes of this chapter, the term "fit and proper person" shall mean the applicant for such license with which the Village and Town of New Paltz have entered into a franchise agreement effective as of the date of the issuance of the license. **[Amended 8-22-2018 by L.L. No. 12-2018]**

- D. Suspension. In case of an emergency or a serious threat to public safety, health or welfare, the licensing officer may suspend a license until such time as a final determination can be had on the revocation of a license under this section. For good cause, the Village Board may remove such suspension pending final determination subject to such terms and conditions as it deems appropriate or necessary to safeguard the public safety, health or welfare.

§ 171-8. Penalties for offenses; enforcement.

Any person or firm who shall violate any provisions of this chapter shall be guilty of a violation pursuant to the Penal Law; provided, however, in no case shall the fine imposed exceed \$250. In addition, the Village Board may 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 injunction the violation of this chapter.

§ 171-9. Conflict between franchise agreement and this chapter.

In the event that the terms of any franchise agreement for the collection of solid waste and recyclable materials entered into between the licensee and the Town and Village conflict with or deviate from this chapter, the terms of the franchise agreement then in effect shall govern.

Chapter 175

STREETS AND PUBLIC PLACES

GENERAL REFERENCES

Notification of defects — See Ch. 146.

ARTICLE I
Street Openings

§ 175-1. Permit required.

- A. Application. No person shall open or cause to be opened by cutting or digging the surface, pavement, or soil in any street, highway, or public place under the jurisdiction of the Village without first obtaining the written consent of the Superintendent of Public Works and complying with the provisions and conditions relating thereto as hereinafter provided.
- B. Deposits and bonds. The Board of Trustees shall by resolution establish a uniform set of deposits and the principal amount of public liability bonds, for the written consent, which deposits shall be based upon the estimated actual costs and expenses in restoring the street, highway or other public property to its former usefulness. The Board of Trustees may, from time to time, change said deposits and principal amount of bonds to reflect changes in costs and expenses. The Superintendent of Public Works may give written consent for minor street openings upon deposit of the sum as set annually by resolution of the Board of Trustees, if, in his judgment, such sum is sufficient to cover the cost of restoring the street and improvements thereof. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 175-2. Installation and maintenance of barricades and warning devices.

Any person making or causing to be made any such excavation in the streets, highways or public places of the Village shall properly guard or barricade such excavation at all times, and install and maintain adequate and sufficient warning devices to warn the public, and shall restore the street, highway or public property to its former usefulness according to the next section of this article.

§ 175-3. Restoration of street openings.

All excavated materials shall be removed, following which all openings shall be carefully backfilled for their entire length, width and depth in the street or highway area, including the area between the curb and the property line, with bank run gravel or crushed stone well tamped. Additional bank run gravel or crushed stone shall be added by the permittee as long as any settlement occurs, following which the pavement, curbing, or other improvements shall be restored by the permittee, as required. In case the permittee shall fail to restore the street within 15 days after written notice, the Superintendent of Public Works may cause such work to be performed and shall report to the Village Clerk/Treasurer the cost of such work which shall be deducted from the deposit. The balance, if any, shall be paid to the permittee upon his application in writing therefor and the approval of the

Superintendent of Public Works subject to authorization and direction of the Board of Trustees.

§ 175-4. Special provisions pertaining to public service corporations.

- A. Bond in lieu of paying deposits. Public service corporations may, in lieu of paying the deposits established pursuant to § 175-1 of this article, file with the Village Clerk/Treasurer a bond, to be approved as to form, amount and sufficiency of sureties by the Village Attorney, conditioned upon the proper restoration of streets, highways and public places, in accordance with the directions of the Superintendent of Public Works and to his satisfaction, the payment to the Village upon demand, of any costs and expenses incurred by said Village, and the saving of the Village of New Paltz, its officers and employees, harmless from any loss, injury or damage due to opening streets, highways or public places, or to any negligence or fault of such corporations, their employees, or agents in connection therewith.
- B. Separate permits not required; amount of bond. All persons engaged within the Village of New Paltz in the telephone, gas or electric business, or any other business the nature of which would require or result in frequent applications for permits to make obstructions or excavations in the streets, highways, or public places of the Village shall not, however, be required to obtain separate permits but in all such cases, a general bond shall be given in lieu of any permit indemnifying the Village of New Paltz from any and all loss, cost or damage as aforesaid resulting or arising directly or indirectly at any time from any act done by said public service corporation. Said bond shall be in the amount as determined by the Board of Trustees and shall be renewed annually, or as long as such person continues to do business within the Village of New Paltz.
- C. Notification required.
 - (1) Notwithstanding the foregoing, a public service corporation shall advise the Superintendent of Public Works in writing as soon as feasible but no later than 30 days prior to making any obstructions or excavations of its intention to do so, except in case of emergency in which event notification shall be made as soon as possible prior to or after the emergency and need not be in writing.
 - (2) The Superintendent of Public Works shall have the power and authority to direct any public service corporation to coordinate its work with the Village, its independent contractors, or other persons authorized to make excavations or work in streets, highways or public places.

§ 175-5. Applications for making excavations; who may apply.

- A. Applications. Applications for making an excavation in or upon any public street, highway or other public place within the Village of New Paltz will be accepted only if they are made by:
- (1) A public service corporation having on file with the Village Clerk-Treasurer a bond as required in § 175-4 of this article.
 - (2) Any other person whose application shall be accompanied by a public liability bond in the amount as determined by the Board of Trustees approved as to form and sufficiency of sureties by the Village Attorney, to be given by the person by or in whose behalf such consent or permission is requested, indemnifying the Village of New Paltz against all loss, cost, damage or expense sustained or recovered on account of any negligence, omission or act of the applicant and a performance bond or cash deposit as required by § 175-1 of this article.
- B. The Board of Trustees may in its discretion accept a certificate of insurance in an amount determined by it revocable only on 30 days' notice in lieu of the aforesaid public liability bond.

§ 175-6. Authority of Superintendent of Public Works over work.

All work done pursuant to this article shall be done and performed subject to the supervision and approval of the Superintendent of Public Works.

ARTICLE II
Use of Parks
[Amended by L.L. No. 2-2000]

§ 175-7. Motor-driven vehicles prohibited.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

MOTOR-DRIVEN VEHICLE — Every device in, upon, or by which any person or property is or may be transported except devices moved by human power and shall include snowmobiles, minibikes, and other recreational vehicles.

- B. Motor-driven vehicles prohibited. No person shall operate a motor-driven vehicle in or upon any park or public place under the jurisdiction of the Village, except licensed motor vehicles when operated upon a street, highway, designated parking lot, or driveway for access to such park or public places.
- C. Specific rail trail prohibitions. The use of mechanized or motorized equipment or vehicles (other than the use of mechanized wheelchairs or other similar personal conveyance devices by handicapped persons) on the Wallkill Valley Rail Trail is prohibited except in reasonable conjunction with any of the uses for the maintenance or patrol of the property, or for emergency purposes; provided, however, that in no event shall any motor vehicles, including, without limitation, automobiles, all-terrain vehicles, motorcycles or snowmobiles, be used for recreational purposes on the rail trail.

§ 175-8. Prohibited uses. [Amended 12-10-2008 by L.L. No. 14-2008]

- A. The following acts are prohibited in or upon any public park within the Village of New Paltz. No person shall:

- (1) Smoke cigars, cigarettes, or any other tobacco products.
- (2) Consume alcoholic beverages of any kind.
- (3) Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property therein, nor remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein.
- (4) Set fire or assist another to set fire to any trees, shrubs, grass, leaves or growth or any other combustible material or suffer any fire upon other land to extend onto any part of a park, except in barbecue facilities installed in a park by the Village for that purpose. All other fires, open or contained, are prohibited in Village public parks.

- (5) Throw, cast, lay, drop, discharge, deposit, bring into or leave in any part of a park any garbage, sewage, refuse, waste or other noxious material otherwise than in receptacles or pits provided for such purpose.
- (6) Use excessively loud or profane language or interfere with any governmental officer or agent in the performance of his or her duty.
- (7) Conduct himself or herself in such a manner as to endanger the life, limb, safety or property of the other visitors to any park.
- (8) Introduce or carry any firecrackers, firearms or fireworks in a park.
- (9) Bring, carry, allow, accompany or transport, in any manner, any unleashed dogs, cats or other animals into a public park for any purpose whatever.

B. Nighttime occupancy prohibited.

- (1) It shall be unlawful for any person to be or remain upon any public park of the Village of New Paltz from 9:00 p.m. of each day until 6:00 a.m. next following.
- (2) Any person or organization may apply to the Board of Trustees for permission to remain upon a public park after 9:00 p.m. for a special use or event. Written application for such consent shall be made to the Village Clerk at least 30 days before the scheduled use or event is to occur. The consent, if granted, shall be subject to such conditions as the Board of Trustees may prescribe.

C. Enforcement. In addition to the penalties provided in § 175-25 of this chapter, any police or peace officer is hereby authorized to enforce the provisions of this section and to detain any person who violates an order or direction to vacate the public park or who, having been previously warned to not trespass in a public park after closing, is subsequently found to be in violation of this statute and may charge such person with trespass as provided in the Village Code or in the Penal Law of the State of New York.

§ 175-9. Wallkill River launch sites. [Added 10-9-2002 by L.L. No. 14-2002]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

GASOLINE-POWERED VEHICLE — Every device in, upon or by which any person or property is or may be transported, except devices moved by human or electric power, and shall include gasoline-powered motorboats, recreational vehicles such as jet-skis, and similar or other watercraft and equipment.

B. Launch of gasoline-powered vehicles prohibited. No person shall launch a gasoline-powered vehicle in or upon any portion of the Wallkill River

from a public park or launch site within the incorporated boundaries or under the jurisdiction of the Village of New Paltz.

ARTICLE III
Snow and Ice Removal
[Amended by L.L. No. 10-1999]

§ 175-10. Definitions.

As used in this article, the following definitions will apply:

ABUT — A parcel of real property shall be deemed to abut a sidewalk which is located on an adjoining state, county or Village right-of-way, notwithstanding that the property line does not cross or touch the sidewalk.

OCCUPANT — Shall refer to any person who has lawfully entered upon and is in the possession of real property as a tenant, manager, person having charge of any building or any use thereof, or who has an interest in the land which he possesses.

OWNER — Shall refer to any person having legal interest in real property.

PEDESTRIAN — Shall refer to any person making use of a sidewalk for foot passage.

PERSON — Shall refer to an individual, partnership, association, corporation, executor, administrator, trustee, guardian, receiver or other person having a legal interest in real property.

SIDEWALK — Shall refer to a walkway along the margin of a street or highway designed and prepared for the use of pedestrians, to the exclusion of motor vehicles.

§ 175-11. Removal of snow and ice required.

- A. The owner or occupant of any real property, whether vacant or improved by any buildings, abutting any sidewalk in the Village of New Paltz shall keep such sidewalk free and clear of snow and ice at all times.
- B. Within 24 hours after cessation of every fall of snow or the formation of any ice on the sidewalk abutting the premises, the owner or occupant shall remove or cause the same to be removed or cleared entirely from the said sidewalk to a minimum width of 30 inches. If the snow or ice shall be frozen so hard that it cannot practicably be removed, the owner or occupant shall, within the time above specified, cause the sidewalk to be covered and strewn with salt, ashes, sand or other dissolving or disintegrating material and shall, as soon thereafter as the weather will permit, thoroughly clean the sidewalk and remove the ice and snow therefrom.
- C. Where a sidewalk has not been set aside along the margin of a street or highway adjoining that portion of business or commercial premises used for access and parking, including but not limited to individual stores, shopping centers and gasoline service stations, the owner or occupant shall clear a path at least 30 inches in width throughout the

length of the premises free from snow and ice for use by pedestrians as a walkway in compliance with the provisions of Subsections A and B of this section.

- D. The owner or occupant of any real property, whether vacant or improved by any buildings, in front of which or adjacent to which property there is a fire hydrant, shall cause snow to be removed for a distance of 30 inches around the hydrant and between the hydrant and the street and to keep the fire hydrant and access to the street free from snow throughout the winter.
- E. The owner or occupant of any real property, whether vacant or improved by any buildings, located at an intersection of two streets shall clear a path at the intersection at least 30 inches in width through any piles or accumulation of snow or ice on the sidewalk or street so as to enable pedestrian access from the sidewalk at the corner to the cleared portion of the roadway.
- F. If snow or ice shall remain on a sidewalk and/or around a fire hydrant for more than 24 hours after the cessation of snowfall or the formation of ice, the Village may provide for the removal thereof at the expense of the owner or occupant of the abutting premises. The charge to be collected for the removal of snow or ice from a sidewalk or for covering the sidewalk with salt, ashes, sand, or other dissolving or disintegrating material shall be at the rate set annually by resolution of the Board of Trustees (administrative fee) plus an amount set annually by resolution of the Board of Trustees per linear foot for the length of the sidewalk cleared or treated by the Village on each such occasion. The charge to be collected for the removal of snow or ice from around a fire hydrant and between the hydrant and the street shall be at the rate set annually by resolution of the Board of Trustees (administrative fee) plus a charge set annually by resolution of the Board of Trustees per fire hydrant. **[Amended 7-23-2008 by L.L. No. 5-2008; 10-22-2014 by L.L. No. 13-2014]**

§ 175-12. Enforcement.

- A. The Building Inspector of the Village of New Paltz is authorized to enforce this article by sending a statement to the owner or occupant of the premises cleared or treated by the Village on each such occasion together with a notice to appear in the Town Court of the Town of New Paltz on a date and time specified in the notice to be given the opportunity to be heard regarding the charge to be imposed and to assert any objections thereto.
- B. A notice shall be deemed sufficient if delivered to the owner or occupant in person or by certified mail to the property postal address and, if different, to the last known address of the owner appearing on the most recent tax rolls of the Village.

- C. In the event the owner or occupant is found liable by the Court for the charge or fails to appear on the date and time specified in the notice and fails to pay the charge due within 10 days thereafter, the charge shall be a lien upon the premises abutting the sidewalk and shall be collected by the Village Treasurer as an assessment upon said premises on the real property tax statements issued by the Village Treasurer on the tax collection date next following as provided by law.
- D. The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to enforce the violation of this article.

ARTICLE IV
Sidewalks

§ 175-13. Title.

This article may be known and referred to as the "Sidewalk Law of the Village of New Paltz."

§ 175-14. Definitions.

Certain words or terms, when used in this article, shall have the following meanings:

BOARD — The Board of Trustees of the Village of New Paltz.

BUILDING INSPECTOR — The Building Inspector of the Village of New Paltz.

OCCUPANT — Any person who has lawfully entered upon and is in the possession of a parcel of real property and who has an interest in the land which he possesses.

OWNER — Any person having a legal interest in real property.

PEDESTRIAN — Any person making use of a sidewalk for foot passage.

PERSON — An individual, partnership, association, corporation, executor, administrator, trustee, guardian, receiver, or other person having a legal interest in real property.

SIDEWALK — A walkway along the margin of a street or highway designed and prepared for the use of pedestrians, to the exclusion of motor vehicles.

VILLAGE — The Village of New Paltz.

§ 175-15. Purpose.

The purpose of this article is to regulate the construction, repair and maintenance of sidewalks in the Village of New Paltz, the expense of construction thereof and the removal of debris, rubbish and other obstructions therefrom.

§ 175-16. Applicability.

All sidewalks in the Village, whether existing or under construction on the effective date of this article, or hereafter constructed, shall be subject to the provisions of this article unless otherwise noted.

§ 175-17. Construction of sidewalks.

- A. Whenever the Board shall determine upon its own initiative to construct a new sidewalk or repair an existing sidewalk in the Village, the cost of the construction of the sidewalk shall be borne by the Village.

- B. Whenever an owner or occupant of lands shall determine upon his own initiative to construct or repair a sidewalk adjoining a street in the Village, such owner or occupant shall construct or repair the sidewalk at his own expense after the plans for the construction thereof have been approved by the Building Inspector.
- C. Notwithstanding, an owner or occupant may apply to the Board for the Village to pay a portion of the expense of the construction or repair of a sidewalk. In order to obtain the consent of the Board of Trustees, the owner or occupant shall submit all plans for construction or repair of the sidewalk to the Building Inspector for his approval. If the Building Inspector determines that the plans conform with the construction standards of sidewalks of the Village, the owner or occupant may then apply to the Board for consent of the Village to pay a portion of the expense of construction or repair thereof. The application shall be presented to the Village Clerk and shall include the final plans and specifications as approved by the Building Inspector and a copy of the contract, if any, or itemized estimate of the cost of construction or repair. If the Board of Trustees is satisfied that the construction or repair of the sidewalk is in the interest of the general public, the Board shall approve the project and shall reimburse such owner or occupant 1/2 of the actual and necessary expense of construction or repairing the sidewalk. This apportionment of the expense shall be applicable in every situation where the Board agrees that the Village will pay a proportionate amount of the expense. In the event it appears likely that the proportionate share of the Village shall exceed the sum set annually by resolution of the Board of Trustees (or such other minimum amount which shall at the time be determined by § 103 of the General Municipal Law as requiring the advertising for bids for a public work), the contract for the construction of the sidewalk shall be awarded to the lowest responsible bidder furnishing the required security after advertisement by the Village for sealed bids, in the manner provided by § 103 of the General Municipal Law. In lieu of paying the owner or occupant the proportionate share as herein determined, the Board may determine that the Village will pay the entire cost of construction or repair and assess the proportionate share of the owner or occupant to the real property abutting the improvement, as provided in Article 22 of the Village Law. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 175-18. Construction standards.

The Board shall adopt rules and regulations governing the standards for construction of sidewalks within the Village, including base and subbase materials, grade, width and curbs.

§ 175-19. Obstructions prohibited.

- A. No person shall place or cause to be placed or permit to remain upon any sidewalk any debris, rubbish or other obstruction to the free use of

such sidewalk except as expressly authorized or permitted by the Building Inspector of the Village.

- B. No person shall obstruct or otherwise encumber any sidewalk within the Village for the purpose of parking, repairing, overhauling or otherwise altering any motor vehicle.
- C. Where a sidewalk has not been set aside along the margin of a street or highway adjoining that portion of business or commercial premises used for access and parking, including, but not limited to individual stores, shopping centers and gasoline service stations, the owner or occupant shall provide a path at least four feet in width throughout the length of the premises free and clear of any debris, rubbish or other obstruction for use by pedestrians as a walkway.

§ 175-20. Use of sidewalks restricted.

No person shall operate any motor vehicle or bicycle upon any portion of any sidewalk within the Village, except for the purpose of crossing such sidewalk to enter or leave the adjoining premises.

§ 175-21. Marking prohibited.

No person shall paint, mark, write, print or stencil any letters, fixtures, pictures, characters or marks of any kind upon any of the sidewalks within the Village, whether for advertising purposes or otherwise, without the prior approval of the Building Inspector of the Village.

§ 175-22. Care of sidewalks. [Amended 8-27-2008 by L.L. No. 7-2008]

- A. The owner or occupant of any real property, whether vacant or improved by any buildings, abutting any sidewalk in the Village shall keep such abutting sidewalk and/or fire hydrants free and clear of debris, rubbish or any other obstruction at all times.
- B. Within 12 hours after the accumulation of any debris, rubbish, or other obstruction on the sidewalk and/or fire hydrants, the owner or occupant shall remove or cause the same to be removed or cleared entirely from the said sidewalk and/or fire hydrant.
- C. If debris, rubbish or other obstruction shall remain on a sidewalk for more than 12 hours, the Village may provide for the removal thereof at the expense of the owner or occupant of the abutting premises. The charge to be collected for the removal of debris, rubbish or other obstructions shall be at the rate as set annually by resolution of the Board of Trustees (administrative fee) on each such occasion plus the reasonable costs associated with the removal and disposal of said debris, rubbish or obstruction. The charge to be collected for the removal of debris, rubbish or other obstruction from around a fire hydrant and between the hydrant and the street shall be at the rate as

set annually by resolution of the Board of Trustees (administrative fee) plus the reasonable costs associated with the removal and disposal of said debris, rubbish or obstruction. The Village Building Inspector shall send a statement to the owner or occupant of the premises abutting the sidewalk from which the debris, rubbish, or other obstruction shall have been removed for all appropriate fees, costs and charges. If the charges, as invoiced by the Building Inspector, are not paid within 45 days from the date of the invoice, said charges shall become a lien upon the premises abutting the sidewalk and shall be collected by the Village Treasurer as an assessment upon said premises on the real property tax statements issued by him on the tax collection date next following as provided by law. The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to enforce the violation of this section. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 175-23. Liability.

This article shall not be deemed to impose or limit the liability of the Village or of the owner or occupant of the abutting premises for damages or injuries to person or property sustained by reason of a sidewalk being defective, out of repair, unsafe, dangerous or obstructed or in consequence of the existence of debris, rubbish, or other obstructions thereon. The filing of an application by an owner or occupant for the Village to pay a proportionate share of the expense of the construction or repair of a sidewalk shall not be deemed to constitute written notice of a defective, unsafe, dangerous or obstructed condition, as required by § 6-628 of the Village Law or § 9804 of the Civil Practice Law and Rules, or any laws, statutes, or regulations supplementary thereto or amendatory thereof.

§ 175-24. Saving clause.

The invalidity of any clause, sentence, paragraph, or provision of this article shall not invalidate any other clause, sentence, paragraph, or provision thereof and the same shall continue in full force and effect.

ARTICLE V
Penalties
[Amended by L.L. No. 3-1996]

§ 175-25. Penalties for offenses.

- A. Violation of any of the provisions of this chapter is hereby declared to be a violation pursuant to the Penal Law. A person convicted of violating the same shall be subject to a fine as set annually by resolution of the Board of Trustees or imprisonment of not more than 15 days as provided in the Penal Law. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. The Building Inspector shall issue and serve appearance tickets with respect to any violation of Article I of this chapter when he or she has reasonable cause to believe that such violation or offense has been committed.
- C. An officer of the New Paltz Police Department shall issue and serve appearance tickets with respect to any violation of Article II of this chapter when he has reasonable cause to believe such violation or offense has been committed.
- D. The Municipal Code Enforcement Officer shall issue and serve appearance tickets with respect to any violation of Articles III and IV of this chapter when he or she has reasonable cause to believe that such violation or offense has been committed.

Chapter 178
SUBDIVISION OF LAND

GENERAL REFERENCES

Building construction — See Ch. 86.

Environmental quality review — See Ch. 105.

Code enforcement — See Ch. 95.

Zoning — See Ch. 212.

ARTICLE I
General Provisions

§ 178-1. Authority.

By authority of the resolution adopted by the Board of Trustees of the Village of New Paltz, adopted on December 19, 1977, pursuant to the provisions of § 7-728 of the Village Law of the State of New York, the Planning Board of the Village of New Paltz is authorized and empowered to approve, modify and disapprove plats showing lots, blocks or sites, with or without streets or highways; the development of entirely or partially undeveloped plats already filed in the office of the County Clerk and to conditionally approve preliminary plats.

§ 178-2. Policy.

It is declared to be the policy of the Village of New Paltz Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Village. This shall be interpreted to include the following objectives which shall guide the Planning Board's decisions:

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.
- B. Proper provision shall be made for water supply, drainage, sewerage, and other needed public improvements and utilities.
- C. Proposed streets shall compose a convenient system conforming to the Master Plan.
- D. Streets shall be of such width, grade and location as to accommodate present and prospective traffic.
- E. All development shall afford adequate light and air.
- F. All development shall facilitate adequate fire protection and provide access for fire fighting equipment.
- G. Open space for parks and playgrounds of suitable location, size and character shall be provided wherever appropriate.
- H. In case any of these regulations shall conflict or be inconsistent with any provisions of the Village Law, the relevant provisions of the Village Law shall apply. In order that land subdivisions may be made in accordance with this policy these regulations which shall be known and may be cited as the "Village of New Paltz Land Subdivision Regulations" have been adopted.

§ 178-3. Application.

No subdivision of any lot, tract or parcel of land shall be effected; no erection of any structure in such proposed subdivision shall commence;

no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of this chapter.

- A. Recording. All plats for subdivisions shall be submitted to the Village Planning Board and approved by it before they shall be recorded by the County Clerk.
- B. Extent. The provisions contained herein shall apply to all land within the limits of the Village of New Paltz.

§ 178-4. Building permits.

A building permit for erection of a structure in a development laid out subsequent to the adoption of these regulations shall not be issued unless the street giving access to any proposed building appears on a plat approved by the Planning Board duly filed with the County Clerk, suitably improved or bonded to cover the cost of such improvement.

§ 178-5. Plats straddling municipal boundaries.

Whenever access to the subdivision is required across land in another municipality the Planning Board may request assurance from the Village Attorney that access is legally established and from the Village Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross Village boundary lines.

§ 178-6. Resubdivision.

For a resubdivision, the same procedure, rules and regulations shall apply as for a subdivision.

§ 178-7. Entirely or partially undeveloped plats.

Where a subdivision plat has been filed in the office of the County Clerk prior to the creation and appointment of the Planning Board, the Board may require those portions of the plat which are entirely or partially redeveloped to be replatted and improved to the standards and requirements of these Subdivision Regulations.

ARTICLE II

Definitions

§ 178-8. Word use.

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership, as well as an individual. The word "building" includes a structure and shall be construed as if followed by the phrase "or part thereof." The word "street" includes avenue, boulevard, court, expressway, highway, lane, arterial and road. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream. The word "may" is permissive; the words "shall" and "will" are mandatory, subject, however, to the provisions of Article VII hereof.

§ 178-9. Definitions.

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

ALLEY — A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

BLOCK — An area bounded by streets.

BOARD — The Planning Board of the Village of New Paltz.

CURB — A low barrier usually along the pavement line of a street, road or highway, controlling surface drainage and separating vehicular areas from pedestrian and/or landscaping areas.

DEDICATION — The deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

EASEMENT — A right-of-way granted for limited use of private land for a public or quasi-public purpose.

LOT — A tract or parcel of land intended for transfer of ownership, use or improvement.

OFFICIAL MAP — A map established by the Village Board under § 7-724 of the Village Law, showing streets, highways and parks therefore laid out, adopted and established by law and any amendments thereto adopted by the Village Board or additions thereto resulting from approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

PERFORMANCE BOND — A security which may be accepted by the municipality in lieu of a requirement that certain improvements be made before the Board gives final approval to a subdivision plat. Such security shall be sufficient to cover the full cost of all uncompleted improvements in the subdivision as estimated by the Board or agency designated by the Board. Securities shall include such collateral or agreements acceptable to

the Village Board or a bond issued by a surety company and to run for a term not to exceed three years; provided, however, that the term may be extended by the Board with the consent of the parties thereto.

PLAT, PRELIMINARY — A drawing or drawings clearly marked "preliminary plat" showing in detail the features of a subdivision submitted to the Planning Board for consideration and conditional approval in accordance with § 178-22 of these regulations.

PLAT, SUBDIVISION — The final drawing or drawings of the subdivision submitted to the Planning Board which, if approved, may be duly filed in the office of the County Clerk in accordance with § 178-23 of these regulations.

RESERVE STRIP — A privately owned strip of land of less width than the lot depth permitted by the applicable regulations, bounded on one side by a proposed street and on the other by the boundary of a subdivision containing said proposed street.

REVERSE FRONTAGE LOT — A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

SETBACK OR BUILDING LINE — The line within a property defining the required minimum distance between any enclosed structure and adjacent right-of-way.

SIGHT DISTANCE — The maximum extent of unobstructed vision (in a horizontal plane) along a street from a vehicle located at any given point on the street.

SKETCH PLAN — A freehand sketch showing the general features of a proposed subdivision in accordance with § 178-21 of these regulations.

STREET — A right-of-way for vehicular traffic, including road, avenue, lane, highway or other way which is an existing public way, or a way shown upon a subdivision plat approved by the Village Planning Board as provided by law, or on a plat duly filed and recorded in the office of the County Clerk. Classes of streets are as follows:

- A. Major streets are those which serve or are designated to be used primarily for fast moving traffic volumes and are used primarily as routes for traffic between communities.
- B. Collector streets are those which, in addition to giving access to abutting properties, are designated to connect minor streets to the major street system.
- C. Minor streets are those used primarily to provide access to abutting properties.
- D. A cul-de-sac is a street with only one means of vehicular ingress and egress and with a turnaround as its terminus.

SUBDIVIDER — Any person, firm, corporation, partnership or association who shall lay out any subdivision or part thereof, as defined herein, either for himself, itself or others.

SUBDIVISION — The division of land into two or more lots, plots, blocks, or sites with or without streets or highways, for the purpose of offering such lots, plots, blocks, or sites for sale, transfer of ownership, or development, or any other reason. The term “subdivision” shall include any alteration of lot lines or dimensions of any lots, plots, blocks, or sites shown on a plat previously approved and filed in the office of the County Clerk or previously established by deed transfer, with or without subdivision approval. **[Amended 7-16-2016 by L.L. No. 3-2016]**

SUBMISSION, OFFICIAL DATE OF — The date when a sketch plan, preliminary plat or subdivision plat shall be considered submitted to the Planning Board is hereby defined to be the date of that regular monthly meeting of the Planning Board at least 10 days prior to which all required surveys, plans, data and fees are filed with the Chairman or other authorized person of the Planning Board.

VILLAGE BOARD — The Board of Trustees of the Village of New Paltz.

VILLAGE ENGINEER — The person duly designated as engineer of the Village on a permanent or consulting basis.

VILLAGE MASTER PLAN OR DEVELOPMENT PLAN — A comprehensive plan prepared by the Planning Board which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Village of New Paltz and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

YARD — An open space as may be required by these regulations of uniform width, or depth on the same lot with a building or group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

- A. YARD, FRONT — An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward.
- B. YARD, REAR — An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. YARD, SIDE — An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING LAW — The officially adopted Zoning Law of the Village, together with any and all amendments thereto in accordance with Chapter 64, Article 7, of the Consolidated Laws of the State of New York.¹⁸

ARTICLE III
Procedure

§ 178-10. General procedure.

Whenever any subdivision of land is proposed to be made in the Village of New Paltz, and before any lots are sold, and before any permit for erection of a structure in such proposed subdivision shall be granted, the subdivider or his authorized agent shall apply for approval of such proposed subdivision in accordance with the following procedure.

- A. Preapplication meeting with Planning Board.
- B. Presentation of sketch plan showing general concept.
- C. Official submission of preliminary plat showing proposal in detail.
- D. Public hearing.
- E. Submission of subdivision plat or finalized proposal.
- F. Public hearing (waivable at Planning Board's discretion).
- G. Planning Board approval by resolution.
- H. Improvements completed or posting of bonds or certified checks.
- I. Planning Board signs plat.
- J. Plat is filed in County Clerk's office.

§ 178-11. Preapplication procedure.

- A. General procedure. Before preparing a detailed proposal, the subdivider should make an appointment at the regular meeting of the Planning Board to familiarize himself with the requirements of these and other regulations, the policies and plans of the Planning Board, and other information that may be pertinent to the subdivision. He should also discuss his proposal with the County Health Department which is responsible for the adequacy of lot sizes and facilities for water supply and sewerage disposal. Under certain conditions, the subdivider may also need the approval of the state or county highway agencies and others. This initial conference is intended to save the subdivider time and unnecessary expense.
- B. Sketch plan. Prior to filing a preliminary plat, the subdivider should submit a sketch plan showing a basic proposed layout and other information required in Article V of these regulations. At least two copies of this sketch plan shall be delivered to the Chairman or other authorized official of the Planning Board at least 10 days before the next scheduled Board meeting. After review of the sketch plan, but within 45 days of its official date of submission, the Planning Board will tentatively approve the sketch plan or recommend modifications in

writing. Where a tract of land is to be subdivided into not more than four lots in any one year, contains no new streets and is not subject to limiting physical conditions such as shallow depth to bedrock or extreme wetness, the Planning Board shall waive the requirements of § 178-22 and permit the subdivider to furnish the information specified in § 178-23C(1).

§ 178-12. Preliminary plat.

- A. Procedure. Subsequent to approval of the sketch plan, the subdivider shall prepare and submit to the Planning Board at least four copies of a preliminary plat showing in detail how the subdivision is to be designed, details of construction, and other items required in Article IV. The Planning Board shall furnish one copy of the preliminary plat to the Village Engineer and one copy to the Village Superintendent of Public Works. The Planning Board shall consult with the Village Engineer and Superintendent of Public Works regarding the specifications of the proposed streets and provisions made for water supply, sanitary sewage, and surface stormwater disposal. Within 62 days of the official date of submission, the Planning Board shall act to conditionally approve or disapprove such plat. Prior to taking such action, the Board shall hold a public hearing as required in Subsection C. Failure of the Planning Board to act within 62 days shall constitute conditional approval. The Planning Board shall state in its conditions of approval specific changes and the character and extent of improvement. The conditional approval of the preliminary plat shall not constitute approval of the final subdivision plat, but general agreement on which the subdivision plat may be submitted.
- B. Study of the preliminary plat. The Planning Board shall study the practicability of the preliminary plat taking into consideration the requirements of the community and the best use of the land to be subdivided. Particular attention shall be given to the arrangement, location, and width of the streets; the relation to the topography of the land; water supply, sewage disposal, and drainage; lot sizes, shape, and arrangement; the future development of adjoining lands as yet unsubdivided; the requirements of the Master Plan, the zoning regulations, and other matters enumerated in § 7-730 of the Village Law; and the recommendations, if any, of the Village Engineer and the Superintendent of Public Works.
- C. Public hearing. A public hearing shall be held by the Planning Board within 62 days after the official submission of the preliminary plat and all required data, in accordance with § 7-728 of the Village Law. **[Amended 8-25-2010 by L.L. No. 4-2010]**
 - (1) Such hearing shall be advertised in a newspaper of general circulation and a notice of hearing posted in at least three prominent places at least five days before such hearing.

- (2) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, unless 14 days' notice is required by SEQRA, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application applies and to all other owners of real property which lie within 200 feet of such boundaries.
 - (3) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the secretary of the board an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
 - (4) Property signage. The Planning Board shall require that, at least 10 days prior to the initial public hearing, the owner or applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such road or highway. The size of the sign and text shall be approved by the Village Board or such Village official as the Board may designate. The notice shall include a statement that an application for subdivision/lot line revision affecting the property has been made and such other information as the Village Board may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this chapter for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Planning Board may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Board shall set forth the basis on which it determined the waiver appropriate.
- D. Conditional approval. Conditional approval shall be noted on two copies of the preliminary plat references and attached to any statement of conditions. One copy shall be returned to the applicant and one shall be retained by the Planning Board.

§ 178-13. Subdivision plat.

- A. Procedure. Within six months after the conditional approval of the preliminary plat, the subdivider shall file with the Planning Board an application for approval of the subdivision plat in final form accompanied by required fees and information required in Article V. If the subdivision plat and accompanying materials are not submitted within six months after the conditional approval of the preliminary plat, the Planning Board may, by resolution, rule the conditional approval void.
- B. Agency review. Prior to the public hearing, the subdivider shall file with the Planning Board the written recommendations of the Village Engineer and Superintendent of Public Works and, where review of subdivisions is required by other agencies (for example, the County Health Department, the State Water Resources Commission, the Department of Environmental Conservation, County and State Highway Departments, and the County Planning Board), tentative written recommendations of these agencies, subject of modification due to local conditions which may be brought forth at the public hearing.
- C. Public hearing. A public hearing shall be held by the Planning Board within 62 days after the official date of submission of the subdivision plat in final form for approval, in accordance with § 7-728 of the Village Law. **[Amended 8-25-2010 by L.L. No. 5-2010]**
- (1) Notice.
- (a) Such hearing shall be advertised in a newspaper of general circulation and a notice of hearing posted in at least three prominent places at least five days before such hearing.
 - (b) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, unless 14 days' notice is required by SEQRA, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application applies and to all other owners of real property which lie within 200 feet of such boundaries.
 - (c) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the secretary of the board an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
 - (d) Property signage. The Planning Board shall require, that at least 10 days prior to the initial public hearing, the owner or

applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such road or highway. The size of the sign and text shall be approved by the Village Board or such Village official as the Board may designate. The notice shall include a statement that an application for a subdivision/lot line revision affecting the property has been made and such other information as the Village Board may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this chapter for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Planning Board may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Board shall set forth the basis on which it determined the waiver appropriate.

- (2) Provided that the Planning Board determines that the final subdivision plat is substantially the same as the preliminary plat given conditional approval, or that it is modified in accordance with the specific conditions attached to the conditional approval, the Planning Board may waive the public hearing.
- D. Planning Board action. After careful study, the Planning Board shall, within 62 days of the submission date approve, modify or disapprove the subdivision plat and shall advise the subdivider, in writing, of its decision. Failure of the Planning Board to act within 62 days shall constitute approval. If approved, the subdivision plat shall not be signed by the authorized officers of the Planning Board until the applicant has complied with § 178-14 of these regulations and, if required, made the payment in lieu of reservation of parkland pursuant to § 178-19A(3). If disapproved or modified, the reasons for such disapproval or modification shall be stated in the records of the Planning Board. **[Amended 5-16-2018 by L.L. No. 4-2018; 6-13-2018 by L.L. No. 5-2018]**
- E. Division of subdivision plat into two or more sections. The Planning Board may permit the subdivision plat to be divided into two or more sections, subject to such conditions as it deems necessary to assure the orderly development of the subdivision. Any section shall encompass at least 10% of the total number of lots shown on the plat.

- F. Extension of time. Notwithstanding other provision of these regulations, any time limit established for Planning Board action with reference to preliminary plats or final subdivision plats may be extended by the mutual agreement of the applicant and the Planning Board.

§ 178-14. Required improvements and procedure.

- A. Security to complete improvements; certification. Where a subdivision entails new streets or other improvements, before the Planning Board Chairman or other authorized person may sign the subdivision plat, the subdivider shall either post a bond or certified check in an amount sufficient to construct the required improvements or shall complete the required improvements. A licensed professional engineer representing the subdivider shall certify in writing to the Village Engineer that these required improvements have been completed in accordance with the stipulations of the approved subdivision plat.
- B. When bond or certified check is posted. In an amount determined by the Planning Board the subdivider shall either file with the Village Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the Village Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of § 7-730 of the Village Law and shall be satisfactory to the Village Attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed.
- C. When no bond is posted. The subdivider shall complete all required improvements to the satisfaction of the Village Engineer who shall file with the Planning Board a letter from a licensed professional engineer representing the subdivider attesting to the satisfactory completion of all improvements required by the Board.
- D. As-built drawings necessary. The required improvements shall not be considered to be completed until the installation of improvements has been approved by the Village Engineer and a map satisfactory to the Planning Board has been submitted indicating the actual location of all required improvements and monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to Subsection C of this section, then said map shall be submitted prior to endorsement of the plat by the appropriate Planning Board officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in Subsection B of this section, such bond shall not be released until such map is submitted.
- E. Modification of design of improvements. If at any time before or during the construction of the required improvements it is demonstrated to the

satisfaction of the Village Engineer or other authorized person that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Village Engineer may, upon approval by a previously delegated member of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board's approval and do not extend the waiver or substantial alteration of the function of any improvements required by the Board. The Village Engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at their next regular meeting.

- F. Inspection of improvements and fee. At least five days prior to commencing construction of required improvements, the subdivider shall pay to the Village Clerk an inspection fee of 6% of the required improvements and shall notify the Village Board in writing of the time when he propose to commence the construction of such improvements so that the Village Board may cause inspection to be made to assure that all Village specifications and requirements shall be met during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Planning Board. **[Amended 5-3-2006 by L.L. No. 8-2006]**
- G. Proper installation of improvements. If the Village Engineer shall find, upon inspection of improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Village Board and Planning Board. The Village Board then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Village's rights under the bond. No plat shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plat.

§ 178-15. Filing of approved subdivision plat.

- A. Signing and filing; time limitations. Upon completion of the requirements of §§ 178-13 and 178-14 and, if required, the payment in lieu of reservation of parkland pursuant to § 178-19A(3), the subdivision plat shall be signed by the Chairman of the Planning Board, or Secretary in the Chairman's absence, and may be filed by the subdivider in the office of the County Clerk. Any subdivision plat not so filed or recorded within 90 days of the date upon which such plat is approved or considered approved by reasons of the failure of the Planning Board to act, shall become null and void, unless the particular circumstances of said subdivider warrant the Planning Board to grant an extension which shall not exceed two additional periods of 90 days. **[Amended 5-16-2018 by L.L. No. 4-2018; 6-13-2018 by L.L. No. 5-2018]**
- B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has

been given by the Planning Board and endorsed in writing on the plat, unless the said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded with complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

§ 178-16. Status of streets, parks, easements.

- A. Offers of cession. The subdivider may add a notation on the subdivision plat that no offer of streets, parks or easements shown on the plat is made to the public. This shall be accompanied by documents showing the manner in which such areas are to be maintained and provisions made therefor. Failure to make such notation accompanied by documents as described above, will constitute a continuing offer of cession to the Village, which may be accepted by the Village Board at any time prior to revocation of said offer by the owner of the land or his agent. Formal offers of cession to the public of all streets, parks, easements or public open spaces not specifically reserved by the subdivider shall be filed with the Planning Board prior to approval of the plat. Such offer shall bear the endorsement of the Village Attorney as to its legal sufficiency.
- B. Acceptance by Village. Acceptance of any such offer of cession shall rest with the Village Board. In the event the applicant shall elect not to file the subdivision plat in the office of the County Clerk, such offer of cession shall be deemed to be void.
- C. Approval by Planning Board. The approval by the Planning Board of the subdivision plat shall not be deemed to constitute or imply the acceptance by the Village Board of any street, park, easement or open space shown on said plat. The Planning Board may require said plat to be endorsed with an appropriate note to this effect.
- D. Maintenance of roads. In those cases where no offer of cession to the public is made for the roads, parks, open lands and easements shown on the plat, the documents submitted with the plat describing the manner in which such areas are to be maintained, as required in Subsection A of this section shall be reviewed and endorsed by the Village Attorney as to legal adequacy and competency.

ARTICLE IV

Design Standards and Required Improvements**§ 178-17. Design standards.**

The design standards listed in this article shall be incorporated in all proposed plans.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Preservation of natural cover and existing features. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography in order to minimize grading and, insofar as possible, to retain the natural contours, limit stormwater runoff and conserve the natural water and soil. No topsoil, sand or gravel shall be removed from any lots shown on any subdivision plat except for the purpose of improving such lots and for the laying out of streets shown thereon. Topsoil so removed shall be restored to a depth of six inches and properly seeded on those lot areas not occupied by buildings or structures. No excess topsoil so removed shall be disposed outside the Village boundaries except with approval of the Village Board. Existing features which would enhance the attractiveness of the site or the community as a whole, such as trees, watercourses, ponds, historic places and similar irreplaceable assets, shall be preserved insofar as possible through harmonious design of the subdivision.

§ 178-18. Streets.

- A. General. Streets shall be suitably located, of sufficient width and adequately improved to accommodate prospective traffic, to afford satisfactory access to police, fire fighting, snow removal or other road maintenance equipment, and shall be coordinated so as to compose a convenient system.
- B. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many building sites as possible at or above the grade of the street. Grades and curves shall be in conformity with Table 1 of Subsection I of this section.
- C. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and particularly where such continuation is in accordance with the Master Plan. Reserve strips, controlling access to streets, shall be prohibited except where their control is placed with the Village under conditions approved by the Planning Board. If adjacent property is underdeveloped and the street must temporarily be a dead-

end street, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround with a traveled way radius of at least 50 feet shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the normal street right-of-way shall revert to abutting properties.

D. Treatment of major streets.

- (1) Residential areas. Where a subdivision abuts or contains an existing or proposed major street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear 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.
- (2) Business areas. In areas zoned or designed for commercial use, or where a change of zoning is contemplated for commercial use, the Planning Board may require that the street width be increased or that a service road be constructed, to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial area.

E. Dead-end streets. Permanent dead-end streets shall normally not exceed 600 feet in length in order to provide for convenience or traffic movement and facilitate more effective police and fire protection. A depth suitable for an adequate building lot shall be retained between the terminus of the road and adjoining property. A circular turnaround with a minimum right-of-way radius of 65 feet and a pavement radius of 50 feet shall be provided at the end of permanent dead-end streets.

F. Street names. All streets shall be named and such names shall be sufficiently different in sound and spelling from other street names in the Village to avoid confusion. A street which is a continuation of an existing street shall bear the same name.

G. Intersections.

- (1) Design. Intersections of major streets by other streets shall be at least 800 feet apart. Cross (four cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least 150 feet shall be maintained between offset intersections. Within 40 feet of an intersection, streets shall be approximately at right angles, and grades shall be limited to 1 1/2%. All street intersection corners shall be rounded by curves of at least 25 feet in radius at the property line.
- (2) Visibility. Within the triangular area formed at corners by the intersecting street lines, for a distance of 30 feet from their intersection and a diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if

necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility. An easement for the enforcement of this provision shall be granted to the owner of the street and notation to this effect made on the plat.

- H. Provision for future resubdivision. Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged where possible to allow the provision of future streets and logical further subdivision.
- I. Design standards for streets. Streets shall be graded and improved with pavements in accordance with the requirements established by the Superintendent of Public Works of the Village of New Paltz and designed in accordance with the standards presented in the table below:

TABLE 1
DESIGN STANDARDS FOR STREETS

	Minor	Collector
Minimum width right-of-way	50 feet	60 feet
Minimum width of pavement	28 feet	36 feet
Minimum radius of horizontal curves	100 feet ⁽¹⁾	250 feet
Minimum length of tangents between reverse curves	100 feet ⁽⁴⁾	200 feet
Maximum grade	8% ⁽⁵⁾	8%
Minimum grade	1%	1%
Minimum sight distance	100 feet	250 feet

Notes:

⁽¹⁾Except for street intersection corners.

⁽²⁾But not less than 20 feet for each 1% algebraic difference of grade

⁽³⁾But not less than 30 feet for each 1% algebraic difference of grade

⁽⁴⁾Except where excessive grades may be reduced to reasonable grades by shortening tangent

⁽⁵⁾Except that grades of up to 10% may be approved on short runs

- J. Blocks. Block dimensions shall be at least twice the minimum lot depth and/or at least 400 feet in length. In long blocks, the Planning Board may require the establishment of easements or public ways through the block to accommodate utilities or pedestrian access.

- K. Lots.

(1) General. The lot size, width, depth, shape and arrangement shall be appropriate for the type of development and use contemplated, and

shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Law, or in providing access to buildings on such lots from an approved street. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.

- (2) Side lot lines. Side lot lines shall be at right angles to street lines unless a variation from this rule will give, in the opinion of the Planning Board, a better street or lot plan. Lot lines shall coincide with municipal boundaries rather than cross them. Where extra width has been indicated for widening an existing street, lot lines shall begin at such extra width line.
- (3) Access from major streets. Lots shall generally not have their vehicular access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.
- (4) Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure, of a design approved by the Superintendent of Public Works.
- (5) Water bodies. If a tract being subdivided contains a water body or portion thereof, lot lines shall be so drawn as to distribute the ownership of the water body among the fees of the adjacent lots. The Planning Board may approve an alternate plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a responsibility. No more than 25% of the minimum lot area required under zoning regulations may be satisfied by land under water.

§ 178-19. Reservation and easements.

A. Parkland. [Amended 7-5-2006 by L.L. No. 12-2006; 10-22-2014 by L.L. No. 13-2014; 5-16-2018 by L.L. No. 4-2018; 6-13-2018 by L.L. No. 5-2018]

- (1) General requirement. Pursuant to § 7-730 of the Village Law, residential subdivisions must provide for adequate public parkland or recreation areas suitably located for parkland, playground or other recreational purposes. Where a subdivision plat cannot meet the land reservation requirement, as set forth in Subsection A(2) below, the applicant shall be required to pay a fee to the Village that will be placed in a trust fund to be used for the purchase and development of parks and recreational sites within the Village.

- (2) Reservation of land. If the Planning Board finds that, consistent with Subsection A(1) above and the Village's Comprehensive Plan, the Village has a need for public parkland and recreational facilities, and that the subdivision will contribute to such need, the Planning Board shall require that the subdivision plat contain public parkland or recreational facilities suitably located thereon, based on the following standards:
- (a) Land shall be reserved for public parks, playgrounds and other recreation purposes in such locations on the plat consistent with the Comprehensive Plan, or where the Planning Board otherwise determines that such reservation would be appropriate under the circumstances.
 - (b) Each such reservation shall be of suitable size, dimension, and topography, have adequate pedestrian, bicycle, and vehicle access, and be of a general character, satisfactory to the particular public parkland or recreational purposes envisioned by the Planning Board. At least 45 days prior to the Planning Board's findings and determination of the reservation of such parkland and recreational facilities, the Planning Board shall refer the proposed reservation of parkland or recreational facilities to the Board of Trustees for a recommendation report back to the Planning Board on the suitability of the reservation of public parkland and/or recreational facilities. If no report back from the Board of Trustees occurs within such 45 days, then the Planning Board may make its reservation of parkland or recreational facilities determination.
 - (c) The minimum amount of land area to be reserved for public parks, playgrounds or other recreational purposes shall be 1,300 square feet for each new residential lot located within the proposed subdivision. All such parks, playgrounds or recreational areas shall be at least 21,780 square feet. Based upon the particular circumstances of the subdivision plat, the Planning Board may find that land area in addition to the minimum is necessary and may require that such larger land area be reserved. However, such land area in addition to the minimum shall, collectively with the minimum, result in no more than 10% of the developable area of the proposed plat.
 - (d) The reserved areas shall be shown and marked on the plat "Reserved Public Parkland for Recreational Purposes."
 - (e) The reservation of land deemed by the Planning Board to be of sufficient size and suitability must be reserved in full on the plat; no partial public parkland or recreational facilities shall be credited toward the mandated reservation of land.
 - (f) The reservation of land must be offered for dedication to the Village. If the Board of Trustees determines not to accept the

offer of dedication of such land, then the privately held land must be subject to such restrictions, by way of deed restrictions or easements in favor of the Village and acceptable to the Village Attorney as to form, to ensure that such land is properly developed and maintained for use by the public.

- (3) Payment in lieu of land. Where the Planning Board finds that the proposed subdivision presents a proper case for requiring a public park or recreation area pursuant to this section and state law, but that a suitable public park or recreation area of adequate size cannot be appropriately located on the subdivision plat, the Planning Board shall require, as a condition of approval, that the applicant deposit a cash payment in lieu of land reservation with the Village Clerk. The amount of such payment shall be as set annually by resolution of the Board of Trustees for each residential lot created that will increase the recreation demand and must be paid to the Village Clerk prior to the signing of the subdivision plat by the authorized officers of the Planning Board. By way of example, to calculate the number of residential lot fees due, if there is an existing vacant single lot that is proposed to be divided into a total of two residential lots, there are two recreation fees due because there are two undeveloped lots that will demand recreation, unless that existing vacant lot had been assessed a recreation fee within the prior 10 years. If that same existing single lot is proposed to be divided into a total of two residential lots, but there exists a residence on one of the proposed lots, there is created only one new lot that will increase the demand for recreation, and only one recreation fee is due.
 - (4) Pursuant to § 7-725-a, Subdivision 6(d), of the Village Law, in the event of a resubdivision of such plat, additional reservation of parkland, or additional payment in lieu of reservation of parkland, shall be required.
- B. Widening or realignment of existing streets. Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated on the Master Plan, or where the Planning Board deems such reservation necessary, the Planning Board may require that such area be indicated on the plat and marked "Reserved for street realignment (or widening) purposes."
 - C. Easements for utilities and drainage. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Such easements shall be centered on rear or lot lines.
 - D. Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks,

playgrounds, or other nearby streets, perpetual unobstructed easements at least 20 feet in width.

- E. Responsibility for ownership of reservations. Title to all reservations, if vested in interests other than the subdivider, shall be clearly be indicated on the plat.

§ 178-20. Improvements.

- A. Monuments and markers. Permanent monuments shall be placed at all block corners, angle points, points of curvature and points of tangency in streets and at intermediate points as required by the Village Engineer. In no case shall there be less than four permanent monuments per block. Monuments shall be set so as to prevent movement by frost upheaval and other pressures. Markers of a material, size and length suitable to the Village Engineer shall be placed at all points where road lines intersect plat boundaries at all lot corners.
- B. Street improvements. Streets shall be graded and improved with pavement, street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm drains and fire hydrants except where waivers may be requested. In such cases, the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of the public health, safety and general welfare or may result in unnecessary hardship. If underground utilities are required by the Planning Board, they shall be placed between the paved roadway and the street right-of-way line, where possible, to simplify location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such grading and improvements shall be approved as to design and specifications by the Village Engineer, who shall require that all pertinent Village specifications and standards shall be met.
- C. Water and sewerage facilities. Facilities for water and sewerage shall be provided in each new subdivision in accordance with the requirements of the appropriate agency having jurisdiction over the planning and installation of these in the area of the subdivision.
- D. Stormwater detention facilities. Stormwater detention facilities will be required for all residential cluster developments. The detention facilities shall be designed so that for rainfall events of two-, five-, ten-, fifteen-, and twenty-five-year-recurrence intervals the peak downstream flows for the developed conditions with the detention facility in place will not exceed peak downstream flows for existing conditions without detention facilities in place. The applicant shall submit all detention facility design computations for review. Peak flow rates for the two-, five-, ten-, fifteen-, and twenty-five-year-recurrence interval rainfall events shall be computed using the Modified Rational Method, the Soil Conservation Service TR-55 and TR-20 methods, or a

computed program such as HEC-1. The Planning Board may waive detention requirements upon the presentation of supporting evidence after consultation with the Village Engineer or Village Planner.

- E. Public utilities. The Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installations necessary for the furnishing of its services within a specified time, in accordance with the approved subdivision plat.

ARTICLE V
Documents To Be Submitted

§ 178-21. Sketch plan.

- A. Number of copies. At least two copies of the sketch plan shall be delivered to the Planning Board.
- B. Details required.
 - (1) The sketch shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform size sheets not larger than 36 inches by 48 inches and shall contain the date of preparation, approximate true north point, title "sketch plan," and the graphic scale. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be prepared.
 - (2) The name and address of the owner or owners of the land to be subdivided, the name and address of the subdivider if other than the owner, the name of the land surveyor or licensed professional engineer, if any, who prepared the sketch plan, the proposed name of the subdivision, the Village of New Paltz and Ulster County.
 - (3) A map of the location of the tract with respect to surrounding properties and major roads, such map to be at a scale of 2,000 feet to the inch. It shall identify all property in the vicinity of the subdivision held by the subdivider.
 - (4) All existing restrictions on the use of land, if any, including easements, covenants, zoning lines or street lines.

§ 178-22. Preliminary plat.

- A. Number of copies. At least three copies shall be delivered to the Planning Board.
- B. Details required. The preliminary plat shall show or be accompanied by the following information, except where requirements have been waived through sketch plan review:
 - (1) All data required in Subsection B of § 178-21, except the drawings shall be clearly labeled "preliminary plat."
 - (2) The location, bearings and distances of the tract's boundaries prepared by a licensed surveyor, including seal and number.
 - (3) If topographic conditions are significant, contours shall be indicated at intervals of two feet.
 - (4) The names of all adjoining property owners of record and the names of adjacent developments.

- (5) The location and dimensions of all public properties, street lines, easements, zoning boundaries or restrictions on the property.
- (6) Location of existing and proposed sewers, water drains, including pipe size and type, grades, direction of flow, ownership, and stormwater detention facilities. Calculations shall be provided when, in the opinion of the Village Engineer, these are necessary for review.
- (7) The location, width and approximate grade of all proposed streets with the approximate elevations shown at the beginning and end of each street, at street intersections, and at all points where there is a decided change in slope or direction.
- (8) The area of land included in the subdivision and the approximate location, dimensions and area of all proposed or existing lots and land to be set aside for recreation and public purposes.
- (9) Proposed provision of water supply, fire protection, sanitary waste disposal, stormwater drainage, wooded areas and easements.
- (10) The location of all existing structures such as buildings and stone walls and all pertinent natural features that may influence the design of the subdivision such as watercourses and swamps.
- (11) The location, dimensions, and status of all covenants, deed restrictions, or easements proposed by the applicant.
- (12) Certification by subdivider's engineer that all improvements comply with requirements of the agencies having jurisdiction and will adequately meet the needs of the subdivision.

§ 178-23. Subdivision plat.

- A. General specifications. All subdivision plats shall be clearly drawn on linen with black, waterproof ink. Such plat shall be at a convenient scale of no more than 100 feet to the inch and shall be submitted on uniform sheets not larger than 36 inches by 48 inches. Where more than one sheet is required, a scaled map showing the entire subdivision on one sheet shall be submitted.
- B. Copies required. The subdivider shall submit to the Planning Board two transparencies and three prints of the subdivision plat. One transparency, which will be filed with the County Clerk, shall be as required in Subsection A of this section, the other for the records of the Planning Board may be a sepia copy.
- C. Details required.
 - (1) Subdivision with four lots or less. For those subdivisions with four lots or less and meeting the other criteria in Subsection B of § 178-22 which permit the waiving of certain requirements of information:

- (a) Name of subdivision, name, address and signature of the owner, subdivider, seal and number of the licensed professional engineer or land surveyor who prepared the plat, the Village of New Paltz, Ulster County.
 - (b) A sketch of the location of the tract with respect to surrounding properties and roads, and schools, at a scale of 2,000 feet to the inch.
 - (c) Date of preparation, graphic scale, approximate true north point, bearings and distances of tract's boundaries.
 - (d) The names of all adjoining property owners of record shall be indicated on the plat. Stamped envelopes, addressed to each of the owners of record of property, abutting or across the street from the tract, shall be submitted to the Planning Board.
 - (e) The location and dimension of all public properties, streets, easements, building lines or restrictions on the tract.
 - (f) The location of existing and proposed sewers, water mains, culverts, and storm drains, including pipe size and type, grades, direction of flow, ownership, and stormwater detention facilities.
- (2) Subdivision with more than four lots.
- (a) Name of subdivision, name, address and signature of the owner, subdivider, seal and number of the licensed professional engineer or land surveyor who prepared the plat, the Village of New Paltz, and Ulster County.
 - (b) A map of the location of the tract with respect to surrounding properties and roads, and schools, at a scale of 2,000 feet to the inch.
 - (c) Date of preparation, graphic scale, approximate true north point, bearings and distances of tract's boundaries.
 - (d) The names of all adjoining property owners of record shall be indicated on the plat. Stamped envelopes, addressed to each of the owners of record of property, abutting or across the street from the tract, shall be submitted to the Planning Board.
 - (e) The location and dimension of all public properties, streets, easements, building lines or restrictions on the tract.
 - (f) The location of existing and proposed sewers, water mains, culverts and storm drains, including pipe size and type, grades, direction of flow, ownership, and stormwater detention facilities.

- (g) The location, width, grade, names of all proposed streets with elevations shown at the beginning and end of each street, at street intersections, at all points where there is a decided change in slope or direction shown on the plat.
- (h) Statement from subdivider's engineer giving estimated cost of construction of roads and other improvements to meet the requirements of these regulations, together with quantities and unit costs used in making the estimate.
- (i) Radii of all curves and lengths of arcs.
- (j) Profiles showing existing and proposed elevations along the center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets, within 100 feet of the intersection shall be shown.
- (k) Plans and profiles showing the location and a typical cross-section of street pavements, including curbs and gutter, sidewalks, manholes and catch basins; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; and the exact location and size of all water, gas or other underground utilities and structures.
- (l) The area of the land included in the subdivision and the location dimensions, and area (in square feet) of all existing and proposed lots and land to be set aside for recreation or public purposes. All lots shall be numbered for identification.
- (m) The location of all existing water bodies, swamps or streams that will be retained or relocated or intended to be developed. Existing buildings which shall be retained or removed shall be so identified.
- (n) Sufficient data acceptable to the Village Engineer to readily determine the location, bearings and length of all lines and to reproduce such lines on the ground.
- (o) The location of all existing and proposed monuments and markers.
- (p) Offers of cession, in a form satisfactory to the Village Board, of all land offered, or to be offered, for dedication for streets, highways, easements, parks or other public facilities.
- (q) Proposed covenants, deed restrictions, easements proposed by the applicant.
- (r) The following notations shall be shown on the plat:

- [1] Explanation of drainage easements as follows: "The drainage easements (or the drainage discharge points) shown hereon establish the perpetual right to discharge stormwater runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts or ditches, or a combination thereof, together with the right of the holder of fee title to the highway, or his authorized representatives, to enter said premises for purposes of making such installations and doing such maintenance work as said holder of a fee title may deem necessary to adequately drain the highway and surrounding area."
- [2] Explanation of sight easements as follows: "The sight easements shown hereon establish the perpetual right of the holder of fee title of the highway, or his authorized representatives, to clear, regrade and maintain the area within these easements at such elevation that there is a clear line of sight anywhere across the area between the observer's eye at an elevation of 3.5 feet above the road surface at the nearest edge of the road and an object one foot above the nearest edge of pavement on the intersecting road."
- [3] Explanation of reservations as follows: "Reserved for highway purposes (or recreation purposes, or other approved purpose)".
- [4] Endorsement of owner as follows:
- "I hereby grant my approval to this plat and consent to the filing of it in the office of the County Clerk."

Owner

Date

ARTICLE VI

Fees**[Amended by L.L. No. 17-1997]****§ 178-24. Filing fees. [Amended 10-22-2014 by L.L. No. 13-2014]**

- A. Sketch plan. The filing of a sketch plan application pursuant to Subsection B of § 178-11 of this chapter shall be accompanied by the payment of a filing fee as set annually by resolution of the Board of Trustees.
- B. Preliminary plat. The filing of a preliminary plat application pursuant to § 178-12 shall be accompanied by the payment of a filing fee as set annually by resolution of the Board of Trustees.
- C. Subdivision plat. The filing of a subdivision plat application pursuant to § 178-13 shall be accompanied by a payment as follows:
 - (1) Minor (four lots or less): as set annually by resolution of the Board of Trustees.
 - (2) Major (five or more lots): as set annually by resolution of the Board of Trustees.

§ 178-25. Inspection fee. [Amended 5-3-2006 by L.L. No. 8-2006]

As specified in Subsection F of § 178-14 of this chapter, the inspection fee shall be in the amount of 6% of the cost of the required improvements as calculated by the Village Engineer. Such payment shall be made to the Village Clerk at least five days prior to commencing construction.

§ 178-26. (Reserved)¹⁹**§ 178-27. Application review fees.**

In addition to the fees specified in §§ 178-24, 178-25 and 178-26 of this chapter, every application for approval of a proposed subdivision of land shall be accompanied by a reasonable fee to defray the expenses incurred by the Planning Board in rendering a determination on the application.

19. Editor's Note: Former § 178-26, Recreation fee, as amended, was repealed 5-16-2018 by L.L. No. 4-2018 and 6-13-2018 by L.L. No. 5-2018.

ARTICLE VII
Special Conditions; Penalty

§ 178-28. Variances.

- A. Requests by subdivider. Requests by the subdivider for variances, modifications, waivers, or time extensions in connection with provisions of these regulations shall be presented in writing to the Planning Board prior to any regular meeting; shall explain the request in detail, making reference to the specific provisions of these regulations which are concerned; shall state the interpretation, change or permission desired; and shall present the specific reasons for such request. The Planning Board, within 30 days next following the date of such request, shall reply in writing to the subdivider granting either approval or disapproval of such request, and in case of disapproval, shall state the reasons therefor.
- B. Extraordinary hardship. Wherever extraordinary hardship may face the subdivider as a result of the strict application of these regulations, the Planning Board may approve variances from these regulations in order to provide substantial justice and secure the public interest. Such variances shall, however, not have the effect of negating the intent, purpose and policies of the Zoning Law, the Master Plan and these or other applicable regulations.
- C. Unusual topographic conditions. Wherever, due to unusual topographic conditions, the continuation of streets or the placement of lots and improvements are rendered undesirable or impractical, the Planning Board may approve variances from these regulations.
- D. Alternative conditions. In granting variances and modifications, the Planning Board may require such alternative conditions as will secure substantially the same objectives of the standards or regulations so varied from or modified.

§ 178-29. Modifications.

- A. Large-scale developments. The Planning Board may modify the standards and requirements of these regulations in the case of a plan and program for a neighborhood unit or other large-scale development which in its judgment provides adequate public spaces.
- B. Zoning Law. The Planning Board is empowered to make reasonable modifications, changes or supplements to the Zoning Law of the Village of New Paltz or any portion thereof, as applied to a subdivision plat showing new streets, simultaneously with the approval of such subdivision plat. Such action is authorized in accordance with and subject to the provisions of § 7-738 of the Village Law.
- C. Performance bond. The Planning Board may at any time during the term of a performance bond modify its requirements for any or all

improvements covered by such bond in accordance with § 178-14 of these regulations.

§ 178-30. Time extensions.

- A. Rules for procedure. The Planning Board is empowered to establish its own rules of procedure for the granting of time extensions and the revoking of approvals, so long as they are not in conflict with these regulations or the provisions of the Village Law pertaining to subdivision plats.
- B. Application by subdivider.
 - (1) The Planning Board may extend upon proper application by the subdivider:
 - (a) The six-month conditional approval period as specified in Subsection B of § 178-13, provided the proposed subdivision fully conforms to the Zoning Law in effect at the time such extension is applied for.
 - (b) The one-year period for beginning construction or filing of the necessary performance bond following the filing of an approved final plat with the County Clerk as provided in Subsection A of § 178-31.
 - (2) Such extensions shall be granted for three-month periods and may be renewable at the discretion of the Planning Board.

§ 178-31. Revocation.

- A. Failure to install improvements. If within one calendar year next following the date of filing of an approved final plat with the County Clerk, no construction of improvements has begun, or no performance bond in lieu of construction has been posted by the subdivider as provided in these regulations, then the Planning Board is empowered to revoke its approval of said final plat.
- B. Status of final plat. Formal action by the Planning Board revoking approval of a final plat shall require a subdivider to file another application for approval in accordance with these regulations in order for any building permits to be issued to him and for any construction to proceed.

§ 178-32. Expiration.

- A. Filing plat with County Clerk. Approval by the Planning Board of a final plat shall automatically expire after 90 days next following the date of such approval as provided in Subsection A of § 178-15, unless the subdivider within this period shall have duly filed such plat with the County Clerk and the County Clerk shall have duly notified the Planning Board of the filing in accordance with § 7-732 of the Village Law.

- B. Offers of cession. On and after such expiration date, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void and of no effect.

§ 178-33. Default.

Performance bonds in default shall subject the subdivider to action in accordance with Subsections F and G of § 178-14.

§ 178-34. Penalties for offenses.

- A. If any person transfers or sells, or agrees to sell, as owner or agent, any land which forms a part of the subdivision on which by this chapter or law, the Planning Board is required to act without submitting the subdivision for review, or before favorable referral and final approval has been obtained, such person shall be subject to a fine as set annually by resolution of the Board of Trustees. Each parcel, plot, or lot so disposed of shall be deemed a separate violation. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- B. In any such action the transferee, purchaser, or grantee shall be entitled to a lien upon the tract of the land from which the subdivision was made that remains in the possession of the subdivider or his assigns or successors, to secure the return of any deposit made or purchase price paid, and also reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within one year after the date of the recording of the instrument of transfer, sale or conveyance of said land.

§ 178-35. Review of Planning Board decisions.

In accordance with § 7-740 of the Village Law, any person or persons, jointly or severally aggrieved by any decision of the Planning Board concerning plat approval or the changing of the zoning regulations as stipulated in Subsection B of § 178-29, may bring a proceeding to review in the manner provided by Article 78 of the Civil Practice Law and Rules in a court of record. Such proceeding must be commenced within 30 days after the filing of the decision in the office of the Planning Board.

§ 178-36. Separability.

Should any section or provision of these regulations, as contained herein or as hereinafter amended, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

ARTICLE VIII
Amendments

§ 178-37. Planning Board may amend.

The Planning Board may from time to time on its own motion, or on petition, or on recommendation of the Village Board, amend or repeal the regulations and provisions of this chapter, after public notice and hearing.

§ 178-38. Approval by Trustees.

Every such proposed amendment or change when adopted by resolution of the Planning Board shall be referred to the Village Board for approval.

§ 178-39. Public notice and hearing.

The Planning Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

- A. Public notice. By publishing a notice at least 10 days in advance of such hearing in at least one newspaper of general circulation in the Village of New Paltz; such notice shall state the date, time and place of hearing, the general nature of the proposed amendment in such reasonable detail as will give adequate notice of its contents, and shall name the place or places where copies of the proposed amendment may be examined.
- B. Opportunity to be heard at hearing. At the public hearing, full opportunity to be heard shall be given to any resident of the Village of New Paltz and all parties in interest.

Chapter 182

TAXATION

GENERAL REFERENCES

Assessment — See Ch. 5.

ARTICLE I
Utility Tax
[Derived from Ch. 25 of the 1978 Code]

§ 182-1. Tax on the furnishing of utility services. [Amended 10-22-2014 by L.L. No. 13-2014]

Pursuant to the authority granted by § 5-530 of the Village Law of the State of New York, a tax equal to 1% of its gross income from and after the first day of May 1970 is hereby imposed upon every utility doing business in the Village of New Paltz, New York, which is subject to the supervision of the State Department of Public Service, which has a gross income for 12 months ending May 1 in excess of that set annually by resolution of the Board of Trustees except motor carriers or brokers subject to supervision under Article 3-B of the Public Service Law,²⁰ and a tax equal to 1% of its gross operating income from and after the first day of May 1970 is hereby imposed upon every other utility doing business in the Village of New Paltz, New York, which has a gross operating income for 12 months ending May 1, 1970, in excess of that which is set annually by resolution of the Board of Trustees, which taxes shall have application only within the territorial limits of the Village of New Paltz and shall be in addition to any and all other taxes and fees imposed by any other provision of law. Such taxes shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of New Paltz notwithstanding that some acts be necessarily performed with respect to such transaction within such limits.

§ 182-2. Definitions.

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

GROSS INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise (except sales hereinafter referred to with respect to which it is provided that the profits from the sale shall be included in gross income), made or service rendered for ultimate consumption or use by the purchaser in the Village of New Paltz, New York, including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit), without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or services or other costs, interest or discount paid, or any other expense whatsoever; also profits from the sale of securities; also profits from the sale of real property growing out of the ownership or use of or interest in such property; also profit from the sale of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the period for which a return is made); also receipts from interest, dividends and royalties, derived from sources within the Village of New Paltz, New York, other than such as are

20. Editor's Note: Article 3-B was repealed by L.1970, c. 267, § 5, eff. March 1, 1971.

received from a corporation a majority of whose voting stock is owned by a taxpaying utility, without any deduction therefrom for any expenses whatsoever incurred in connection with the receipt thereof, and also profits from any transaction (except sales for resale and rentals) within the Village of New Paltz, New York, whatsoever; provided, however, that the words "gross income" shall include, in the case of a utility engaged in selling telephony or telephone service, only receipts from local exchange service wholly consummated within the Village of New Paltz, New York, and in the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village of New Paltz, New York.

GROSS OPERATING INCOME — Includes receipts received in or by reason of any sale, conditional or otherwise, made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephony or telegraphy, or in or by reason of the furnishing for such consumption or use of gas, electric, steam, water, refrigerator, telephone or telegraph service in the Village of New Paltz, New York, including cash, credits and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor, or services or other costs, interest or discount paid, or any other expenses whatsoever.

PERSON — Persons, corporations, companies, associations, joint-stock associations, copartnerships, estates, assignee of rents, any person acting in a fiduciary capacity, or any other entity, and persons, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, or by any other means, except the state, municipalities, political and civil subdivisions of the state or municipality and public districts.

UTILITY — Includes every person subject to the supervision of the State Department of Public Service, except persons engaged in the business of operating or leasing sleeping and parlor railroad cars or operating railroads other than street surface, rapid transit, subway and elevated railroads, and also includes every person (whether or not such person is subject to such supervision) who sells gas, electricity, steam, water, refrigeration, telephony or telegraphy, delivered through mains, pipes, or wires, furnishes gas, electric, steam, water, refrigeration, telephone or telegraph service by means of mains, pipes, or wires, regardless of whether such activities are the main business of such person or are only incidental thereto, or of whether use is made of the public streets.

§ 182-3. Records of utility.

Every utility subject to tax under this article shall keep such records of its business and in such form as the Village Treasurer may require, or as the Village Board may require, and such records shall be preserved for a period of three years, except that the Village Treasurer or the Village Board may consent to their destruction within that period or may require that they be kept longer.

§ 182-4. Filing by utility.

Every utility subject to tax hereunder shall file annually, on or before the 25th day of March, a return for the 12 calendar months preceding February 28 or any portion thereof for which the tax imposed hereby is effective. Every return shall state the gross income or gross operating income for the period covered thereby. Returns shall be filed with the Village Treasurer on a form to be furnished by him for such purposes and shall contain such other data, information or matter as he may require to be included therein. The Village Treasurer, in order to insure payment of the tax imposed, may require at any time a further or supplemental return, which shall contain any data specified by him, regardless of whether the utility is subject to tax under this article. Every return shall have annexed thereto an affidavit of the head of the utility making the same, or of the owner or of a copartner thereof or of a principal officer of the corporation, if such business be conducted by a corporation, to the effect that the statements contained therein are true.

§ 182-5. Payment of tax.

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

§ 182-6. Sufficiency of return.

In case any return filed pursuant to this article shall be insufficient or unsatisfactory to the Village Treasurer, and if a corrected or sufficient return is not filed within 20 days after the same is required by notice from him, or if no return is made for any period, the Village Treasurer shall determine the amount of tax due from such information as he is able to obtain, and if necessary, may estimate the tax on the basis of external indices or otherwise. He shall give notice of such determination to the person liable for such tax. Such determination shall finally and irrevocably fix such tax, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply to the Village Treasurer for a hearing, or unless the Village Treasurer, on his own motion shall reduce the same. After such hearing, the Village Treasurer shall give notice of his decision to the person liable for the tax. Such decision may be reviewed by a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York if application therefor is made within 90 days after the giving notice of such decision. An order to review such decision shall not be granted unless the amount of any tax sought to be reviewed, with interest and penalties thereon, if any, shall be first deposited with the Village Treasurer and an undertaking filed with him, in such amount and with such sureties as a Justice of the Supreme Court shall approve, to the effect that, if such proceeding be dismissed or the tax confirmed, the applicant will pay all costs and charges which may accrue in the prosecution

of such proceeding, or at the opinion of the applicant, such undertaking may be in a sum sufficient to cover the tax, interest, penalties, costs and charges aforesaid, in which event the applicant shall not be required to pay such tax, interest and penalties as a condition precedent to the granting of such order. Except in the case of wilfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three years from the date of the filing of a return, provided, however, that where no return has been filed as required by this article the tax may be assessed at any time.

§ 182-7. Notice.

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

§ 182-8. Failure to file.

Any person failing to file a return or corrected return, or to pay any tax or any portion thereof, within the time required by this article shall be subject to a penalty of 5% of the amount of tax due, plus 1% of such tax for each month of delay or fraction thereof, excepting the first month, but the Village Treasurer, for cause shown, may extend the time for filing any return, and if satisfied that the delay was excusable, may remit all or any portion of the penalty fixed by the foregoing provisions of this article.

§ 182-9. Refund.

If, within one year from the payment of any tax or penalty, the payer thereof shall make application for a refund thereof and the Village Treasurer or the court shall determine that such tax or penalty or any portion thereof was erroneously or illegally collected, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination of the Village Treasurer as hereinbefore provided unless the Village Treasurer, after a hearing as hereinbefore provided, or of his own motion, shall have reduced the tax or penalty or it shall have been established in a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York that such determination was erroneous or illegal. All refunds shall be made out of monies collected under this article. An application for a refund, made as hereinbefore provided, shall be deemed an application for the revision of any tax or penalty complained of and the Village Treasurer may receive additional evidence with respect thereto. After making the determination,

the Village Treasurer shall give notice thereof to the person interested, and he shall be entitled to an order to review such determination under said Article 78 of the Civil Practice Law and Rules of the State of New York, subject to the provisions hereinbefore contained relating to the granting of such an order.

§ 182-10. Tax not to be added to bill.

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

§ 182-11. Failure to pay tax.

Whenever any person shall fail to pay any tax or penalty imposed by this article, the Village Attorney shall, upon the request of the Village Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty shall be a lien upon the property of the person liable to pay the same, in the same manner and to the same extent that the tax and penalty imposed by § 186-a of the Tax Law is made by a lien.

§ 182-12. Rules and regulations of Treasurer.

In the administration of this article, the Village Treasurer shall have the power to make such reasonable rules and regulations, not inconsistent with law, as may be necessary for the exercise of his powers and the performance of his duties, and to prescribe the form of blanks, reports, and other records relating to the administration and enforcement of the tax, to take testimony and proofs, under oath, with reference to any matter within the line of his official duty under this article, and to subpoena and require the attendance of witnesses and the production of books, papers and documents.

§ 182-13. Disclosure by Treasurer. [Amended 10-22-2014 by L.L. No. 13-2014]

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for the Village Treasurer, or any agent, clerk or employee of the Village of New Paltz, New York, to divulge or make known in any manner the amount of gross income or gross operating income, or any particulars set forth or disclosed in any return under this article. The officer charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Village of New Paltz, New York, in an action or proceeding under the provisions of this article, or on behalf of the State Tax Commission in an action or proceeding under the provisions of the Tax Law of the State of New York, or on behalf of any party to any action or proceeding under the provisions of this article when the returns or facts shown thereby are directly involved in such

action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding, and no more. Nothing herein shall be construed to prohibit the delivery to a person, or his duly authorized representative, of a copy of any return filed by him, nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the publication of delinquent lists showing the names of persons who have failed to pay their taxes at the time and in the manner provided for by this article together with any relevant information which in the opinion of the Village Treasurer may assist in the collection of such delinquent taxes; or the inspection by the Village Attorney or other legal representative of the Village of New Paltz, New York, of the return of any person who shall bring action to set aside or review the tax based thereon, or against whom an action has been instituted in accordance with the provisions of this article. Any offense against the foregoing secrecy provisions shall be punishable by a fine as set annually by resolution of the Board of Trustees or by imprisonment not exceeding one year, or both, and if the offender be an officer, agent, clerk or employee of the Village of New Paltz, New York, he shall be dismissed from office and shall be incapable of holding any office or employment for the Village of New Paltz, New York, for a period of five years thereafter. Notwithstanding any provisions of this article, the Village Treasurer may exchange with the chief fiscal officer of any city or any other village in the State of New York information contained in returns filed under this article, provided such city or other village grants similar privileges to the Village of New Paltz, New York, and provided such information is to be used for tax purposes only, and the Village Treasurer shall, upon request, furnish the State Tax Commission with any information contained in such returns.

§ 182-14. Disposition of taxes and penalties.

All taxes and penalties received by the Village Treasurer under this article shall be paid into the treasury of the Village of New Paltz, New York and shall be credited to and deposited in the general fund of the Village.

ARTICLE II
Senior Citizens Exemption
[Derived from Ch. 81 of the 1978 Code]

§ 182-15. Short title.

This article shall hereinafter be known and may be cited as the "Aged Tax Exemption Law of the Village of New Paltz."

§ 182-16. Legislative intent.

The purpose of this article is to provide a partial exemption from taxation imposed by the Incorporated Village of New Paltz upon real property situated within the Village of New Paltz owned by persons 65 years of age and over, pursuant to the authority vested in the Village by § 467 of the Real Property Tax Law of the State of New York.

§ 182-17. Reference to state law.

The provisions of § 467 of the Real Property Tax Law of the State of New York, as amended through the effective date of this article, together with any further acts of the Legislature amendatory thereof or supplemental thereto, shall apply to and govern the determination of the exemption from taxation permitted by this article, to the extent specified in § 182-18 hereof, as if such § 467 had been more particularly set forth herein.

§ 182-18. Limitation upon exemption. [Amended 10-22-2014 by L.L. No. 13-2014]

No exemption from taxation shall be granted hereunder if the income of the owner or the combined income of the owners of the real property for the income tax year immediately preceding the date of application for exemption exceeds the sum as set annually by resolution of the Board of Trustees.

§ 182-19. Maximum income exemption.

- A. Notwithstanding the provisions of § 182-18 of this article, the maximum income-exemption eligibility level for the income of the owners of the real property shall be modified to the extent provided in the following schedule:

Annual Income	Percentage of Assessed Valuation Exempt From Taxation
Less than \$16,500	50%
\$16,500 or more but less than \$17,099	45%
\$17,100 or more but less than \$17,699	40%
\$17,700 or more but less than \$18,299	35%

Annual Income**Percentage of Assessed
Valuation Exempt From
Taxation**

\$18,300 or more but less than \$18,899	30%
\$18,900 or more but less than \$19,499	25%
\$19,500 or more but less than \$20,099	20%
\$20,100 or more but less than \$20,699	15%
\$20,700 or more but less than \$21,300	10%

- B. The provisions of § 467 of the Real Property Tax Law of the State of New York, as amended through the effective date of this article, together with any further acts of the Legislature amendatory thereof or supplemental thereto, shall apply to and govern the determination of the exemption from taxation permitted by § 182-19A of this article, as if such § 467 had been more particularly set forth herein.
- C. In the event the owner or all of the owners of real property which had received an exemption pursuant to this section on the preceding assessment roll fail to file the application required pursuant to this section on or before the taxable status date, such owner or owners may file the application, executed as if such application had been filed on or before the taxable status date, with the Assessor on or before the date of the hearing of complaints.

ARTICLE III
Nonprofit Realty Taxation
[Derived from Ch. 82 of the 1978 Code]

§ 182-20. Legislative intent.

The purpose of this article is to subject to taxation real property owned by nonprofit corporations or associations specified in § 182-21 of this article, as authorized by paragraph (b) of Subdivision 1 of § 421 of the Real Property Tax Law.²¹

§ 182-21. Properties deemed taxable.

Real property owned by a corporation or association which is not organized or conducted exclusively for religious, charitable, hospital, educational, moral or mental improvement of men, women or children or cemetery purposes, or for two or more such purposes, but is organized or conducted exclusively for the following purposes or for two or more such purposes, and used exclusively for carrying out thereupon on or more such purposes shall be taxable: bible, tract, benevolent; missionary, infirmary, scientific, literary, bar association, medical society, for the development of good sportsmanship for persons under the age of 18 years through the conduct of supervised athletic games or for the enforcement of laws relating to children or animals.

§ 182-22. Special assessments.

Real property which is taxable pursuant to this article shall be subject to special ad valorem levies and special assessments which are imposed to defray the costs of improvements or services furnished by the Village of New Paltz or by a special district established herein.

21. Editor's Note: See now § 420-a of the Real Property Tax Law.

ARTICLE IV

**Exemption for the Physically Disabled
[Derived from Ch. 83 of the 1978 Code]****§ 182-23. Legislative intent.**

The purpose of this article is to provide an exemption for residential property of physically disabled persons residing in the Village of New Paltz to the extent authorized by § 459 of the Real Property Tax Law of the State of New York.

§ 182-24. Partial tax exemption.

Any improvement to any real property used solely for residential purposes as a one-, two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by (a) a resident owner of the real property who is physically disabled, or (b) a member of the resident owner's household who is physically disabled, if such member resides in the real property.

§ 182-25. Reference to state law.

The provision of § 459 of the Real Property Tax Law of the State of New York, as amended through the effective date of this article, together with any further acts of the Legislature amendatory thereof or supplemental thereto, shall apply and govern the determination of the exemption from taxation permitted by this article as if such § 459 had been more particularly set forth herein.

ARTICLE V

Collection of Delinquent Taxes
[Derived from Ch. 84 of the 1978 Code]**§ 182-26. Legislative intent.**

The purpose of this article is to continue the procedures for collection and enforcement of real property taxes in the Village of New Paltz pursuant to Title 3 of Article 14 of the Real Property Tax Law of the State of New York.

§ 182-27. Tax sale enforcement.

Pursuant to Section 6 of Chapter 602 of the Laws of 1993, as amended by Chapter 532 of the Laws of 1994, the Village of New Paltz hereby authorizes that the collection of real property tax assessed and levied by the Village shall continue to be enforced pursuant to Title 3 of Article 14 of the Real Property Tax Law, as is in effect on December 31, 1994.

ARTICLE VI

**Charitable Gifts Reserve Fund Tax Credit
[Adopted 6-27-2018 by L.L. No. 6-2018]****§ 182-28. Legislative intent.**

The Village of New Paltz, having previously established a Charitable Gifts Reserve Fund to receive unrestricted charitable monetary contributions pursuant to General Municipal Law § 6-u, intends to permit donors to the Charitable Gifts Reserve Fund to receive a credit for Village taxes levied against their real property.

§ 182-29. Authority.

This article is adopted pursuant to Real Property Tax Law § 980-a, which authorizes municipal corporations to adopt a real property tax credit if it has established a Charitable Gifts Reserve Fund.

§ 182-30. Credit for contribution.

- A. Having previously established a Charitable Gifts Reserve Fund, the Board of Trustees of the Village of New Paltz, County of Ulster, hereby establishes a Charitable Gifts Reserve Fund tax credit for the Village of New Paltz.
- B. Any owner of real property located within the Village who makes an unrestricted charitable monetary contribution to the Village's Charitable Gifts Reserve Fund shall be issued a written acknowledgement of such contribution and may claim a credit against their Village real property tax equal to 95% of the Charitable Gifts Reserve Fund donation.

§ 182-31. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this article or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

ARTICLE VII

Commercial, Business and Industrial Exemptions
[Adopted 7-11-2018 by L.L. No. 7-2018]**§ 182-32. Amount of exemption.**

As provided in Subdivision 7 of § 485-b of the Real Property Tax Law, the exemption table set forth in Subdivision 2(a) of that section shall be amended to read as follows:

Years of Exemption	Percentage of Exemption
1 through 10	0% each year

§ 182-33. When effective; filing.

This article shall take effect immediately as provided in the Municipal Home Rule Law, and an additional copy shall be filed with the State Board of Real Property Services, the Ulster County Real Property Tax Service Agency (a division of the Ulster County Department of Finance), and the Assessor of the Town of New Paltz. Properties currently receiving exemptions would be excluded and continue to receive already approved exemptions.

Chapter 191**TREES****GENERAL REFERENCES**

Shade Tree Commission — See Ch. 9, Art. II.

§ 191-1. Definitions.

Unless the context or subject matter otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter:

BOARD — The Board of Trustees of the Village of New Paltz.

COMMISSION — The Shade Tree Commission described in Chapter 9, Article II, of this Code.

ENFORCEMENT OFFICER — The Municipal Code Enforcement Officer of the Village of New Paltz.

TOP or TOPPING — The severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

TREE — A woody, perennial plant having a trunk of at least seven inches in diameter or 12 inches in circumference as measured at 4 1/2 feet. **[Amended 1-8-2014 by L.L. No. 5-2014]**

VILLAGE — The Village of New Paltz.

§ 191-2. Public tree care.

- A. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets and public grounds as may be necessary to insure public safety, or to preserve or enhance the symmetry and beauty of such public grounds.
- B. The Enforcement Officer may remove or cause or order to be removed any trees or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to water lines, sewer lines, electric power lines, telephone lines or other public improvements or is infected with any injurious fungus, insect or other pest.

§ 191-3. Tree removal. [Amended 1-24-2002 by L.L. No. 3-2002; 12-10-2008 by L.L. No. 15-2008]

- A. Except as provided in §§ 191-5 and 191-6 of this chapter, it shall be unlawful for any person, firm, corporation or Village department to cut, top or remove any tree on public or private property along any public street or thoroughfare in the space or area measured 20 feet from the

edge of the curb or road pavement. If the structure of a tree is severely damaged and causes an immediate danger, then the removal or pruning of that tree may be authorized by the Head of the Building Department or his/her designee or the Superintendent of the Department of Public Works or his/her designee. **[Amended 7-26-2017 by L.L. No. 6-2017]**

- B. In required buffers, as set forth in Village Code Chapter 212, no trees may be removed, damaged, destroyed or endangered except as authorized by a duly issued building permit in compliance with an approved site plan. The site plan review of a proposed buffer modification shall include the Commission's review of, and recommendations for, the proposal.

§ 191-4. Application for approval.

- A. Any person, firm, corporation or Village department seeking to cut, top or remove a tree protected by this chapter shall submit an application to the Commission in writing setting forth the name and address of the applicant, the owner and location of the property upon which such tree or trees are located, a sketch or plot plan setting forth the tree or trees to be cut, topped or removed and a brief statement of the reason for the application.
- B. The application shall be filed with the Enforcement Officer and submitted by the Enforcement Officer to the Commission, which shall act upon the application within 35 days after receipt thereof by the Enforcement Officer. Failure of the Commission to act within 35 days shall constitute approval of the application. The Commission may require, as a condition for approval, that a replacement tree or trees of reasonable size be planted within one year of the removal of the tree or trees specified in the approval and that the applicant guarantee that the replacement tree or trees will be maintained for at least five years. If the applicant fails to comply with such conditions of the approval, the Code Enforcement Officer shall be authorized to issue an order to remedy and proceed upon in all respects as authorized in the Code, including the issuance of a violation in the event of a failure to remedy. **[Amended 1-24-2002 by L.L. No. 3-2002; 1-8-2014 by L.L. No. 5-2014]**
- C. Any applicant aggrieved by the decision of the Commission may, within 30 days of the date on which the Commission's decision is mailed to the applicant, appeal such decision to the Board. The appeals shall be in writing and shall include a copy of all of the papers filed with the Commission and shall be deemed filed when it is received by the Village Clerk. The Board shall act upon such appeal within 30 days after the notice of appeal is filed with the Village Clerk. The Board may vote to extend for an additional 30 days the time in which it must consider the appeal if it reasonably believes that such additional time is necessary to consider the merits of the decision of the Commission and of the applicant. Failure of the Board to act within 30 days after the appeal is

filed with the Village Clerk or, if the time is extended by the Board, within 60 days, shall be deemed approval of the application.

- D. Any person aggrieved by the decision of the Board may, within 30 days of the date on which the Board's decision is filed in the office of the Village Clerk, apply to the Supreme Court for relief as provided in Article 78 of the Civil Practice Law and Rules of the State of New York.

§ 191-5. Tree maintenance: pruning and removal. [Amended 1-24-2002 by L.L. No. 3-2002]

Every owner of any tree overhanging any street or right-of-way within the Village or public utility company shall prune the branches so that such branches shall not obstruct the view of any street intersection nor obstruct the light from any streetlight and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. The owner shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public, except that the Village shall be responsible to maintain and remove those trees where the trunk is located between an existing sidewalk and curb or the roadside edge of the trunk is within four feet of the paved portion of the roadway where there is no sidewalk or curb. The Village or public utility company shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign.

§ 191-6. Dead or diseased tree removal on private property.

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the Village. The Commission shall notify in writing the owner of such trees. Removal shall be done by said owner at the expense of the owner within 60 days after the date of service of notice. In the event of the failure of the owner to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the next real property tax statement for such property.

§ 191-7. Interference prohibited.

It shall be unlawful for any person to prevent, delay or interfere with employees of the Village while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees on private property as authorized by this chapter.

§ 191-8. Penalties for offenses.

- A. Procedure for abatement of violations.

- (1) Notice of violation. Upon finding a violation of the provisions of this chapter, the Enforcement Officer shall serve written notice, either by personal service or certified mail, addressed to the premises of such violation, on the person committing or permitting such violation or on the owner of the property. Such notice shall specify the nature of the violation as exists and specify a reasonable time limit, of not less than five days, in which compliance shall be achieved.
- (2) Legal action. The Enforcement Officer shall, upon failure of the responsible party to comply with a violation order within the specified time, refer the matter to the Board of Trustees so that the Board may, by resolution, direct the Village Attorney to undertake appropriate legal action against such party.

B. Penalty for violation.

- (1) Penalty. Any person, firm or corporation, whether as owner, lessee, builder, or person or firm engaged in the business or occupation of pruning, treating or removing trees, or the agent or employee of any of them, who violates or is accessory to the violation of any provision of this chapter shall be liable to a penalty per tree as set annually by resolution of the Board of Trustees for each instance in which such violation occurs. Such penalties shall be collectable by and in the name of the Village. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (2) Injunctive Relief. In addition to the penalty above provided, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance or to restrain by injunction the violation of this chapter.

Chapter 195

VEHICLES, ABANDONED

GENERAL REFERENCES

Vehicles and traffic — See Ch. 198.

§ 195-1. Title.

This chapter shall be known as and may be cited as the "Abandoned Motor Vehicles Law of the Village of New Paltz."

§ 195-2. Purpose.

The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of New Paltz 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 New Paltz. The outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of New Paltz constitutes an attractive nuisance to children and a peril to their safety. Such storage constitutes a threat to the safety and welfare of the residents of the Village of New Paltz 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 New Paltz. The control of the outdoor storage of abandoned, junked, discarded and unlicensed motor vehicles upon privately owned properties within the Village of New Paltz is therefore regulated for the preservation of the public health, safety and welfare of the residents of the Village of New Paltz.

§ 195-3. Definitions.

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

ABANDONED — Means, 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 statements of the owner 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. With respect to motor vehicles not required to be licensed, or motor vehicles not customarily used on the public highway, the intent of the owner may be determined by the physical condition of the motor vehicle, the length of time it was last used for the purposes intended and the statements of the owner.

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, with due inquiry.

JUNKED — Any motor vehicle in such condition as to cost more to repair in order to place such motor vehicle in operating condition than the value of the motor vehicle at any given time.

MOTOR VEHICLE — Every vehicle operated, driven or capable of being operated or driven upon a public highway by any power other than muscular power, which includes electric power obtained from overhead trolley wires and includes vehicles operated upon rails and such vehicles as are run only upon rails or tracks. For the purposes of this chapter "motor vehicles" shall include tractors used exclusively for agricultural purposes, self-propelled combines, self-propelled corn- and hay-harvesting machines and self-propelled caterpillar or crawler-type equipment. For the purposes of this chapter the term "motor vehicle" shall include motorcycles, omnibuses and mobile homes.

OWNER OF MOTOR VEHICLE — A person having the property in or title to a motor vehicle. The term "owner" includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the use thereof, under lease or otherwise.

OWNER OF PRIVATE PROPERTY — Includes the legal owner, contract purchaser, a tenant, lessee, occupant, undertenant, receiver, or assignee of premises or property located within the Village of New Paltz.

PREMISES — Includes all parcels of real property situated in the Village of New Paltz whether occupied or vacant, irrespective of size or topography.

UNLICENSED MOTOR VEHICLE — Any motor vehicle which has not been licensed with the proper authorities for a period of at least 30 days from the expiration of the last valid licensing, with the exception of those motor vehicles in the possession of authorized used car dealers or garagemen for the purpose of sale or repair.

§ 195-4. Storage restrictions.

It shall be unlawful for any person, firm or corporation either as owner, occupant, lessee, agent, tenant or otherwise of any private property within the Village of New Paltz, to store or deposit, or cause or permit to be stored or deposited, an abandoned, junked, discarded or unlicensed motor vehicle or motor vehicles upon any private land unenclosed by a building within the Village of New Paltz.

§ 195-5. Civil enforcement. [Amended 2-13-2002 by L.L. No. 4-2002]

- A. Notice to remove. The Building Inspector is hereby authorized and empowered to notify the owner of any private property within the Village, or the agent of such owner, to properly dispose of abandoned, junked, discarded or unlicensed motor vehicles located on such owner's property. Such notice shall be by mail, registered or certified, addressed to the owner or agent of the property at his last known address.
- B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of abandoned, junked, discarded or unlicensed motor vehicles within 10 days after receipt of the written notice provided for in Subsection A above, or within 15 days after the date of such notice in the event the same is returned to the Village because of the inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Building Inspector is hereby authorized and empowered to order its disposal by the Village.
- C. In the event the Village disposes of such abandoned, junked, discarded or unlicensed motor vehicles pursuant to Subsection B above, the property owner shall be liable to the Village for an amount equal to the actual cost of the removal and disposal of each vehicle, plus an

administrative charge as set annually by resolution of the Board of Trustees as compensation to the Village for supervising and administering such work. Such liability may be enforced through an action or proceeding initiated by the Building Inspector in the name of the Village in the Town Court of the Town of New Paltz, or other court of competent jurisdiction. In the event the owner of the subject premises is found liable by the court for the charge or fails to appear on the date and time specified in the summons or other process of the court, the amount adjudged due shall be a lien upon the subject premises on the real property tax statements issued by the Village Treasurer on the tax collection date next following as provided by law. **[Amended 10-22-2014 by L.L. No. 13-2014]**

- D. The collection of this charge shall not preclude the Village from pursuing any other civil or criminal remedies which may be available to enforce the provisions of this article, including the commencement of a civil action or proceeding for injunctive relief and/or the filing of charges pursuant to § 195-6.

§ 195-6. Penalties for offenses. [Amended 2-13-2002 by L.L. No. 4-2002; 10-22-2014 by L.L. No. 13-2014]

Without any prior notice, any person who shall fail to comply with this chapter shall be guilty of a violation pursuant to the Penal Law and may be fined a sum not exceeding that which is set annually by resolution of the Board of Trustees. Such penalty shall be collected by and in the name of the Village for each week that such violation shall continue. The Building Inspector or Municipal Code Enforcement Officer shall file charges with respect to any violations and may issue and serve appearance tickets when he has reasonable cause to believe that any such violation has been committed.

Chapter 198

VEHICLES AND TRAFFIC

GENERAL REFERENCES

Abandoned vehicles — See Ch. 195.

ARTICLE I
General Provisions

§ 198-1. Definitions.

- A. The words and phrases used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.
- B. The following words and phrases which are not defined by Article I of the Vehicle and Traffic Law of the State of New York shall have the meanings respectively ascribed to them in this section for the purposes of this chapter.

CURBLINE — The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

HOLIDAYS — Includes New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas and such other days designated as public holidays as provided in § 24 of the General Construction Law.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

PARKING METER ZONE — A designated location upon or within which the parking of vehicles is regulated by parking meters.

PUBLIC PARKING LOT — A plot or parcel of land or building owned and/or leased by this Village, not including highways, upon or within which the parking of vehicles is regulated by signs and/or parking meters.

§ 198-2. Authority to install traffic control devices.

The Superintendent of Public Works shall install and maintain traffic control devices when and as required under the provisions of this chapter to make effective the provisions of this chapter and shall install and maintain such additional traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the Vehicle and Traffic Law of the State of New York subject to the provisions of §§ 1682 and 1684 of that Law.

§ 198-3. One-way roadways.

- A. Church Street. Church Street is hereby designated for one-way traffic in a northerly direction between Main Street and North Front Street.
- B. North Front Street.
 - (1) North Front Street is hereby designated for one-way traffic in a westerly direction between Main Street and North Chestnut Street.

- (2) North Front Street is hereby designated for one-way traffic in a westerly direction between Huguenot Street and North Chestnut Street on Sundays from 8:00 a.m. to 12:15 p.m.
- C. Lincoln Place. Lincoln Place is hereby designated for one-way traffic in a westerly direction on all school days when school is in session at the New Paltz Middle School between South Manheim Boulevard and Maiden Lane as follows:
 - (1) From 8:00 a.m. to 9:00 a.m.
 - (2) From 11:45 a.m. to 12:30 p.m.
 - (3) From 3:00 p.m. to 4:00 p.m.
- D. Huguenot Street. Huguenot Street is hereby designated for one-way traffic in a northerly direction between North Front Street and Mulberry Street on Sundays from 8:00 a.m. to 12:15 p.m.
- E. Entrance to First National Bank of Highland. The driveway of the premises of the First National Bank of Highland (located on the northeasterly corner of the intersection of Main Street and North Manheim Boulevard) is hereby designated for one-way traffic in a northerly direction, allowing westbound traffic on Main Street to enter the premises but prohibiting vehicular egress from the parking lot onto Main Street.

§ 198-4. Prohibition of U-Turns.

The turning of vehicles so as to proceed in the opposite direction is hereby prohibited at the following locations:

- A. The offset intersection of North Chestnut Street and South Chestnut Street with Main Street.

ARTICLE II
Stop and Yield Intersections

§ 198-5. Through highways.

- A. Hasbrouck Avenue. Hasbrouck Avenue is hereby designated as a through highway where it intersects with the driveway to the Municipal Parking Lot and a stop sign shall be erected on the driveway at its entrance to Hasbrouck Avenue from the north.
- B. Plattekill Avenue.
- (1) Plattekill Avenue is hereby designated as a through highway where it intersects with the driveway to the eastern Municipal Parking Lot and a stop sign shall be erected on the driveway at its entrance to Plattekill Avenue from the south.
 - (2) Plattekill Avenue is hereby designated as a through highway where it intersects with the driveway to the western Municipal Parking Lot and a stop sign shall be erected on the driveway at its entrance to Plattekill Avenue from the south.
- C. Southside Avenue. Southside Avenue is hereby designated as a through highway where it intersects with the driveway to the SUNY College at New Paltz and a stop sign shall be erected on the driveway at its entrance to Southside Avenue from the south and from the east.

§ 198-6. Stop intersections. [Amended by L.L. Nos. 6-1997; 13-1997; 9-1999; 8-22-2001 by L.L. No. 8-2001; 5-5-2004 by L.L. No. 2-2004; 4-9-2008 by L.L. No. 2-2008; 6-10-2009 by L.L. No. 8-2009]

The following intersections are hereby designated as stop intersections, and stop signs shall be erected on entrances thereto as indicated below:

Intersection of	With Stop Sign(s) on	Entrance(s)
Bonticouview Drive [Added 8-15-2013 by L.L. No. 8-2013]	Cooper Street	East and west
Bonticouview Drive [Added 8-15-2013 by L.L. No. 8-2013]	Pine Street	North
Center Street	Ridge Road	South
Church Street	Academy Street	West
Church Street (4-way)	Broadhead Avenue	West and east
	Church Street	North and south
Church Street	Mulberry Street	East and west

Intersection of	With Stop Sign(s) on	Entrance(s)
Cooper Street [Added 8-15-2013 by L.L. No. 8-2013]	Bonticouview Drive	North and south
Cooper Street [Added 8-15-2013 by L.L. No. 8-2013]	Pine Street	North
Cooper Street [Added 8-15-2013 by L.L. No. 8-2013]	Taylor Street	North
Grove Street (4-way)	John Street	East and west
	Grove Street	North and south
Harrington Street (4-way)	John Street	East and west
	Harrington Street	North and south
Hasbrouck Avenue	Elting Avenue	South
Hasbrouck Avenue	Plattekill Avenue	North and east
Hasbrouck Avenue	Tricor Avenue	South
Henry W. DuBois Drive	Church Street	North and south
Henry W. DuBois Drive	Colonial Drive	South
Henry W. DuBois Drive	Millrock Drive	South
Henry W. DuBois Drive	North Manheim Boulevard	North and south
Henry W. DuBois Drive (3-way)	North Oakwood Terrace	North and south
	Henry W. DuBois Drive	East
Henry W. DuBois Drive (4-way)	Prospect Street	North and south
	Henry W. DuBois Drive	East and west
Huguenot Street	Broadhead Avenue	East
Huguenot Street	Mulberry Street	East
Huguenot Street	North Front Street	East
Huguenot Street	Wastewater treatment plant roadway	West
John Street	Colonial Drive	North
John Street (4-way)	Millrock Road	North and south
	John Street	East and west
John Street (4-way)	North Manheim Boulevard	North and south
	John Street	East and west

Intersection of	With Stop Sign(s) on	Entrance(s)
John Street (3-way)	North Oakwood Terrace	North and south
	John Street	East
John Street (3-way)	Prospect Street	North and south
	John Street	East
Lenape Lane	Huguenot Street	North and south
Main Street (New York Route 299)	Grove Street	North
Main Street (New York Route 299)	Harrington Street	North
Main Street (New York Route 299)	Huguenot Street	North
Main Street (New York Route 299)	Millrock Road	North
Main Street (New York Route 299)	North Oakwood Terrace	North
Main Street (New York Route 299)	Plattekill Avenue	South
Main Street (New York Route 299)	Prospect Street	North
Main Street (New York Route 299)	South Oakwood Terrace	South
Main Street (New York Route 299)	Water Street	South
Main Street (New York Route 299)	Wurts Avenue	South
Millrock Road	Henry W. DuBois Drive	East and west
Mohonk Avenue	Elting Avenue	South
Mohonk Avenue	Fairview Avenue	South
Mohonk Avenue	Tricor Avenue	North and south
Mohonk Avenue	Water Street	North
Mohonk Avenue	Wurts Avenue	North
Mulberry Street	Church Street	South
Mulberry Street	Huguenot Street	North and south
North Chestnut Street (New York Route 32)	Academy Street	East and west
North Chestnut Street (New York Route 32)	Bonticou View Drive	East
North Chestnut Street (New York Route 32)	Broadhead Avenue	East and west

Intersection of	With Stop Sign(s) on	Entrance(s)
North Chestnut Street (New York Route 32)	Henry W. DuBois Drive	East
North Chestnut Street (New York Route 32)	Mulberry Street	East and west
North Chestnut Street (New York Route 32)	Old Kingston Road	West
North Chestnut Street (New York Route 32)	Sunset Ridge	East
North Front Street	Church Street	North and south
North Front Street	Huguenot Street	North and south
North Manheim Boulevard	Henry W. DuBois Drive	East and west
Old Kingston Road	Huguenot Street	West
Pencil Hill Road	Mohonk Avenue	North
Plattekill Avenue	Lookout Avenue	East
Plattekill Avenue	Ridge Road	North
Plattekill Avenue	South Oakwood Terrace	North
Prospect Street	John Street	East
Prospect Street	Slate Street	West
South Chestnut Street (New York Route 208)	Innis Avenue	East
South Chestnut Street (New York Route 208)	Mohonk Avenue	West
South Chestnut Street (New York Route 208)	Southside Avenue	East and west
South Manheim Boulevard (New York Route 32)	Center Street	West
South Manheim Boulevard (New York Route 32)	Hasbrouck Place	East
South Manheim Boulevard (New York Route 32)	Lincoln Place	East and west
South Manheim Boulevard (New York Route 32)	Mohonk Avenue	West
South Manheim Boulevard (New York Route 32)	Orchard Lane	East

Intersection of	With Stop Sign(s) on	Entrance(s)
South Manheim Boulevard (New York Route 32)	Plattekill Avenue	West
South Oakwood Terrace	Center Street	East and west
South Oakwood Terrace	Lookout Avenue	West
Southside Avenue	Elting Avenue	North
Southside Avenue	Pencil Hill Road	South
Southside Avenue	Tricor Avenue	North
Tricor Avenue	Mohonk Avenue	East and west
Ulster County BOCES Entrance	Old Kingston Road	South
Water Street	Pencil Hill Road	South

ARTICLE III
Speed Regulations

§ 198-7. Maximum speed limits. [Amended 2-12-1997 by L.L. No. 2-1997; 5-28-1997 by L.L. No. 14-1997; 9-10-1997 by L.L. No. 22-1997; by L.L. No. 13-1998]

- A. Fifteen miles per hour. Fifteen miles per hour is hereby established as the maximum speed limit at which vehicles may proceed within the Village on or along that portion of Plains Road within 300 feet in either direction of the driveway giving access to the premises of the Discovery Institute, a private school located at 64 Plains Road.
- B. Twenty-five miles per hour. Twenty-five miles per hour is hereby established as the maximum speed limit at which vehicles may proceed within the Village on or along highways as follows:
 - (1) Colonial Drive.
 - (2) Huguenot Street, from its intersection with Main Street to its intersection with Old Kingston Road.
 - (3) North Manheim. **[Added 8-18-2004 by L.L. No. 5-2004]**
- C. Thirty miles per hour. Thirty miles per hour is hereby established as the maximum speed at which vehicles may proceed within the corporate limits of the Village except as otherwise provided in this section or where a different speed limit is posted on a state highway by the New York State Department of Transportation.
- D. Forty miles per hour. Forty miles per hour is hereby established as the maximum speed at which vehicles may proceed within the Village on or along highways as follows:
 - (1) North Chestnut Street (N.Y. Route 32) from Bonticou View Drive to the northerly Village limits.
 - (2) South Chestnut Street (N.Y. Route 208) from Southside Avenue to the southerly Village limits.
- E. Five miles per hour. Five miles per hour is hereby established as the maximum speed at which vehicles may proceed on any parking lot owned, leased or maintained by the Village of New Paltz. **[Added 8-22-2001 by L.L. No. 9-2001]**

ARTICLE IV

Parking, Standing and Stopping

[Amended by L.L. Nos. 10-1995; 1-1997; 12-1997; 25-1997; 6-1998; 11-1999; 12-1999; 5-2000]

§ 198-8. Applicability.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.²²

§ 198-9. Parking prohibited in designated locations.

A. The parking of vehicles is hereby prohibited at any time in any of the following locations: **[Amended 6-15-2005 by L.L. No. 5-2005; 11-14-2007 by L.L. No. 15-2007; 11-14-2007 by L.L. No. 16-2007; 7-22-2009 by L.L. No. 11-2009; 6-23-2010 by L.L. No. 1-2010; 3-4-2011 by L.L. No. 2-2011]**

(1) Academy Street.

(a) On the northerly side from North Chestnut Street to Church Street.

(b) On both sides westerly from its intersection with North Chestnut Street.

(2) Bonticou View Drive.

(a) On the southerly side from North Chestnut Street for a distance easterly of 250 feet.

(3) Broadhead Avenue.

(a) On both sides between North Chestnut and the Wallkill Valley Rail Trail.

(b) On the southerly side, easterly from the intersection of Broadhead Avenue and North Chestnut Street, between Church Street and North Chestnut Street.

(4) Church Street.

(a) On the westerly side beginning at its intersection with Main Street and extending 75 feet in a northerly direction.

(b) On the easterly side from Main Street to North Front Street.

(c) On both sides from Broadhead Avenue to Mulberry Street.

(5) Colonial Drive.

22. Editor's Note: Former § 60.42, All-night parking, which immediately followed this section, was repealed 1-24-2001 by L.L. No. 2-2001.

- (a) On the easterly side between John Street and Henry W. DuBois Drive.
- (6) Elting Avenue.
 - (a) On both sides of Innis Avenue to Hasbrouck Avenue.
 - (b) From its intersection with Mohonk Avenue to a point 30 feet southerly of Mohonk Avenue.
 - (c) On the westerly side beginning at its intersection with Hasbrouck Avenue and extending southerly 100 feet to the driveway along the northerly side of St. Joseph's Roman Catholic Church.
- (7) Fairview Avenue.
 - (a) On both sides.
- (8) Hasbrouck Avenue.
 - (a) On the southerly side between Plattekill Avenue and a point 150 feet westerly of the westerly curblineline of Plattekill Avenue.
 - (b) On the southerly side from a point 72 feet easterly of its intersection with Tricor Avenue to a point 140 feet westerly of the said intersection.
 - (c) On the northerly side 90 feet westerly from its intersection with South Chestnut Street. **[Added 4-22-2015 by L.L. No. 7-2015]**
- (9) Henry W. DuBois Drive.
 - (a) On both sides from North Manheim Boulevard to North Chestnut Street (N.Y. Route 32).
- (10) Huguenot Street.
 - (a) On the easterly side from Main Street to Broadhead Avenue.
 - (b) On the westerly side from the most northern point of its intersection with North Front Street to Main Street.
- (11) John Street.
 - (a) On both sides from Prospect Street to Colonial Drive.
- (12) Lincoln Place.
 - (a) On the southerly side between South Manheim Boulevard and Maiden Lane, except during scheduled school-related events while school is not in session.
- (13) Main Street (N.Y. Route 299).

(a) On the northerly side:

- [1] From its intersection with Church Street.
- [2] From its intersection with North Front Street to a point 100 feet easterly of the intersection.
- [3] From its intersection with Prospect Street to a point 200 feet westerly of the intersection.
- [4] From a point 200 feet easterly of its intersection with South Chestnut Street to its intersection of Plattekill Avenue.
- [5] From its intersection with South Oakwood Terrace westerly to its intersection with Plattekill Avenue:
- [6] At South Oakwood Terrace 60 feet from the southwest corner. **[Added 4-22-2015 by L.L. No. 7-2015]**

(b) On the southerly side:

- [1] From Water Street to Wurts Avenue.
- [2] From its intersection with South Chestnut Street to a point 90 feet westerly of the intersection.
- [3] From its intersection with South Chestnut Street to a point 75 feet easterly of the intersection.
- [4] From a point 200 feet easterly of its intersection with South Chestnut Street to a point 75 feet westerly of the point where the westerly side of Prospect Street intersects Main Street on its northerly side.
- [5] From its intersection with South Oakwood Terrace to a point 125 feet westerly of the intersection.
- [6] From its intersection with South Oakwood Terrace to a point 40 feet easterly of the intersection.
- [7] From its intersection with South Manheim Boulevard to a point 300 feet westerly of the intersection.
- [8] At South Oakwood Terrace 60 feet from the northwest corner. **[Added 4-22-2015 by L.L. No. 7-2015]**

(14) Millrock Road.

- (a) On its westerly side from its intersection with Main Street to a point 50 feet northerly of the intersection.
- (b) On its easterly side from its intersection with Main Street to a point 86 feet northerly of the intersection.

(15) Mohonk Avenue.

- (a) On both sides from intersection with Wurts Avenue to its intersection with Water Street.
- (b) On the southerly side from Elting Avenue to Fairview Avenue.
- (c) On both sides from its intersection with South Manheim Boulevard to a point 500 feet west of the intersection.
- (d) On the northerly side from its intersection with Elting Avenue to a point 100 feet westerly of the intersection.

(16) Mulberry Street.

- (a) On the northerly side from Huguenot Street to a point 200 feet easterly of Huguenot Street.
- (b) On both sides from Church Street to the easterly end of the street.

(17) North Chestnut Street (N.Y. Route 32).

- (a) On the westerly side from its intersection with Lenape Lane to a point 45 feet both northerly and southerly of the intersection.
- (b) On the westerly side from its intersection with Main Street to a point 150 feet northerly of the intersection.

(18) North Front Street (N.Y. Route 32).

- (a) On both sides between its intersection with Main Street to a point 100 feet northerly from the north curbline of Main Street.
- (b) On the northerly side from North Chestnut to a point 34 feet southeasterly of the intersection.
- (c) On the southerly side from its intersection with North Chestnut Street to a point 24 feet easterly of the intersection.
- (d) On the southerly side beginning at a point 64 feet from its intersection with Church Street for a distance of 29 feet.
- (e) On the northerly side beginning at the westerly edge of the Rail Trail for a distance of 270 feet west to the stop sign at the intersection with Huguenot Street.
- (f) On the southerly side from its intersection with the Wallkill Valley Rail Trail to a point 30 feet easterly of the intersection.
[Added 1-22-2014 by L.L. No. 7-2014]
- (g) On the southerly side from its intersection with the Wallkill Valley Rail Trail to a point 60 feet westerly of the intersection.
[Added 1-22-2014 by L.L. No. 7-2014]

(19) North Oakwood Terrace.

- (a) On the westerly side between John Street and Henry W. DuBois Drive.
- (b) On the easterly side from its intersection with Main Street to a point 60 feet northerly of the intersection, except on Sundays from 8:00 a.m. to 2:00 p.m., when parking is permitted.
- (c) On the westerly side from its intersection with Main Street to a point 20 feet northerly of the intersection, except on Sundays from 8:00 a.m. to 2:00 p.m., when parking is permitted.

(20) Old Kingston Road.

- (a) On both sides.

(21) Pencil Hill Road.

- (a) On both sides.

(22) Plains Road.

- (a) On the westerly side.
- (b) On the easterly side from Water Street to a point 600 feet southerly of Water Street.

(23) Plattekill Avenue.

- (a) On the westerly/southerly side:

- [1] From its intersection with Main Street to a point 250 feet southerly of the intersection.
- [2] From a point 40 feet northerly of the most westerly entrance to the municipal building to its termination at South Manheim Boulevard except for spaces designated for diagonal parking along the avenue.

- (b) On the easterly/northerly side:

- [1] Beginning at a point 344 feet southerly from its intersection with Main Street and ending at a point 435 feet southerly of the intersection, a total distance of 91 feet.
- [2] From its intersection with Lookout Avenue to a point 30 feet southerly of the intersection.
- [3] Beginning at a point 150 feet southerly of its intersection with Lookout Avenue and ending at a point 250 feet southerly of the intersection with Lookout Avenue.

- [4] From its intersection with South Oakwood Terrace to points 20 feet both easterly and westerly of the intersection.
- [5] From its intersection with Ridge Road to points 20 feet easterly and 50 feet westerly of the intersection.
- [6] From its intersection with South Manheim Boulevard to a point 40 feet westerly of the intersection.
- [7] From its intersection with South Manheim Boulevard easterly to its easterly end.

(24) Prospect Street.

- (a) On the westerly side from its intersection with Main Street to a point 120 feet northerly from the intersection.
- (b) On the easterly side from its intersection with Main Street to a point 30 feet northerly from the intersection.

(25) South Chestnut Street (N.Y. Route 208).

- (a) On its westerly side:
 - [1] From its intersection with Mohonk Avenue to a point 200 feet northerly of the intersection.
 - [2] From its intersection with Mohonk Avenue extending southerly to the Village limits.
- (b) On its easterly side:
 - [1] From its intersection with Main Street extending southerly to the Village limits.

(26) South Manheim Boulevard (N.Y. Route 32).

- (a) On the westerly side from Main Street to Center Street.
- (b) On the easterly side from its intersection with Main Street to a point 125 feet southerly of the intersection.

(27) South Oakwood Terrace. **[Amended 4-22-2015 by L.L. No. 7-2015]**

- (a) On both sides from its intersection with Plattekill Avenue to a point 60 feet northerly from the intersection.
- (b) On the westerly side from its intersection with Lookout Avenue to points 60 feet southerly and 60 feet northerly of the intersection.

(28) Southside Avenue.

(a) On the northerly side between Tricor Avenue and Pencil Hill Road.

(b) On the southerly side:

[1] From its intersection with South Chestnut Street to a point 85 feet easterly of the intersection.

[2] From its intersection with Tricor Avenue to a point 80 feet westerly of the intersection.

(29) Tricor Avenue.

(a) On the westerly side from Southside Avenue to Mohonk Avenue.

(30) Water Street.

(a) On both sides.

(31) Wurts Avenue.

(a) On its easterly side from Main Street to Mohonk Avenue.

(32) Grove Street, north of John Street.

B. Except where parking of vehicles is prohibited at any time as set forth in Subsection A of this section or prohibited overnight as set forth in Paragraph A of Section 60.42,²³ the parking of vehicles is hereby prohibited during a period of 23 hours commencing at 9:00 a.m. on Sunday, Tuesday, Thursday and Saturday of each week on the northerly or easterly sides of the following streets: **[Amended 5-23-2001 by L.L. No. 6-2001]**

Center Street

Elting Avenue, between Mohonk and Southside Avenues

Innis Avenue

Lincoln Place

Orchard Lane

Prospect Street, between Main and John Street

Ridge Road

South Oakwood Terrace, between Plattekill Avenue and a point 170 feet southerly of its intersection with Main Street.

West Center Street

C. Except where parking of vehicles is prohibited at any time as set forth in Subsection A of this section or prohibited overnight as set forth in Paragraph A of Section 60.42,²⁴ the parking of vehicles is hereby

23. Editor's Note: Former § 60.42, All night parking, was repealed 1-24-2001 by L.L. No. 2-2001.

prohibited during a period of 23 hours commencing at 9:00 a.m. on Monday, Wednesday and Friday of each week on the southerly or westerly sides of the following streets: **[Amended 5-23-2001 by L.L. No. 6-2001]**

Center Street

Elting Avenue, between Mohonk and Southside Avenues

Innis Avenue

Lincoln Place

Orchard Lane

Prospect Street, between Main and John Streets

Ridge Road

South Oakwood Terrace

West Center Street

D. Twenty-four hour restriction.

- (1) The parking of vehicles on any street within the Village limits of the Village of New Paltz at any time for a period in excess of 24 hours is hereby prohibited.

E. The following area shall be designated the "Core Business Area" for purposes of this article: the north side of Main Street from Prospect Street to Huguenot Street; North Front Street between Main and Chestnut Streets; Chestnut Street from North Front to Main Street; Main Street from Wurts to Prospect and South Chestnut Street. **[Added 4-17-2013 by L.L. No. 4-2013]**

§ 198-10. Parking limited in designated locations.

A. The parking of vehicles is hereby prohibited in any of the following locations between the hours of 7:00 a.m. and 11:00 a.m. except Sundays and holidays:

- (1) Main Street.

- (a) From its intersection with Front Street to a point 75 feet westerly of the intersection.

B. The parking of vehicles is hereby prohibited in any of the following locations between the hours of 8:00 a.m. and 7:00 p.m., except on Saturdays, Sundays and holidays:

- (1) Lookout Avenue.
- (2) Hasbrouck Avenue.

- (a) On the northerly side from Elting Avenue to Plattekill Avenue.
 - (3) Tricor Avenue.
 - (a) On the easterly side from Southside to Mohonk Avenue.
[Added 3-26-1997 by L.L. No. 5-1997]
 - (4) Church Street.
 - (a) On the westerly side from a point 80 feet northerly of its intersection with Main Street to a point 100 feet northerly of that intersection.
- C. The parking of vehicles is hereby limited to two hours in any of the following locations: **[Amended 4-23-2014 by L.L. No. 9-2014; 4-22-2015 by L.L. No. 7-2015]**
 - (1) Grove Street. On the easterly side from a point 30 feet from Main Street to a point 110 feet north from said intersection and on the westerly side from a point 30 feet from Main Street to a point 220 feet north from said intersection.
 - (2) Mohonk Avenue. On the northerly side 30 feet east of Wurts Avenue to a point 72 feet east of Wurts Avenue (two spaces).
 - (3) Elting Avenue. On the easterly side from its intersection with Mohonk Avenue to its intersection with Hasbrouck Avenue.
 - (4) Hasbrouck Avenue. On southerly side from 90 feet from its intersection with South Chestnut Street westerly to 72 feet from its intersection with Tricor Avenue.
- D. The parking of vehicles is hereby prohibited in the roadway on the easterly side of the Village Hall, except where parking meters have been installed, and in the parking areas westerly of the building in which Town Court, Police Department and Building Inspector's offices are located except for persons transacting business in any of the offices of the Municipal Building complex. **[Added 3-26-1997 by L.L. No. 5-1997]**
- E. Exceptions; permits. **[Amended 3-26-1997 by L.L. No. 5-1997; 10-24-2001 by L.L. No. 11-2001]**
 - (1) Notwithstanding the provisions of Subsection B of this section, the owner or occupant of the premises abutting Tricor Avenue between Southside Avenue and Mohonk Avenue may apply to the Village Clerk for permission to enable guests of the owner or occupant to park along the easterly side of such street for a limited period of time in accordance with guidelines established by the Board of Trustees. If the Village Clerk is satisfied, upon receipt of the application, that the parking prohibition will create a hardship for the guests or the owner or occupant and that such parking will not interfere with the regular use of the street by emergency vehicles

or the general public or the maintenance duties of the Department of Public Works, the Clerk may waive the parking prohibition of Subsection B of this section in accordance with the procedures set forth herein.

- (2) In granting the waiver, the Village Clerk shall designate the number of vehicles, the specific location and hours for which such permission is granted.
 - (3) The Village Clerk shall issue to the applicant a separate permit for each vehicle for which the waiver of parking prohibition is granted. The permit will state the date, specific location and hours during which the vehicle may be parked. The permit must be displayed on the dashboard of the operator's side of the vehicle so as to be clearly visible to any law enforcement officer during the time the vehicle is so parked.
 - (4) It shall be unlawful for any person to alter, deface or otherwise modify a parking permit issued by the Village Clerk or to display a parking permit other than during the period of time for which such permit was issued.
- F. The parking of vehicles is hereby prohibited along the northerly/easterly side of Plattekill Avenue from its intersection with Lookout Avenue to a point 375 feet northerly of the intersection except for vehicles with distinctive "volunteer fireman" license plates or displaying on the window or dashboard identification of the owner of the vehicle as a volunteer member of the New Paltz fire company.

§ 198-11. Standing prohibited in designated locations.

- A. The standing of vehicles is hereby prohibited in any of the following locations:
- (1) Main Street (N.Y. Route 299). On both sides:
 - (a) From its intersection with North and South Manheim Boulevard easterly to the Village limits.
 - (2) North Chestnut Street (N.Y. Route 32). On its easterly side from its intersection with Main Street extending northerly to the Village limits.
 - (3) North Manheim Boulevard. On its westerly side from its intersection with Main Street to a point 200 feet northerly of the intersection.
 - (4) Slate Street. On both sides.
 - (5) South Chestnut Street (N.Y. Route 208). On its westerly side from its intersection with Main Street to a point 50 feet southerly of the intersection.

§ 198-12. Parking and standing prohibited in designated locations on private property. [Amended by L.L. No. 5-2000]

- A. The parking or standing of vehicles or the placement of any fence, barrier or other obstruction is hereby prohibited in those portions of the roadways or parking lots on the following privately owned lands which are open to public motor vehicle traffic in order to permit unobstructed passage for authorized emergency vehicles, the exact locations to be designated by the Chief of the Fire Department as being a "fire lane" or "emergency zone."
- (1) Colonial Arms Apartments (an apartment building complex located on Colonial Drive).
 - (2) Middle School (a public school at the southeasterly intersection of Main Street and South Manheim Boulevard).
 - (3) Paltz Commons (an apartment building complex located at 144 Main Street).
 - (4) Post Office (a shopping center, including the U.S. Post Office on the north side of Main Street, west of North Chestnut Street).
 - (5) Southside Terrace Apartments (an apartment building complex on the south side of Southside Avenue, west of South Chestnut Street).
 - (6) Town and Country Condominiums (a condominium and apartment building complex on the east side of Huguenot Street, north of Main Street).
 - (7) Village Arms Apartments (a condominium and apartment building complex on the East side of North Chestnut Street, south of Bonticou View Drive).
 - (8) Village Plaza (a shopping center at the southwest intersection of Main Street and South Manheim Boulevard).
 - (9) Windsor Court Apartments (an apartment building complex on the north side of Southside Avenue, west of South Chestnut Street).
 - (10) 58 Main Street (a commercial building or buildings located on the southerly side of Main Street with the postal designation of 58 Main Street).
 - (11) Mulberry Square Apartments (an apartment building complex located on the northerly side of Henry W. DuBois Drive).
 - (12) Turtle Rock Apartments (an apartment complex located on Slate Street).
 - (13) Village Gardens Apartments (an apartment complex located at Orchard Heights on the easterly side of Church Street). **[Added 8-14-2002 by L.L. No. 13-2002]**

- B. The uses of proper names of the respective locations described in Subsection A hereof are as the premises are known in April 2000, for description only. The change of the name of any of the designated locations will not impair or remove the prohibition set forth in this section.
- C. The owner of each location described in Subsection A shall cause pavement markings to be placed on its premises with yellow paint in a distinct and visible manner and install signs sufficiently legible to be seen by an ordinarily observant person denoting the fire lanes and emergency zones designated by the Chief of the Fire Department and that the parking or standing of motor vehicles or the placement of any other obstruction in the designated fire lanes or emergency zones is prohibited. The owner of the premises shall maintain the pavement markings and signs so as to be visible during night hours and in inclement weather.
- D. In addition to any other penalties or fines imposed for the unlawful parking of a vehicle in this chapter or the Vehicle and Traffic Law of the State of New York, the Police Department is hereby authorized and directed to provide for the removal and storage of vehicles parked in a location designated as a "fire lane" or "emergency zone" described in Subsection A hereof during any time that such restriction is in effect. The owner or operator of such vehicle shall be responsible for the payment of the reasonable charges for such removal and storage.

§ 198-13. Parking or standing of vehicles containing hazardous substances on private property.

- A. Legislative intent. The Board of Trustees is concerned that the parking or standing on private property of vehicles used for the storage or transport of hazardous substances creates an unreasonable risk to the health and safety of persons residing in close proximity and believes it is essential to regulate the distance such vehicles must be parked from residential structures.
- B. State law superseded. Pursuant to the authority granted to the Board of Trustees by § 22 of the Municipal Home Rule Law of the State of New York, the provisions of the Vehicle and Traffic Law of the State of New York and of the Municipal Code of the Village of New Paltz in effect on the effective date of this section to the extent that such provisions are inconsistent herewith are hereby superseded.
- C. Parking or standing prohibited. It shall be unlawful for any person to park or leave standing while unattended by the operator any truck or trailer or any vehicle over eight feet in length containing or used for the storage or transport of any substance described as "hazardous materials" in § 14-f of the Transportation Law of the State of New York, as currently in effect or hereafter amended, within 50 feet of any building or structure containing a residential dwelling within the Village of New Paltz.

§ 198-14. Parking on residential properties. [Added 2-13-2002 by L.L. No. 4-2002]

The parking of motor vehicles on residential properties shall be limited to the following areas:

- A. Established driveways, which driveways shall not exceed 18 feet in width and not cover more than 30% of the lot frontage area. Driveways located in part along side yard or backyard areas shall comply with all property line setback requirements for buildings in the district; and
- B. If applicable, as expressly directed upon a site plan approved for the subject premises by the Planning Board and filed as such.

§ 198-15. Parking prohibited during emergencies.

- A. Parking or standing prohibited. **[Amended 1-24-2001 by L.L. No. 2-2001]**

- (1) Emergency conditions. The parking or standing of vehicles is hereby prohibited at all locations on highways within the Village of New Paltz in the vicinity of floods, fires or other public emergencies where the parking or standing of vehicles constitutes an obstruction to traffic or to emergency or rescue operations.

- (2) Snowfall conditions.

- (a) The parking or standing of vehicles is hereby prohibited on all streets within the Village of New Paltz and on all parking lots owned, leased or maintained by the Village during any snowfall from the time the accumulation of snow reaches a level of at least two inches until the street or parking lot has been fully plowed by the Department of Public Works. **[Amended 12-7-2005 by L.L. No. 10-2005; 1-2-2008 by L.L. No. 1-2008]**

- (b) It is the responsibility of the owner or operator of any vehicle parked on a Village street or in a parking lot owned, leased or maintained by the Village to be aware of the forecast of weather conditions which may result in an accumulation of greater than two inches of snow.

- (c) The Superintendent of Public Works is hereby authorized to post temporary signs at locations along highways and parking lots throughout the Village prohibiting the parking or standing of vehicles for a designated period of time to facilitate snow removal operations.

- B. Removal of vehicles.

- (1) In addition to any other penalties or fines imposed for the unlawful parking of a vehicle, the Police Department of the Town of New Paltz is hereby authorized and directed to provide for the removal

and storage of vehicles parked or abandoned upon any highways within the Village of New Paltz during snowstorms, floods, fires or other public emergencies or found unattended where the vehicles constitute an obstruction to traffic or to emergency or rescue operation or snow removal. **[Amended 3-15-2006 by L.L. No. 6-2006]**

- (2) The owner or operator of such vehicle shall be responsible for payment of the reasonable charges for the removal and storage. However, the removal charges will not be imposed upon the owner of a vehicle which, while lawfully parked, must be removed immediately because of fire, water or sewer main breaks or other public emergencies.
- (3) The owner of the facility at which the vehicle is stored shall be entitled to collect a fee for storage. The fee for storage of vehicles is hereby set according to the Town of New Paltz Schedule. **[Amended 3-15-2006 by L.L. No. 6-2006]**
- (4) The vehicle so removed shall be retained under the custody of the storage facility until such time that the removal and storage charges have been paid.
- (5) Any person who removes a motor vehicle from the premises to which it had been removed and is stored without payment of the removal and storage charges then due shall be deemed to have committed a violation and, upon conviction, shall be liable to a fine not to exceed that set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 198-16. Stopping prohibited in designated locations.

A. The stopping of vehicles is hereby prohibited in any of the following locations:

- (1) Main Street (N.Y. Route 299).
 - (a) On the northerly side:
 - [1] From its intersection with North Chestnut Street easterly to its intersection with Church Street.
- (2) Elting Avenue.
 - (a) On the westerly side.
 - [1] From a point 100 feet northerly of its intersection with Mohonk Avenue to a point 150 feet northerly of the intersection.

§ 198-17. Handicapped parking spaces. [Amended 11-7-2007 by L.L. No. 12-2007; 7-9-2008 by L.L. No. 4-2008; 8-8-2012 by L.L. No.

7-2012; 1-8-2014 by L.L. No. 6-2014; 4-23-2014 by L.L. No. 9-2014; 3-11-2015 by L.L. No. 6-2015; 8-24-2016 by L.L. No. 5-2016]

The standing, stopping, or parking of vehicles is hereby prohibited in any of the following locations unless the vehicle bears a permit issued under § 1203-a of the Vehicle and Traffic Law of the State of New York.

A. Elting Avenue.

- (1) Northwest corner of Elting Avenue and Mohonk Avenue (one of two in front of St. Joseph's Church).
- (2) Northwest corner of Elting Avenue and Mohonk Avenue (two of two in front of St. Joseph's Church).

B. New York Route 299 (Main Street).

- (1) North side of Main Street between Grove Street and Prospect Street.
- (2) South side of Main Street at 36 Main Street.

C. New York Route 32 North.

- (1) Municipal Lot at 10 North Chestnut Street.

D. Plattekill Avenue Municipal Lot.

- (1) East side of lot near 15 Plattekill Avenue (one of two).
- (2) East side of lot near 15 Plattekill Avenue (two of two).
- (3) North side of lot near 15 Plattekill Avenue (one of one).

E. Colonial Drive.

- (1) West side at 21 Colonial Drive.

F. Mohonk Avenue.

- (1) Northeast corner of Mohonk Avenue and Tricor Avenue (one of two).
- (2) Northeast corner of Mohonk Avenue and Tricor Avenue (two of two).

G. Tricor Avenue.

- (1) West side of Tricor Avenue between Mohonk Avenue and Hasbrouck Avenue.

H. Municipal Lot at 25 Plattekill Avenue.

- (1) West side of lot: from Plattekill Avenue, the seventh of nine spaces.

I. North Front Street.

- (1) Northeast corner of North Front Street and Church Street.
- (2) Southeast corner of North Front Street and North Chestnut Street.
- J. Academy Street.
 - (1) Southeast corner of Academy Street and North Chestnut Street.
- K. Church Street.
 - (1) West side at 59 Church Street.
 - (2) West side at 57 Church Street.
 - (3) West side at 19 Church Street.
- L. North Chestnut Street.
 - (1) West side at 11 North Chestnut Street.
- M. Prospect Street.
 - (1) West side at 27 Prospect Street.
- N. Grove Street.
 - (1) West side at curb cut at 1 Grove Street.
- O. Millrock Road.
 - (1) West side at 5 Millrock Road.
- P. Center Street.
 - (1) North side at 39 Center Street.
- Q. Two Plattekill Avenue.
 - (1) Southeast corner of Plattekill Avenue and Main Street (one of two).
 - (2) Southeast corner of Plattekill Avenue and Main Street (two of two).
- R. Municipal lot at 23 Plattekill Avenue.
 - (1) East side of lot behind Department of Public Works garage.

§ 198-18. Commercial vehicle parking prohibited; exceptions.

- A. Except as herein provided, no person shall park a commercial vehicle, as defined in this section, on any public street within the Village.
- B. Exceptions.
 - (1) The provisions of this section shall not apply to the following streets where parking would otherwise be permitted under this chapter:

- (a) Main Street (N.Y. Route 299), from its intersection with North and South Chestnut Streets easterly to the Village limits.
 - (b) North Chestnut Street (N.Y. Route 32), from its intersection with Main Street northerly to the Village limits.
 - (c) South Chestnut Street (N.Y. Route 208), from its intersection with Main Street southerly to the Village limits.
 - (d) South Manheim Boulevard (N.Y. Route 32), from its intersection with Main Street southerly to the Village limits.
- (2) Exceptions. Commercial vehicles may be parked on a public street from which they are otherwise excluded for the duration of such time necessary for the delivery or pickup of passengers, merchandise or other property or when necessary for construction work at abutting premises between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays, Sundays and holidays.
- C. Definitions. When used in this section, the following term shall have the meaning indicated:

COMMERCIAL VEHICLE — Any truck over five tons gross weight, any agricultural tractor, over-the-road tractor, trailer or tractor-trailer combination, or any vehicle over eight feet in width or 18 feet in length.

ARTICLE V

Parking Meters

[Amended 4-23-1997 by L.L. No. 8-1997; 6-11-1997 by L.L. No. 15-1997; 3-11-1998 by L.L. No. 2-1998; by L.L. No. 3-1999]

§ 198-19. Parking meter zones. [Last amended 4-22-2015 by L.L. No. 7-2015]

Parking meter zones are hereby established in highways as follows:

- A. Church Street on the westerly side beginning at a point 75 feet northerly from Main Street and ending at a point 15 feet southerly from Front Street.
- B. Main Street.
 - (1) On the northerly side.
 - (a) From a point 200 feet westerly of the intersection with Prospect Street to a point 150 feet easterly of the intersection with North Front Street.
 - (b) In the parking lot maintained by the Village with an entrance on the northerly side of Main Street near the intersections of Main Street and South Chestnut Street at such locations thereon that the Superintendent of Public Works shall designate.
 - (c) From Millrock Road to a point 174 feet easterly from the intersection with Prospect Street.
 - (2) On the southerly side.
 - (a) From a point 64 feet easterly of the intersection with South Chestnut Street to a point 139 feet easterly of the same intersection.
 - (b) From a point 66 feet easterly from its intersection with Wurts Avenue to a point 139 feet easterly of the same intersection.
 - (c) From South Oakwood Road easterly to a point 387 feet from said intersection.
- C. North Chestnut Street.
 - (1) On its westerly side from a point 45 feet southerly of the intersection with North Front Street to a point 150 feet northerly of the intersection with Main Street.
 - (2) In the parking lot maintained by the Village on the easterly side of North Chestnut Street approximately 100 feet northerly of the intersection with Main Street at such locations thereon that the Superintendent of Public Works shall designate.

- (3) The first three meters on North Chestnut Street nearest the Main Street intersection currently present as of January 2013 shall be removed.

D. Plattekill Avenue.

- (1) On its easterly side from a point 48 feet southerly from the intersection with Main Street to a point 305 feet southerly from the intersection.
- (2) On its westerly side from the entrance to the Municipal Parking Lot to a point 130 feet southerly from the entrance.
- (3) In the parking lot maintained by the Village with an entrance on the southwesterly side of Plattekill Avenue near the intersections of Main Street and Plattekill Avenue, at such locations thereon that the Superintendent of Public Works shall designate.
- (4) The two spaces along the southeasterly side of Plattekill Avenue closest to Main Street shall be designated as ADA-compliant handicapped spaces, and appropriately marked.

E. South Chestnut Street.

- (1) On its westerly side from a point 50 feet southerly of the intersection with Main Street to a point 250 feet northerly of the intersection with Mohonk Avenue.
- (2) The first three meters on South Chestnut Street nearest the Main Street intersection currently present as of January 2013 shall be removed.

F. Mohonk Avenue.

- (1) On its northerly side from the intersection with Tricor Avenue westerly to the intersection with Elting Avenue.

G. Tricor Avenue.

- (1) On both sides from the intersection with Hasbrouck Avenue southerly to the intersection with Mohonk Avenue.

H. Village Hall Parking Lot.

- (1) On the easterly side of the parking area opposite the Village Hall and Department of Public Works garage from the intersection with Hasbrouck Avenue northerly to the intersection with Plattekill Avenue.
- (2) In the designated parking area easterly of the Department of Public Works garage.

- (3) On the westerly side of the parking area at the rear of the Department of Public Works garage, except those spaces designated for official use only.
- (4) Village Hall.
 - (a) Parking spaces in front of the south entrance of Village Hall at 25 Plattekill Avenue, described in a map entitled. "Village Hall Parking Plan" and available in the Village Clerk's office, shall be reserved for Village of New Paltz residents doing Village business and appropriately signed.
 - (b) Parking spaces in front of the west entrance to Village Hall at 25 Plattekill Avenue, described in a map entitled "Village Hall Parking Plan" and available in the Village Clerk's office, shall be designated for Village officials and for residents doing Village business.
 - (c) The handicapped parking space in front of Village Hall shall be that space closest to the elevator door, and described in a map entitled "Village Hall Parking Plan" available in the Village Clerk's office.

I. North Front Street.

- (1) On its northerly side from a point 34 feet easterly of its intersection with North Chestnut Street to a point 26 feet westerly of its intersection with Church Street.
- (2) On its southerly side from a point 24 feet easterly of its intersection with North Chestnut Street to a point 20 feet westerly of its intersection with Church Street.
 - (a) The first meter on North Front Street at the southwest corner of Front and Church Streets currently present as of January 2013 shall be removed.
- (3) On both sides from a point 20 feet southeasterly of its intersection with Church Street to a point 100 feet northwesterly of its intersection with Main Street.
- (4) On its southerly side from a point 38 feet westerly of its intersection with North Chestnut Street to a point 145 feet easterly of its intersection with the Wallkill Valley Rail Trail.

J. Academy Street.

- (1) On its southerly side from a point 20 feet easterly of its intersection with North Chestnut Street to a point 30 feet westerly of its intersection with Church Street.
- (2) Three additional meters shall be added on the south side of Academy Street between Chestnut and Church Streets.

K. Church Street.

- (1) On its westerly side from a point 81 feet northerly from the intersection with Main Street to a point 169 feet northerly from the intersection.
- (2) On its westerly side from a point 33 feet northerly from the intersection with Academy Street to a point 149 feet southerly from the intersection.

§ 198-20. Hours of meter operation. [Amended 7-25-2018 by L.L. No. 10-2018]

Unless otherwise specified, parking meters shall be in operation on the highways designated in § 198-19 of this article between the hours of 9:00 a.m. and 6:00 p.m., Monday through Saturday and between the hours of 1:00 p.m. and 6:00 p.m. on Sundays, except holidays.

§ 198-21. Fees.

- A. The parking meter fees for all meters shall be set annually by resolution of the Board of Trustees. **[Amended 8-18-2004 by L.L. No. 4-2004; 11-7-2007 by L.L. No. 14-2007; 4-17-2013 by L.L. No. 4-2013; 9-12-2013 by L.L. No. 10-2013; 10-22-2014 by L.L. No. 13-2014]**
- B. Permits.
 - (1) In lieu of the fees prescribed in Subsection A of this section, the owner or operator of the motor vehicle may apply to the Treasurer's office for a permit to allow the vehicle to be parked in a parking meter zone for a half day or a full day. A half-day permit shall be valid between the hours from 9:00 a.m. to 1:30 p.m. or from 1:30 p.m. to 6:00 p.m. A full-day permit shall be valid between the hours from 9:00 a.m. to 6:00 p.m. **[Amended 9-9-2007 by L.L. No. 9-2007]**
 - (2) The fee for half-day and full-day permits shall be set annually by resolution of the Board of Trustees. The fee for each permit shall be payable in advance to the Treasurer's office. **[Amended 9-9-2007 by L.L. No. 9-2007; 10-22-2014 by L.L. No. 13-2014]**
 - (3) The Treasurer's office shall affix a validating stamp upon each permit and indicate thereon the date and hours (if applicable) during which the permit shall be valid. **[Amended 9-9-2007 by L.L. No. 9-2007]**
 - (4) The permit shall be displayed on the windshield or dashboard on the right front (passenger) side of the vehicle where it will be clearly visible to the Parking Meter Code Enforcement Officer. The owner or operator of the vehicle shall be liable for payment of the fees prescribed in Subsection A of this section and of the penalties

imposed in Subsection F of § 198-23 of this article if the permit issued for the vehicle is not properly displayed.

- (5) The Board of Trustees shall prescribe the form and content of the permit to be issued pursuant to this Subsection B.
- C. Long-term parking lot. The lot behind DPW and along the west side of Village Hall (described in a map entitled "Long-Term Parking" available in the Village Clerk's office) shall be designated with 30 spaces available for lease to employees of core businesses and tenants in Main Street apartments. Permits to park there would be processed by the Village Clerk upon proof of address (by deed or current signed lease), in an amount to be fixed by the Village Board annually, on a first-come first-served basis (provided the applicants so ordered have each complied with the proof of address requirement and completed such forms as shall be developed by the Village Clerk for such purposes). Permits must be applied for and received annually. Permit applications will be accepted beginning on the first business day in November each year. Any vehicle in the long-term parking lot without a valid decal evidencing a valid permit will be ticketed first offense, towed second offense. Appropriate signage shall be placed at entrances to the parking lot. **[Added 4-17-2013 by L.L. No. 4-2013]**
- D. Employee lot. In addition, the lot described in a map entitled "Employee Lot Parking Plan" available in the Village Clerk's office shall be designated a Village employee lot of 15 spaces, at no cost to the employee. Permits to park there would be processed by the Village Clerk every six months, by offering permits to employees employed by the Village of New Paltz, by last name in alphabetical order between November 1 and November 30 for the period January 1 through June 30 of the following year, and between May 1 and May 31 for the period July 1 through December 31 of the current year, so that each such employee has an equitable opportunity to take advantage of the parking. Appropriate signage shall be placed at entrances to parking lot. **[Added 4-17-2013 by L.L. No. 4-2013]**

§ 198-22. Installation, operation, maintenance and supervision.

The Board of Trustees shall be responsible for the installation, operation, maintenance, policing, and supervision of parking meters in the Village.

A. Installation.

- (1) Pavement markings shall be applied, where practicable, outlining parking spaces in the parking meter zones established in this article.
- (2) Parking meters shall be installed immediately adjacent to the parking spaces.
- (3) No parking spaces shall be applied at, nor meters installed adjacent to, locations where parking, standing, or stopping is prohibited

pursuant to § 1202 of the Vehicle and Traffic Law or by this chapter or other provisions of this Municipal Code where parking spaces are in conflict with such prohibitions.

B. Operation.

- (1) Each parking meter shall operate so as to indicate that the appropriate fee has been deposited in such meter.
- (2) Each parking meter shall display a signal indicating the expiration of the time period associated with the deposit of fees.

C. Handicapped parking spaces.

- (1) The Board of Trustees may, by resolution, designate that certain spaces in the parking meter zones established in this article shall be reserved for vehicles bearing a permit issued under § 1203-a, Subdivision 1, of the Vehicle and Traffic Law of the State of New York.
- (2) No vehicles shall park at a designated handicapped parking meter unless the vehicle bears such permit and is being used for the transportation of a severely disabled or handicapped person.
- (3) The Superintendent of Public Works shall affix to each parking meter so designated by the Board a sign designating the space as being reserved for handicapped parking and containing the symbol adopted by the Commissioner of Motor Vehicles to designate a handicapped-use facility.

D. Waiver of regulations.

- (1) The Mayor or his designee may waive the parking meter regulations in the vicinity of funeral homes and houses of worship for a period not to exceed three hours in each event to facilitate attendance for a funeral service at the premises.
- (2) The request for a waiver shall be made to the Mayor or his designee no less than 24 hours before the service is scheduled to begin.
- (3) A covering imprinted with the words "Funeral Parking Only" shall be placed on all meters for which the waiver is granted during the time it remains in effect.

§ 198-23. Fees; penalties for offenses. [Amended by L.L. No. 4-1999]

A. Deposit of fee required.

- (1) No person shall park a vehicle in a parking space of any parking meter zone adjacent to a parking meter during the hours of parking meter operation unless the appropriate fee is immediately deposited in such meter.

- (2) No person shall park a vehicle in a parking space of any parking meter zone adjacent to a parking meter during the hours of parking meter operation while such meter is displaying a signal indicating the expiration of the time period associated with the deposit of fees.
- B. Legal currency required. No person shall deposit or attempt to deposit in any parking meter any slug, button, or other device or substance as substituted for coins of United States currency.
- C. Parking within designated space. No person shall park any vehicle across any line or marking designated as a parking space in a parking meter zone or to park said vehicle not wholly within such parking space as designated by said lines or markings.
- D. Meter tampering. It shall be unlawful for any person to deface, tamper with, damage, open, or willfully destroy or impair the use of any parking meter installed under the authority of this chapter.
- E. Notice of violation. A person charged with the enforcement of this article shall attach to any vehicle violating this article a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this article and instructing the owner or operator to report to the Treasurer's office of the Village of New Paltz. **[Amended 9-9-2007 by L.L. No. 9-2007]**
- F. Payment of civil penalty. **[Amended 4-10-2002 by L.L. No. 7-2002; 7-10-2002 by L.L. No. 10-2002; 9-15-2004 by L.L. No. 8-2004; 9-9-2007 by L.L. No. 9-2007; 10-22-2014 by L.L. No. 13-2014]**
- (1) Except as provided in Subsection F(2), (3) and (4) of this section, each such owner or operator may, within five business days of the day the notice was attached to the vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office and to an additional administration fee, set annually by resolution of the Board of Trustees, for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days. **[Amended 7-11-2018 by L.L. No. 9-2018]**
- (2) The owner or operator of a vehicle charged with violating § 198-22C of this article, relating to parking in handicapped parking spaces, may, within five business days of the day the notice was attached to the vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of the first violation occurring within a period of two years within the Village and the sum set annually by

resolution of the Board of Trustees as a penalty for and in full satisfaction of a second or subsequent violation occurring within a period of two years within the Village. The failure of such owner or operator to make such payment of applicable fine within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.

- (3) The owner or operator of a vehicle charged with violating § 198-12 of this chapter, relating to the prohibition of the parking or standing of vehicles or the placement of obstructions in locations on certain private properties designated as a fire lane or emergency zone may, within five business days of the day the notice was attached to the vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment of \$35 within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.
- (4) The owner or operator of a vehicle charged with violating § 198-14 of this chapter, relating to restriction of parking to established driveways on residential properties, may, within five business days of the day the notice was attached to the vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment of \$25 within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.
- (5) The owner or operator of a vehicle charged with violating § 198-15A of this chapter, relating to the prohibition of the parking or standing of vehicles on all highways within the Village during a snowstorm, may, within five business days of the day the notice was attached to his/her vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment of \$25 within five business days shall subject the operator or owner to the additional penalty set

annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office, and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.

- (6) The owner or operator of a vehicle charged with parking within 15 feet of a fire hydrant in the Village of New Paltz, may, within five business days of the day the notice was attached to his/her vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment of \$30 within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office, and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.
 - (7) The owner or operator of a vehicle charged with parking on any street so as to block access or egress of legally parked vehicles at any curb in the Village of New Paltz, commonly referred to as "double parking," may, within five business days of the day the notice was attached to his/her vehicle, pay to the Treasurer's office the sum set annually by resolution of the Board of Trustees as a penalty for and in full satisfaction of such violation. The failure of such owner or operator to make such payment of \$15 within five business days shall subject the operator or owner to the additional penalty set annually by resolution of the Board of Trustees if thereafter paid to the Treasurer's office, and to an additional administration charge set annually by resolution of the Board of Trustees for any notice of violation which has not been paid, satisfied, or otherwise disposed of within 60 days.
- G. Continuing violation. Each hour interval that a vehicle is parked at a parking meter displaying the signal indicating the expiration of the time period shall be deemed a separate violation.

ARTICLE VI
Miscellaneous Provisions
[Amended by L.L. No. 8-1998]

§ 198-24. Truck exclusions.

- A. Trucks over 2 1/2 tons. Trucks in excess of 2 1/2 tons gross weight are hereby excluded from the following highways within this Village:
- (1) Broadhead Avenue between North Chestnut Street and Huguenot Street.
 - (2) Elting Avenue between Southside Avenue and Mohonk Avenue.
 - (3) Henry W. DuBois Drive between North Chestnut Street and Colonial Drive.
 - (4) Huguenot Street between Main Street and Old Kingston Road.
 - (5) Mohonk Avenue between South Chestnut Street and Plains Road.
 - (6) Mulberry Street between North Chestnut Street and Huguenot Street.
 - (7) North Front Street between North Chestnut Street and Huguenot Street.
 - (8) Plains Road between Water Street and the southern boundary line of the Village.
 - (9) Plattekill Avenue between Main Street and South Manheim Boulevard.
 - (10) Southside Avenue between South Chestnut Street and Tricor Avenue.
 - (11) Tricor Avenue between Southside Avenue and Mohonk Avenue.
 - (12) Water Street between Main Street and Plains Road.
 - (13) Wurts Avenue between Main Street and Mohonk Avenue.
 - (14) Prospect Street between Main Street and Henry W. Dubois Drive.
[Added 8-8-2018 by L.L. No. 11-2018]
- B. Exceptions. The regulations established in this section shall not be construed to prevent the delivery or pickup of merchandise or other property along the highways from which such vehicles are otherwise excluded.

§ 198-25. Left turns prohibited.

- A. No person shall operate a motor vehicle by making a left turn from Main Street onto the driveway leading to the premises of 191 Main

Street (located at the northeasterly intersection of Main Street and North Manheim Boulevard).

- B. ²⁵No person shall operate a motor vehicle by making a left turn from Tricor Avenue onto Hasbrouck Avenue. **[Added 5-22-2002 by L.L. No. 8-2002]**
- C. No person shall operate a motor vehicle by making a left turn from the municipal parking area east of the Village Department of Public Works garage onto Hasbrouck Avenue. **[Added 5-22-2002 by L.L. No. 8-2002]**

§ 198-26. Huguenot street turning restrictions. [Added 5-23-2001 by L.L. No. 6-2001]

- A. Legislative intent. It is the purpose of this section to abate the use of Huguenot Street for through traffic in that portion of the Village recognized as a national historic site.
- B. Restrictions on turns.
 - (1) No person shall operate a motor vehicle in a northerly direction on Huguenot Street approaching its intersection with North Front Street except by making a right turn onto North Front Street and continuing in an easterly direction toward North Chestnut Street. A left turn from North Front Street to continue in a northerly direction along Huguenot Street is prohibited.
 - (2) No person shall operate a motor vehicle in a southerly direction on Huguenot Street approaching its intersection with North Front Street except by making a left turn onto North Front Street and continuing in an easterly direction towards North Chestnut Street. A right turn from North Front Street to continue in a southerly direction along Huguenot Street is prohibited.

25. Editor's Note: Former Subsections B and C were repealed 8-8-2018 by L.L. No. 11-2018. This local law also renumbered former Subsections D and E as Subsections B and C, respectively.

ARTICLE VII

Penalties**[Amended by L.L. Nos. 6-1996; 4-1998]****§ 198-27. Penalties for offenses.**

- A. Except as herein provided, every person convicted of a violation of any of the provisions of this chapter shall be punished by the penalties prescribed in § 1800 of the Vehicle and Traffic Law of the State of New York, now in effect or of any supplements or amendments thereto in effect at the time of conviction.
- B. A violation of any portion of Article V, Parking Meters, of this chapter shall subject the owner or operator of the vehicle which shall cause such violation to a penalty not to exceed that set annually by resolution of the Board of Trustees, for each such offense to be recovered in a civil action in the name of the Village of New Paltz, which penalty shall be in addition to the payments provided in § 198-23F hereof. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- C. In addition to any other penalties or fines imposed for the violation of Article V hereof, any police officer or personnel of the Treasurer's office is hereby authorized to remove or cause to be removed to a place of safety within the Village of New Paltz any vehicle parked at any public parking space, including parking meters, in the Village of New Paltz where report has been made to the Treasurer's office that six or more delinquent parking tickets have been issued to the person in whose name such vehicle is registered for violations of parking regulations of the Village of New Paltz and that such delinquent parking tickets have not been paid, satisfied, nor otherwise disposed of. **[Amended 3-15-2005 by L.L. No. 6-2006; 9-9-2007 by L.L. No. 9-2007]**
- D. The owner or operator of such vehicle shall be responsible for payment of the reasonable charges for removal and storage. The vehicle so removed shall be retained in custody until such time that said tickets for parking violations and the removal and storage charges have been paid, satisfied, or otherwise disposed of.
- E. The owner of the facility at which the vehicle is stored shall be entitled to collect a fee for storage. The fee for storage of vehicles is hereby set according to the Town of New Paltz Schedule. **[Amended 3-15-2005 by L.L. No. 6-2006]**
- F. Any person who removes a motor vehicle from the premises to which it has been removed and is stored without payment, satisfaction or otherwise disposal of said tickets for parking violations and any removal or storage charges then due shall be deemed to have committed a violation and, upon conviction, shall be liable to a fine not to exceed that set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**

- G. In addition to any other penalties or fines imposed for violation of § 198-13 hereof, the Board of Trustees may also 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 injunction the violation of § 198-13.
- H. Penalties. Any vehicle in the long-term parking lot or employee parking lot without a valid decal evidencing a valid permit will be ticketed first offense, towed second offense. **[Added 4-17-2013 by L.L. No. 4-2013]**

ARTICLE VIII
Bicycle Parking
[Added 2-7-2007 by L.L. No. 1-2007]

§ 198-28. Purpose.

The purpose of this article is to provide adequate and safe facilities for the storage of bicycles.

§ 198-29. Applicability.

Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any new building that results in the need for additional auto parking facilities.

§ 198-30. Exemptions.

No bicycle parking facilities shall be required for single-family residences or two-family residences.

§ 198-31. Bicycle parking spaces required.

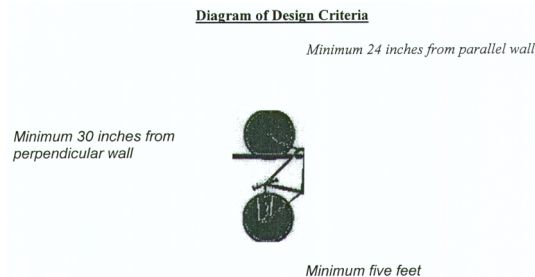
Bicycle parking shall be provided as follows:

- A. For multifamily residences, a minimum of one bicycle parking space or bicycle locker for each dwelling unit shall be provided.
- B. For all other uses, one bicycle parking space shall be provided for every 10 required automobile parking spaces.
- C. In all cases where bicycle parking is required, a minimum of two bicycle parking spaces shall be provided.
- D. The Village of New Paltz Village Board may reduce the required number of bicycle parking spaces based on information provided by the applicant confirming that fewer bicycle parking spaces are required.

§ 198-32. Design criteria for bicycle parking facilities.

- A. Accessory off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide bicycle lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
- B. "Bicycle parking facility" means a stand or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein. Racks must be easily usable with both U-locks and cable locks. Racks should support the bicycles in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard wire racks, are damaging to wheels and thus are not acceptable.

- C. Required bicycle parking spaces shall be at least two feet by six feet per bicycle.
- D. An aisle a minimum of five feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.
- E. Sufficient space, to be a minimum of 30 inches, shall be provided beside each parked bicycle to allow access. This access area may be shared by adjacent bicycles. Racks shall be installed a minimum of 24 inches from a parallel wall or other obstruction and 30 inches from a perpendicular wall.



- F. Bicycle parking should be located in close proximity to the building's entrance, within 50 feet whenever possible, and clustered in groups not to exceed 16 spaces each. If the parking facility is not highly visible, a sign may be required to be placed at the building's entrance indicating the location of bicycle parking.
- G. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist theft and vandalism. Bicycle parking facilities should be located in highly visible, well-lighted areas.
- H. The surfacing of such facilities shall be designed and maintained to be mud- and dust-free. The use of rock or gravel areas for bicycle parking is permitted, provided that edging materials, such as landscape timbers, are used so that the bicycle parking area is clearly demarcated and the rock material is contained. In all cases, the facility must be maintained to allow for easy access and use.
- I. Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- J. Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be harmonious with their environment. Parking facilities should be incorporated whenever possible into building design or street furniture.

- K. When automobile parking spaces are provided in a structure, the same percentage of required bicycle parking spaces shall be located inside the structure or shall be located in other areas protected from the weather.
- L. Where there is more than one building on a site, or where a building has more than one entrance, the parking must be distributed to serve all buildings and main entrances.²⁶

26. Editor's Note: The former map titled "Parking Zones: Downtown," which immediately followed this section as an attachment to this chapter, was repealed 4-23-2014 by L.L. No. 9-2014.

Chapter 207

WATER

ARTICLE I
Water Service Rules

§ 207-1. Rules governing water service. [Amended 10-10-2012 by L.L. No. 9-2012]

The following rules shall be considered a part of the contract with every person who takes water supplied by the Village of New Paltz, and every person taking water shall be considered as having expressed his consent to be bound thereby:

- A. All water rents are payable to the Village Treasurer quarterly on the first days of March, June, September, and December in each year.
- B. A penalty or late charge shall be charged and added to the water rent in the amount of 5% of the amount of such rent for the first month and an additional amount of 1/2% thereof for each month or portion of a month thereafter that such water rent remains unpaid after it becomes due.
- C. If bills remain unpaid 60 days after they become due, the water supply shall be shut off and will not be turned on again until all charges are paid and until payment in addition thereto of a charge set annually by resolution of the Board of Trustees for turning on the water. Notice of intention to shut off the water supply shall be served by the Department of Public Works, or its representative, personally or by certified mail, return receipt requested, at least 10 days prior to the shutoff date upon the person or persons occupying the premises as determined from the latest assessment roll of the Village or the records of the Ulster County Clerk's office. Any person so served may, within eight days thereafter, file with the Village Treasurer a written notice of appeal and request for a hearing before the Board of Trustees if such person desires to contest the action. Except in case of emergency, the procedure shall be stayed until such time as a hearing is held by the Board of Trustees and a determination made. The notice of intention shall contain a statement setting forth the rights of the water user under this subsection. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- D. No claim for damage or rebate shall be allowed by reason of the water being shut off.
- E. No rebate shall be allowed for vacancy or disuse of water until notice has been given in writing to the Village Treasurer and the water turned off for a full quarter. In no case will rebate be allowed unless notice as aforesaid is given.
- F. If a rebate is allowed for vacancy or disuse of water, there shall continue to be an annual charge set annually by resolution of the Board of Trustees, for the rent of the service line. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 207-2. Application for water service.

- A. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the Village of New Paltz, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main of the Village, is hereby required at his expense to connect such house or building directly with the Village water supply system in accordance with the provisions of this chapter within 90 days after the date of official notice to do so, provided that said public water main is within 100 feet of the property line and the connection to said public water main is feasible.
- B. Application for water must be made to the Village Clerk-Treasurer. All work, material and method of installation insofar as they affect the water service shall be under the supervision of and approved by the Superintendent of Public Works or his authorized representative.

§ 207-3. Approval of application; installation of service.

- A. When an application has been approved, the connection with the water main shall be made as soon as practicable. All work, material and method of installation insofar as they affect the water service shall be under the supervision of and approval by the Superintendent of Public Works or his duly authorized representative.
- B. Material for a Village water main shall be of brass, copper, cast iron, ductile iron, wrought iron, open-hearth iron, or steel, with appropriate approved fittings. Only 95-5 type solder shall be used inside buildings. All threaded ferrous pipes and fittings shall be galvanized or cement lined. When used underground in corrosive soil, all ferrous pipes and fittings shall be coal-tar enamel coated.
- C. The pipes and tubing for the service line shall be type K copper tube with flared fittings. The water service pipe from the street main to the water distribution system for the building shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand, and in no case shall be less than the tap at main and 3/4 inch service. The curb stop and connection to the street main shall be as approved by the Superintendent of Public Works.
- D. After the trench has been properly dug to a depth of at least 4 1/2 feet by the property owner and notice thereof given to the Superintendent of Public Works, the Village shall make the connection with the water main. The Village shall furnish and maintain for each service all pipes and fittings to and including curb cock and shall also furnish, install, and maintain the proper meter and tap the main for the sum set annually by resolution of the Board of Trustees for a three-fourths-inch connection and a sum set annually by resolution of the Board of Trustees for a connection using a pipe larger than three-fourths inch in diameter. All the above materials shall remain the property of the Village. **[Amended 5-21-2008 by L.L. No. 3-2008; 10-22-2014 by L.L. No. 13-2014]**

- E. An application for the supervision and approval by the Superintendent of Public Works or his duly authorized representative for the connection with the water main made to premises outside of the incorporated boundaries of the Village shall be accompanied by a fee of: **[Added 10-9-2002 by L.L. No. 15-2002; 10-22-2014 by L.L. No. 13-2014]**
- (1) For residential premises located outside of an established water district of the Town of New Paltz: set annually by resolution of the Board of Trustees; or
 - (2) For any nonresidential premises: set annually by resolution of the Board of Trustees.

§ 207-4. Apportionment of costs.

- A. Original installation. The property owner shall be responsible for all costs and expenses incurred by the Village in making the tap in the water main, laying service to the curb box and installation of the curb box as well as the service on his property.
- B. Maintenance. The Village shall be responsible for the maintenance, repair, and replacement of the curb box and the water service from the main to the curb box.
- C. Meter maintenance and replacement.
 - (1) Owner's responsibility. Any damage to the meter by freezing, hot water or other negligence of the owner or persons in possession of premises shall be payable by the owner at cost. The owner or persons in possession of the premises shall pay the cost of testing a meter which is found not to be defective. The owner or persons in possession of the premises shall pay the cost of damage or repair within 30 days after a demand for payment is made by the Village Clerk-Treasurer. All charges for repair, replacement or testing of meters which remain unpaid on the first day of April next following the date the expense was incurred shall be added as a special assessment to the account of the owner of the premises on the real property tax roll of the Village of New Paltz for the fiscal year next following, unless within 30 days after the demand for payment is made by the Village Clerk-Treasurer the owner shall file an application with the Board of Trustees showing that the charge should not have been incurred and the Board of Trustees approves the rescission of the charge.
 - (2) Meters two inches and more. All water meters serviced by a two-inch pipe or larger are hereby required to be tested every five years and the expense of such testing and repair, if necessary, shall be paid by the applicant for water service and, if not paid, shall be billed to the owner of the property served in the event the applicant is not the owner.

§ 207-5. Interruption of service; nonliability of Village.

No claim shall be valid against the Village by reason of the inadequacy or breakage of any service pipe, fittings or fixtures or arising out of any accident or damage that may result from shutting off the water for repairs of the mains, for new work or any purpose whatsoever.

§ 207-6. Inspection of water service.

The Superintendent of Public Works and other Village employees shall have the right to enter upon all premises supplied with water by the Village at all reasonable hours for the inspection of the pipes, hydrants, meters, draws, valve boxes, spigots, hose boxes and other attachments, and shall have the right and power to cut off the water service from the premises should the aforesaid pipes, fixtures or attachments, or any of them, be out of repair or not placed where the Superintendent of Public Works shall designate.

§ 207-7. Maintenance of service on private property. [Amended 10-9-2002 by L.L. No. 15-2002; 10-22-2014 by L.L. No. 13-2014]

All service pipes and fixtures, except the meter on the property owner's side of the curb box, shall be kept in good order and repair at all times at his own expense and, on failure to do so, the water may be cut off and kept off until such pipes and attachments are put in proper order and repair and the expense of cutting off and turning on the water is paid to the Village Clerk-Treasurer by the owner. The Village shall be entitled to not less than 48 hours' notice from the property owner that the necessary repairs have been completed and that the water may be turned on. The charge for cutting off the water and turning on the water shall be set annually by resolution of the Board of Trustees.

§ 207-8. Use of water service by others prohibited.

No person who is a customer of the Village water service and having a hydrant or tap on his premises shall permit the water therefrom to be drawn, taken or used by the occupants of other premises not paying water rent, under penalty of having the water turned off and forfeiting his privilege to use the water service of the Village.

§ 207-9. Tampering with or bypassing of meter prohibited.

- A. Tampering. No person, except the Superintendent of Public Works or his duly authorized representatives, shall disturb or break any seal placed on a meter or interfere in any way with the mechanism of said meter so as to cause it to register improperly.
- B. Bypassing. No taps or connections shall be placed in such a manner so that any person shall be able to draw off water that does not pass through the meter.

§ 207-10. Responsibility of consumer for water leaks.

- A. Leaks of metered water. All leaks in the service or any other pipe or fixture on the premises of the consumer or on the consumer's side of the curb box shall immediately be repaired at the expense of the consumer.
- B. Leaks of unmetered water. Any leaks of water occurring between the curb box and the meter or in the automatic fire prevention sprinkler system shall be promptly reported to the Superintendent of Public Works and shall immediately be repaired at the expense of the consumer. The Superintendent shall determine the approximate quantity of water lost as the result of the leak and the cost thereof shall be added to the bill for the current quarter.

§ 207-11. Written returns of plumbers and pipe fitters.

Plumbers and pipe fitters shall make full written returns for each service of the ordinary and special uses to which the water is to be applied, whether for new work, alterations, or additions with full description of all apparatus and arrangements for using water; the return shall be made within 48 hours after completion of the work. The water service shall not be let on until such return is made. No plumber or pipe fitter shall be allowed to turn on the water.

§ 207-12. Water rents; assessment and collection. [Amended 8-14-2002 by L.L. No. 12-2002; 10-9-2002 by L.L. No. 15-2002; 5-3-2006 by L.L. No. 9-2006; 8-22-2007 by L.L. No. 7-2007; 10-10-2012 by L.L. No. 9-2012]

- A. Generally. The Village Treasurer of the Village of New Paltz shall cause all water rents to be collected in advance in so far as practicable, at such time or times as the Village Board shall direct. The Village Treasurer shall prepare, or cause to be prepared, a list or roll containing the name of each person, company, corporation or association owning lots or buildings indebted or to become indebted to the Village for the use of water or water meters or for service or other charges in connection with said supply of water. It shall then proceed to fix and set down in a separate column the amount of said charges, to be known as "water rents," accrued and chargeable upon each lot, part of lot or building. The amount of such water rents shall be fixed annually by said Village Board according to its best judgment, in proportion to the amount of water consumed or likely to be consumed or in proportion to the benefits accruing thereto. Rates shall be set to encourage and foster conservation of water usage and infrastructure resources among the highest-volume users, who have the greatest impact on the system as a whole, and who have the greatest ability to implement efficiencies to conserve water and lessen overall system degradation. All water charges shall be billed to the owner of the real property receiving water service. For all billing purposes, the owner shall be the person or entity shown as the owner on the current Village tax assessment roll.

- B. Inside Village users. The meter charge to consumers inside the Village limits shall be at the rate and schedule as determined and established from time to time by resolution of the Village Board, and maintained by the Treasurer. Unpaid water rents shall be a lien on the property upon which the water is used, and such liens shall be superior to every other lien or claim, except the lien of an existing tax.
- C. Outside Village users. The meter charge to consumers outside the Village limits whose water service is not provided under an agreement either with the Town of New Paltz or the State University of New York shall be at the rate of 150% of the Village rate. Those properties to which water service is provided shall, by accepting such service, agree to a lien against the property for nonpayment for any such water charge made under this provision.
- D. Assessment. The Village Board shall authorize the Village Treasurer to receive, levy and collect the several sums specified and assessed against each person, company, corporation or association owning lots or buildings which are connected to the public water supply in proportion to the amount of water consumed or likely to be consumed or in proportion to the benefit accruing thereto.
- E. Collection. The Village Treasurer is authorized to collect water rents as assessed. The procedure for collection, as well as the times and rates for payment or the imposition of penalties, late fees or other expenses or costs, shall be established from time to time by resolution of the Village Board. In any circumstance where an industrial or institutional user has multiple water meters on one or more parcels of land within the water service area, all water consumed by that user shall be consolidated and billed as if recorded by one water meter. For the purposes of this section, the terms "industrial" and "institutional" user shall be consistent with the definition of such users in the Sewer provisions of the Village Code.²⁷
- F. Omission from rent roll. In the event that the water rent accrued and chargeable upon any lot, part of lot or building is omitted from any water roll for any cause, it shall be included in the next roll after such omission is discovered and shall be collected in the same manner and have the same lien and in all respects have the same force and effect as any other water rent.
- G. Change of rules; special rates and contracts. The Village reserves the right to change water rules and regulations, and to negotiate and agree upon special rates or contracts with specific users in all proper cases.
- H. Meter failure. In case any water meter shall fail to register the quantity of water passing through the same, the property owner shall be charged at the rate of consumption as registered at the average of the last three readings.

27. Editor's Note: See Ch. 163, Sewers.

- I. Final meter readings. Consumers requesting a reading of their water meters upon a transfer of title shall be charged a fee set annually by resolution of the Board of Trustees for each such reading, to be paid at the time the request is made. **[Amended 10-22-2014 by L.L. No. 13-2014]**

§ 207-13. Owner responsible for water rents. [Amended 10-10-2012 by L.L. No. 9-2012]

Water rents, together with the amount of any penalty prescribed and due for nonpayment of such rents for 60 days, shall be a lien on the real property upon which or in connection with which water is used, and such lien is prior and superior to every other lien or claim, except the lien of an existing tax. The Superintendent of Public Works shall certify to the Village Treasurer the amounts of all such unpaid rents, including penalties computed to the first day of the month following the month in which the fiscal year commences, with a description of the real property affected thereby. The Village Treasurer shall present such certificate to the Board of Trustees and shall enter the same or an abstract thereof in the minutes of the meeting. The Board of Trustees shall include such amounts in the annual tax levy and shall levy the same upon the real property in default. Whenever an unpaid water rent shall be included in the annual Village tax levy, as above provided, the water fund shall be credited with the amount of unpaid rent, including penalties, and the amount so levied of the unpaid rent, including penalties, and the amount, when collected, shall be paid into the general fund.

§ 207-14. Use of hydrants.

No person or persons shall open any fire plug or hydrant or draw water therefrom except the Superintendent of Public Works, his duly authorized representatives, or with his permission. The Chief of the Fire Department, its officers and members are authorized to use the said hydrants or plugs for the purpose of extinguishing fires, cleaning hoses, cleaning streets and for fire drills.

§ 207-15. Emergencies.

- A. Declaration. Whenever the Board of Trustees shall determine that an emergency exists due to shortage of water, the Board of Trustees shall publicly declare the existence of an emergency by adopting a resolution to that effect at a regular or special meeting and causing a notice thereof to be published in the official newspaper of the Village. Thereafter no water from the Village water system shall be wasted in any manner nor shall any water be used for any purpose other than necessary household or business consumption until such time as the Board of Trustees shall declare that the emergency is terminated.
- B. Necessary household and business use defined. Necessary household and business use shall include use of water for drinking, washing and

bathroom facilities but shall not include the use of water for sprinkling lawns or shrubbery, washing of porches or vehicles or use of water in air-conditioning equipment where the water is not recirculated or for other uses of similar character.

- C. Special uses may be permitted. The Board of Trustees may from time to time during an emergency permit use of water for certain specified purposes which shall be stated in the resolution of the Board.
- D. Water may be shut off for violation. In addition to the penalty otherwise herein prescribed, the Board of Trustees may in the event of a violation of this section order the water to the premises of the violator to be shut off in the same procedure provided in Subsection C of § 207-1 of this chapter.

§ 207-16. Restrictions on water service connections outside of Village boundaries. [Added 7-9-2003 by L.L. No. 5-2003; amended 8-23-2006 by L.L. No. 14-2006]

- A. No connection may be made to the water supply and distribution system of the Village by or on behalf of the owner of any parcel of land located outside of the Village which is, or could reasonably be made, contiguous to the incorporated boundary line of the Village unless and until such parcel of land has been annexed to the Village of New Paltz in the manner prescribed in Article 17 of the General Municipal Law of the State of New York or of any laws amending or supplementing the same.
- B. Such parcel of land defined above may connect to the Village water supply and distribution system without annexing to the Village only if:
 - (1) It is an undue hardship to connect directly to the Village water supply and distribution system, such determination to be made solely by the Village Board of Trustees; and
 - (2) The parcel in question lies contiguous to an existing Town water district; and
 - (3) The owner(s) of said parcel have received the permission of both the Village Board of Trustees and the residents of said Town water district.

§ 207-17. Penalties for offenses.

- A. Violation of any of the provisions of this chapter is hereby declared to be a violation pursuant to the Penal Law. The Building Inspector shall issue and serve appearance tickets with respect to any violation of this chapter when he has reasonable cause to believe that such violation or offense has been committed.
- B. For every violation of any provision of this chapter, the person violating the same shall be subject to a fine of not more than that set annually by resolution of the Board of Trustees or imprisonment of not more than 15

days as provided in the Penal Law. **[Amended 10-22-2014 by L.L. No. 13-2014]**

ARTICLE II

Cross-Connection Control Regulations.**§ 207-18. Statutory authorization and purpose.**

- A. Statement of purpose. The purpose of this article is to safeguard potable water supplies from potential contamination by preventing backflow from a water user's system into the public water system, recognizing that there are varying degrees of hazard and applying the principle that the degrees of protection should be commensurate with the degrees of hazard. It is the intent of the Village of New Paltz to comply with the requirements of New York State Sanitary Code, Part 5, Section 5-1.31 which mandates that the supplier of water protect its water system in accordance with procedures acceptable to the New York State Commissioner of Health and to that extent, the terms, conditions and provisions of the New York State Sanitary Code, Part 5, Section 5-1.31 and the Cross Connection Control Manual published by the New York State Department of Health are incorporated in this article by reference as if more fully stated.
- B. Responsibility of the Superintendent of Public Works, Code Enforcement Officer and Building Inspector. The Superintendent of Public Works or his designated agent shall inspect the plumbing in every building or premises in the Village of New Paltz as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the Village by the plumbing. The Superintendent of Public Works, Code Enforcement Officer or Building Inspector shall notify in writing the owner or authorized agent of the owner of any such building or premises, to correct within a reasonable time any plumbing installed or existing contrary to or in violation of this article and which, in his judgment, may tend to cause the pollution of the Village water supply, or otherwise adversely affect the public health.
- C. Inspection. The Superintendent of Public Works or his designated agent shall have the right of entry into any building during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises provided that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

§ 207-19. Definitions.

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

AIRGAP — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to

a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

APPROVED DOUBLE CHECK VALVE ASSEMBLY — An assembly of at least two independently acting approved single check valves, including tightly closing shutoff valves on each side of the check valve assembly and suitable test cocks plus connections available for testing the water tightness of each valve.

APPROVED SINGLE CHECK VALVE — A check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured water tightness. The face of the closure element and valve seat must be bronze composition, or other noncorrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other noncorrodible, nonsticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.

APPROVED WATER SUPPLY — Any water supply approved by the New York State Department of Health.

AUXILIARY SUPPLY — Any water source or system other than the potable water supply that may be available in the building or premises.

BACKFLOW — The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Backsiphonage is one type of backflow.

BACKFLOW PREVENTER — A device or means to prevent backflow.

BACKSIPHONAGE — Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

BAROMETRIC LOOP — A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

CHECK VALVE — A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CONTAMINATION — See “pollution.”

COUNTY HEALTH OFFICER — The Ulster County Commissioner of Health, his assistants or authorized deputies acting as, or any other person appointed as, public health officer of the County of Ulster.

CROSS-CONNECTION — Any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system or any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. (See “backflow” and “backsiphonage.”)

DRAIN — Any pipe that carries waste water or waterborne wastes in a building drainage system.

FLOOD-LEVEL RIM — The edge of the receptacle from which water overflows.

HEALTH HAZARD — Any conditions, devices or practices in the water supply system and its operation which create, or in the judgment of the Superintendent of Public Works, Code Enforcement Officer or Building Inspector, may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design or construction that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

HYDROPNEUMATIC TANK — A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

INLET — The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

PLUMBING FIXTURE — Installed receptacles, devices, or appliances supplied with water or that receive or discharge liquids or liquid-borne wastes.

PLUMBING HAZARD — Any arrangement of plumbing, including piping and fixtures, whereby a cross-connection is created.

PLUMBING SYSTEM — Includes the water supply and distribution pipes, plumbing fixtures, and traps; soil, waste and vent pipes; building drains, and building sewers including their respective connections, devices, and appurtenances within the property lines of the premises; and water-treating or water-using equipment.

POLLUTION — The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

REDUCED PRESSURE ZONE BACKFLOW PREVENTER — An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent backflow (referred to herein as "RPZ").

SURGE TANK — The receiving, nonpressure vessel forming part of the airgap separation between a potable and an auxiliary supply.

VACUUM — Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NONPRESSURE TYPE — A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE — A vacuum breaker designed to operate under conditions of static line pressure.

WATER, POTABLE — Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Public Health

Service Drinking Water Standards or to the regulations of the public health authority having jurisdiction.

WATER, NONPOTABLE — Water that is not safe for human consumption or is of questionable potability.

§ 207-20. General (technical) requirements.

- A. General. A potable water supply system shall be designed, installed, and maintained in such manner as to prevent contamination from nonpotable liquids, solids, or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system.
- B. Cross-connections prohibited. Cross-connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the Superintendent of Public Works, suitable protective devices such as the reduced pressure zoned backflow preventer or equal are installed, tested, and maintained to insure proper operation on a continuing basis.
- C. Interconnections. Interconnection between two or more public water supplies shall be permitted only with the approval of the Superintendent of Public Works.
- D. Individual water supplies. Cross-connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the Superintendent of Public Works.
- E. Connections to boilers. Potable water connections to boilers shall be made through an airgap or provided with an approved backflow preventer.
- F. Prohibited connections to fixtures and equipment. Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with Subsection H or as set out herein.
 - (1) Bidets.
 - (2) Operating, dissection, embalming, and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least 12 inches away from every point of the table or attachments.
 - (3) Pumps for nonpotable water, chemicals, or other substances; priming connections may be made only through an airgap.
 - (4) Building drainage, sewer, or vent systems.
 - (5) Any other fixture of similar hazard.

- G. Refrigerating unit condensers and cooling jackets. Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also, adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at 5 psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.
- H. Protection against backflow and backsiphonage.
- (1) Water outlets. A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet:
 - (a) Airgap. An airgap, as specified in Subsection H(2), between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination; or
 - (b) Backflow preventer. A device or means to prevent backflow.
 - (2) Minimum required airgap.
 - (a) How measured. The minimum required airgap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
 - (b) Size. The minimum required airgap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required airgap shall be three times the effective opening of the outlet.
 - (3) Approval of devices. Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the Board of Trustees of the Village. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system.
 - (4) Installation of devices.
 - (a) Vacuum breakers. Vacuum breakers shall be installed with the critical level at least 6 inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be

treated as the flood level rim but a check valve shall be installed on the discharge side of the vacuum breaker.

- (b) Reduced pressure zone backflow preventer. A reduced pressure principal-type backflow preventer may be installed subject to full static pressure.
 - (c) Devices of all types. Backflow and backsiphonage preventing devices shall be accessible, located preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.
- (5) Tanks and vats below rim supply. Where a potable water outlet terminates below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in Table 3.85, the overflow pipe shall be provided with an airgap as close to the tank as possible.

§ 207-21. Degrees of hazard.

- A. Toxic or hazardous substances not under pressure. At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such manner as to constitute a cross-connection, the Village water supply shall be protected by an approved RPZ unless such cross-connection is abated to the satisfaction of the Superintendent of Public Works and approved by the County Health Officer.
- B. Nonhazardous substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the Village water supply is handled in such a manner as to constitute a cross-connection, the Village water supply shall be protected by an approved double check valve assembly.
- C. Sewage and storm drain treatment plants and pumping stations. At the service connection to any sewage treatment plant or sewage pumping station, the Village water supply shall be protected by an airgap separation. The airgap shall be located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the Village water supply shall be protected with an approved RPZ providing this alternative is acceptable to both the Superintendent of Public Works and the County Health Officer. A final decision in this matter shall be made by the State Health Department.
- D. Fire systems. At the service connection to any premises in which a fire protection system is installed, the Village water supply shall be

protected based on the water source and arrangement of supplies in accordance with the following classification:

- (1) Class 1 - Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other outlets.

Protection: None other than the check valve required by the National Fire Code.

- (2) Class 2 - Same as Class 1, except booster pumps may be installed in the connections from the street mains.

Protection: None other than the check valve required by the National Fire Code.

- (3) Class 3 - Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks.

Protection: Double check valve assembly.

- (4) Class 4 - Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700 feet of the pumper connection.

Protection: Airgap or RPZ.

- (5) Class 5 - Directly supplied from public mains, and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells; mills or other industrial water systems; or where antifreeze or other industrial water systems; or where antifreeze or other additives are used.

Protection: Airgap or RPZ.

- (6) Class 6 - Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

Protection: Determined by the Superintendent of Public Works upon review of certified engineering drawings of the system prepared at the applicant's expense.

- E. Pier and dock hydrants. At the service connection to any pier or dock hydrant used for supplying vessels at piers or waterfronts, the Village water supply shall be protected by an approved RPZ.

- F. Lawn sprinkling systems. At the service connection to any permanently installed, below-grade lawn sprinkling system, the Village water supply shall be protected by an approved RPZ assembly.
- G. Others. Examples of other facilities which may require cross-connection control include, but are not limited to:
- (1) Beverage bottling plants.
 - (2) Breweries.
 - (3) Food processing plants.
 - (4) Chemical plants and plating facilities.
 - (5) Film laboratories.
 - (6) Hospitals, medical buildings, sanitariums, morgues, and mortuaries.
 - (7) Irrigation systems.
 - (8) Laundries and dye works.
 - (9) Meat packing plants.
 - (10) Metal manufacturing, cleaning and fabricating plants.
 - (11) Radioactive materials production or research plants.
 - (12) Restricted, classified or other facilities closed to inspection.
 - (13) Sewage and storm facilities.
 - (14) Building heated by boilers where treatment chemicals are used.
 - (15) Building with certain types of air-conditioning systems.
 - (16) Swimming pools.
 - (17) Printing operations.
 - (18) Furniture stripping.

§ 207-22. Inspection.

It shall be the duty of the water user on any premises on account of which backflow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified backflow prevention device tester and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul

shall also be kept and made available to the water user and the local health department upon request.

§ 207-23. Existing nonconforming devices.

All presently installed backflow prevention devices which do not meet the requirements of this article, but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under § 207-22 of this article, be excluded from the requirements of these rules as long as the Superintendent is assured that they will satisfactorily protect the Village's water supply. Whenever the existing device is moved from its present location or requires more than minimum maintenance which constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this article.

§ 207-24. Penalties and recourse for noncompliance.

- A. No water service connection to any premises shall be installed or maintained by the water user, unless the water supply is protected as required by this article and such other applicable local, state and federal laws, rules and regulations.
- B. If any person or facility served by a water system denies access to the premises to the Superintendent of Public Works or his designated agent for the purposes of determining if protection to the public water system is necessary, the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
- C. The Superintendent of Public Works or the County Health Officer may order immediate discontinuance of service without notice if:
 - (1) In his opinion, the water supply of the Village of New Paltz is being contaminated or is in immediate danger of contamination; or
 - (2) A protective device required by this article has not been installed or has been removed or bypassed and the consumer cannot be readily located or refuses to comply. Delivery of water may not be resumed until the protective device required by this article and approved by the Superintendent of Public Works has been properly installed, or until the conditions at the premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Superintendent of Public Works or the County Health Officer.
- D. Notwithstanding any other provisions of this chapter to the contrary, the following penalties shall be applicable for a violation of the cross-connection control regulations set forth in this article of the Municipal Code:

- (1) Failure to submit appropriate backflow prevention device plans to the Village of New Paltz and the Ulster County Health Department within 30 days after the consumer is given notice of the requirements to install the device: fine set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (2) Failure to comply with correction of plans within 30 days of notice thereof: fine set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (3) Failure to complete installation of the appropriate backflow prevention device within 30 days after final approval of plans: fine set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (4) Failure to complete installation of the appropriate backflow prevention device within 15 days after second notice: Termination of service.
- (5) Failure to at least annually test the backflow prevention device: fine set annually by resolution of the Board of Trustees or termination of water service, or both. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (6) Failure to replace or repair a backflow prevention device as required within 30 days after notice: fine set annually by resolution of the Board of Trustees or termination of water service, or both. **[Amended 10-22-2014 by L.L. No. 13-2014]**

Chapter 212

ZONING

GENERAL REFERENCES

Code enforcement — See Ch. 95.

Subdivision of land — See Ch. 178.

Environmental quality review — See Ch. 105.

ARTICLE I
General Provisions

§ 212-1. Title.

This chapter shall be known and may be cited as the "Zoning Law of the Village of New Paltz, New York."

§ 212-2. Authority.

This chapter is enacted pursuant to § 7-700 of the Village Law to achieve the purposes authorized by statute: to protect and promote public health, safety, morals, comfort, convenience, economy and the general welfare, and to protect aesthetic values.

§ 212-3. Scope.

This chapter regulates and restricts the location, construction, alteration, occupancy and use of buildings and structures and the use of land in the Village of New Paltz in the County of Ulster, divides the Village zoning districts for said purposes and provides for the administration and enforcement of provisions herein contained and fixes penalties for the violation thereof.

§ 212-4. Purpose.

The regulations embodied in this chapter are deemed necessary to promote the general welfare and for the following additional purposes:

- A. Promote orderly development. To promote and effectuate the orderly physical development of the Village of New Paltz in accordance with the Comprehensive Plan as it has been and may be amended, and other studies and findings.
- B. Conserve and enhance property values. To encourage the most appropriate uses of land in the community in order to conserve and enhance property values.
- C. Provide for adequate housing. To make provision for a growing residential population with a variety of needs while preserving the quality of existing stable residential neighborhoods.
- D. Promote commerce. To protect and enhance the prosperity of the community's commercial areas by providing the opportunity for the suitable and appropriate location of various commercial uses.
- E. Improve traffic circulation. To ease traffic congestion which impedes the successful functioning of the community without spoiling physical and visual amenities.
- F. Regulate location and density of structures. To establish building lines and the location of building for residential, commercial, manufacturing

or other uses within such lines to assure access of light, circulation of air and to facilitate fire control.

- G. Prohibit incompatible uses. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
- H. Provide open spaces. To create a suitable system of open spaces and recreation areas, to protect and enhance existing wooded areas, scenic areas, and waterways.
- I. Preserve and enhance aesthetic and historic values. To preserve and enhance the natural and man-made beauty of the community, to preserve its character of the community and to preserve local historic sites and buildings.

§ 212-5. Definitions. [Amended 3-12-1997 by L.L. No. 4-1997; by L.L. No. 10-1997; L.L. No. 26-1997; L.L. No. 14-1998; L.L. No. 4-2000; L.L. No. 6-2000; 9-6-2000 by L.L. No. 8-2000; 2-13-2002 by L.L. No. 4-2002; 6-26-2002 by L.L. No. 9-2002; 11-13-2002 by L.L. No. 17-2002; 4-23-2003 by L.L. No. 3-2003; 11-12-2008 by L.L. No. 11-2008]

- A. Generally. Words used in the present tense include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used"; and the word "shall" is mandatory and not optional.
- B. Specific words. Unless the context or subject matter otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter:

ACCESSORY USE, STRUCTURE OR BUILDING — A use, structure or building subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. In the case of an accessory structure or building, it shall be attached to the principal building or, if detached, located on the same premises.

AFFORDABLE RENTAL HOUSING — Housing which by virtue of federal, state, local or private subsidy is available for rent by low- and moderate-income individuals or families at rents which meet the rent requirements of the New York State or federal subsidy programs under which the units are to be developed or subsidized. Privately subsidized rental housing will be considered affordable housing if it meets the criteria set forth above and if the Village Fair Housing Officer certifies that it will be offered at rentals comparable to those charged under the relevant state or federal programs.

AGENCY BOARDING HOME — A family-type home certified by the New York State Department of Social Services for the care and maintenance of not more than six children, operated by an authorized agency, in quarters or premises owned, leased or otherwise under the control of such agency, except that such a home may provide care for more than six brothers and sisters of the same family.

AGRICULTURE — The cultivation of the soil for food products, tree crops or other useful or valuable growths of the field or garden; and also dairying and livestock raising.

ALTER — To move a structure from one location to another on the same lot or to change, rearrange or enlarge the structure or to make any change in the supporting members of a structure, including but not limited to bearing walls, retaining walls, columns, beams or girders.

APPLICANT — The person or entity that is submitting an application for development, or the successor to the same, being authorized to do so as the owner, contract vendee, or having represented her-, him- or itself as the authorized agent of owner or vendee for prosecuting such application. **[Added 4-29-2013 by L.L. No. 5-2013]**

AREA, BUILDING — The total area of a lot covered by all buildings thereon, both principal and accessory, measured by the exterior dimensions of such buildings as viewed from above, but not including uncovered steps, courts and terraces.

ARTICULATION — An architectural demarcation consisting of an element such as a cornice line or entablature; a course of brick, stone or other material which projects or is differently colored or differently laid; or a change from an opaque surface to a void. **[Added 4-29-2013 by L.L. No. 5-2013]**

ATTIC — That space of a building which is immediately below and wholly or partly within the roof framing. An attic with a finished floor shall be counted as 1/2 story in determining the permissible number of stories.

AUTOMOBILE or TRAILER SALES AREA — An open area for the display, sale or rental of new or used motor vehicles, including trucks and farm equipment, or trailers in operable condition and where no repair work is done.

BAR — An establishment, which is licensed by the New York State Liquor Authority under what is generally considered to be its standard "bar license," allowing on-premises consumption of liquor, wine and beer, and is primarily devoted to the serving and on-premises consumption of alcoholic beverages. Even if food is prepared or served on the premises, an establishment shall be deemed a bar where any bar area contains more than one seat for every five table seats, or where the bar remains open for two or more hours for alcohol consumption after the normal menu food service has closed, or allows seated patrons to acquire beverages except by waiter or waitress, or remains open later

than midnight, or where at any time the establishment restricts entry to patrons 21 years or older.**[Amended 4-29-2013 by L.L. No. 5-2013]**

BASEMENT — That space of a building which is partly below grade and has more than half its height, measured from floor to ceiling, above average established curb level or finished grade of the ground adjoining the building. A basement shall be counted as one story in determining the height of a building in stories.

BEAUTY SALON — A business primarily engaged in furnishing beauty or hairdressing services and includes such businesses as barber shops, nail services and tanning parlors.

BED-AND-BREAKFAST (also known as "tourist home") — An owner-occupied residence used to provide lodging accommodations and a morning meal to visitors for compensation, provided that the owner lives on the premises and not more than nine bedrooms are so used. The maximum length of stay for an individual guest shall be 14 nights.**[Amended 4-29-2013 by L.L. No. 5-2013]**

BEDROOM — Any room within a dwelling unit of sufficient area to be used as a sleeping room in compliance with § 129-18B of the Municipal Code and providing adequate privacy to be used as a sleeping room in compliance with § 129-20D(2) of the Municipal Code.

BILLBOARD — See definition of "sign."

BLOCK FRONTAGE — The distance in feet of the front lot lines of all lots, including corner lots, on one side of a street between the right-of-way lines of intersecting streets.

BUFFER — An open space or landscaped area consisting of trees, shrubs, berms, walls, solid fencing or a combination of all, so installed to visibly and physically separate one use from another or to shield or block noise, lights or other nuisances. Paved areas or areas used for parking or aboveground structures (except for berms, walls and fences) are not considered buffers. A buffer requirement is in addition to all yard and setback requirements and is measured at right angles to and inward from the yard line.**[Added 4-29-2013 by L.L. No. 5-2013]**

BUILDING — Any structure used or intended for supporting or sheltering any use or occupancy, as well as the following:**[Amended 4-29-2013 by L.L. No. 5-2013]**

- (1) Masonry or rock walls projecting above the ground and not more than 3.0 feet at the higher ground level and not more than 6.5 feet at the lower ground level. Retaining walls are excluded.
- (2) Porches, decks, outdoor bins and other similar structures.

BUILDING AREA — The maximum horizontal cross section of a building, including porches, articulations, balconies and raised platforms, but excluding cornices, roof overhangs, gutters or chimneys projecting not more than three feet, and steps and terraces not more

than three feet above the average adjacent ground elevation.**[Added 4-29-2013 by L.L. No. 5-2013]**

BUILDING COVERAGE — That percentage of the land area covered by the combined building area of all buildings, excluding any building or structure located completely below ground.**[Added 4-29-2013 by L.L. No. 5-2013]**

BUILDING, DETACHED — A building surrounded by open space on the same lot.

BUILDING FACE AREA — In relation to a commercial unit means the area of the building face as measured by the height and width of the premises occupied by such commercial unit.

BUILDING GROUP — A group of two or more principal buildings, and any buildings accessory thereto, occupying a lot in one ownership and having any yard in common.

BUILDING HEIGHT — The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the roof.

BUILDING INSPECTOR — The Building Inspector of the Village or his or her designee. Any reference to the Building Inspector in this chapter shall be gender neutral, and shall also be deemed to include and refer to the Director of Code Enforcement or Code Enforcement Officer, if any. If no one should hold or there shall not have been established the position of Director of Code Enforcement or Code Enforcement Officer, then the Building Inspector shall be deemed to be authorized to act in such capacity.**[Added 4-29-2013 by L.L. No. 5-2013]**

BUILDING LINE — A line established by law, rule or regulation beyond which no part of a building, other than parts expressly permitted, shall extend.

BUILDING, MIXED-USE — A building containing residential and nonresidential uses on the same or separate floors and located in a zoning district permitting such uses.**[Amended 4-29-2013 by L.L. No. 5-2013]**

BUILDING OR STRUCTURE, TEMPORARY — A building or structure intended to exist on a lot for a brief or temporary duration of time, not exceeding nine months. All other buildings or structures shall be deemed permanent.

BUILDING, PRINCIPAL — A structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which the same is located.

BUILDING, SEMIDETACHED — A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

BULK — A term used to describe the size, volume, area and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures or other walls of the same building; and all open space required in connection with a building, other structure or tract of land.

CELLAR — That space of a building that is partly or entirely below grade, which has more than half its height, measured from floor to ceiling, below the average established curb level or finished grade of the ground adjoining the building. A cellar shall not be counted in determining the permissible number of stories.

CLUB (including **NON-PROFIT CLUB, LODGE OR FRATERNAL ORGANIZATION**) — A voluntary organization, with facilities serving principally its members and their guests for recreational or social purposes.**[Amended 4-29-2013 by L.L. No. 5-2013]**

COMMERCIAL GROUP — Two or more retail establishments of offices totaling at least 5,000 square feet of gross floor area and sharing certain facilities such as parking, public utilities and open space.

COMMERCIAL VEHICLE — A vehicle of more than one-ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanently affixed sign exceeding one square foot in area or lettering of a commercial nature.

COMMUNITY POLE — See definition of "sign."

COMPREHENSIVE PLAN — A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the Village Board and, if applicable, a single comprehensive plan adopted by the Board of Trustees pursuant to § 722 of the Village Law which indicates the general locations recommended for the various functional classes of public works, places and structures and the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.**[Amended 4-29-2013 by L.L. No. 5-2013]**

COUNTRY CLUB — A private organization with facilities for arranging, preparing and catering events on site, offering on-site recreational, sporting, athletic or social activities in facilities also on site, principally to members and their guests for recreational, sporting, athletic or social purposes.**[Added 4-29-2013 by L.L. No. 5-2013]**

COURT — Any open, unoccupied area which is bounded by three or more attached building walls.

CULTURAL FACILITIES — Libraries, art museums, art galleries, theaters and performing arts facilities.

DRIVEWAY — A means of access for vehicles to or from a residential property to a roadway, or to or from a commercial or retail parking lot to a roadway.**[Added 4-29-2013 by L.L. No. 5-2013]**

DRUGSTORE OR PHARMAEUTICAL/PHARMACY — A retail store containing a licensed pharmacy for the dispensation of pharmaceutical prescription drugs. **[Added 4-29-2013 by L.L. No. 5-2013]**

DUMPSTER — Any trash receptacle which must be mechanically lifted to be emptied.

DWELLING — Any building or portion thereof designed or used primarily as the residence or sleeping place of one or more persons. A dwelling is not a mobile home, a hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boardinghouse or similar structure under the terms of this chapter.

- (1) DWELLING, SINGLE-FAMILY — A detached building designed for or occupied by one family and containing not more than one dwelling unit.
- (2) DWELLING, TWO-FAMILY — A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors that are unpierced except for access to the outside or to a common cellar.
- (3) DWELLING, MULTIFAMILY — A structure containing three or more dwelling units and occupied or designed for occupancy by three or more families living independently of each other.
- (4) DWELLING, CONGREGATE — Housing where each resident has an individual, usually private, housing unit which contains a sitting space, kitchen and bathroom, in addition to a bedroom. A resident may share a common kitchen, dining room and living room with one or more residents. In congregate housing developments, services provided may include, but not be limited to, central food service, social service and referral consultation, housekeeping assistance and central laundry.
- (5) DWELLING, SENIOR — A dwelling unit in a senior citizen development designed as housing for older persons, as defined in the Federal Fair Housing Act.
- (6) DWELLING, TOWNHOUSE — A one-family dwelling in a series of attached one-family dwellings, each of whose common walls is an unpierced fire wall extending from the basement to the roof; and each dwelling having its own access to the outside. **[Amended 4-29-2013 by L.L. No. 5-2013]**

DWELLING UNIT — A single unit providing complete, independent living facilities for one family, including provisions for living, sleeping, eating, cooking (including all types of cooking appliances) and sanitation. All rooms in a unit must have an internal structural connection such as internal doorways or internal stairs. A house trailer, boardinghouse or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing or other similar

homes or other similar structures shall not be deemed to constitute a dwelling unit.**[Amended 4-29-2013 by L.L. No. 5-2013]**

EDUCATIONAL USE — Public and private schools that provide state-mandated primary and secondary generalized education; and not schools for specialized activities, such as dance, music, martial arts, business and technical skills. Uses are divided into two subgroups:**[Amended 4-29-2013 by L.L. No. 5-2013]**

- (1) Elementary or secondary. Private schools at the primary, elementary, junior high or high school level that provide state-mandated basic education.
- (2) Higher learning. Colleges, universities and professional schools granting academic degrees and requiring at least a high school diploma or equivalent general academic training for admission. Junior colleges and technical institutes requiring at least a high school diploma or equivalent general academic training for admission and granting associate academic degrees, certificates or diplomas. These uses tend to be in campus-like settings or on multiple blocks.

ENTERTAINMENT AND RECREATION USES — Commercial facilities used primarily for physical exercise, recreation or cultural activities. Uses are divided into two subgroups based on indoor or outdoor operations:**[Added 4-29-2013 by L.L. No. 5-2013]**

- (1) Indoor. Recreation facilities operated within a building as a business for profit, whether open to the general public or as a limited membership. Indoor uses in this category may require larger indoor areas to accommodate equipment or facilities for the proposed commercial entertainment or recreational activity. Examples include: physical fitness centers; health clubs; racquet sports courts; gyms; bowling alleys; indoor skating rinks; billiard halls; amusement arcades; indoor play parks; indoor theaters; performing arts centers; music halls; museums.
- (2) Outdoor. Outdoor uses in this category are typically land-intensive uses that provide continuous recreation or entertainment-oriented commercial activities. They may take place in a number of structures that are arranged together in an outdoor setting. Examples include: commercially operated tennis and swimming facilities; golf driving ranges; outdoor miniature golf facilities; and active sports facilities such as batting cages.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the

furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare. Essential services shall include fire houses, first aid and emergency aid squads and CATV, whether provided by a municipal or private agency.

EXCAVATING — Any activity which intentionally removes or disturbs rock, gravel, sand, soil or other natural deposits in order to create a ditch, hole or hollow, or otherwise lower the level of all or a portion of a lot, site parcel or other area of land.**[Added 6-10-2009 by L.L. No. 5-2009]**

EXIT — A way of departure from the interior of a building or structure to the exterior at street or grade, including doorways, passageways, hallways, corridors, stairways, ramps, fire escapes and all other elements necessary for egress or escape.

EXTERIOR ARCHITECTURAL FEATURE — The architectural style and general arrangement of such of the exterior of a structure as is designed to be opened to view from a public way, including kind, color and texture of building materials, type of all windows, doors, lights, signs and other fixtures appurtenant to such portion.**[Added 4-29-2013 by L.L. No. 5-2013]**

FACADE — One side of the exterior of a building.**[Added 4-29-2013 by L.L. No. 5-2013]**

FAMILY — One person, or two or more persons related by blood, marriage or adoption, or not more than three persons not necessarily related by blood, marriage or adoption, who live together in a single dwelling unit and maintain a common household. In the event of any conflict between this definition and the definition of "family" as it may from time to time be established by New York State statutory or case law, New York State law shall prevail.**[Amended 4-29-2013 by L.L. No. 5-2013]**

FAMILY-TYPE HOME FOR ADULTS — Family-type housing certified by the New York State Department of Social Services which provides temporary or long-term residential care and services, including room, board, housekeeping, personal care and supervision, to adults unrelated to the operator, who are substantially unable to live independently, but who do not require continual medical or nursing care.

FENCE — Any partition or gate erected as a dividing marker, barrier or enclosure and located along the boundary or within the lot area consisting of posts or stakes joined together by materials such as but not limited to boards, rails, netting or mesh. No fence in any residential district shall include barbed or chicken wire.**[Added 4-29-2013 by L.L. No. 5-2013]**

FILLING — Any activity which intentionally deposits natural or artificial material so as to modify the surface or subsurface conditions of all or

a portion of a lot, site, parcel or other area of land, lakes, ponds or watercourses.**[Added 6-10-2009 by L.L. No. 5-2009]**

FINISHED GRADE — The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of buildings and other structures or for other purposes, shall be the average elevation of all finished grade elevations around the periphery of the building, except that this average shall not exceed 1/2 of the floor or ceiling height of the first floor.

FLAG LOT — A lot that contains two distinct parts:**[Added 4-29-2013 by L.L. No. 5-2013]**

- (1) The flag, which is the only building site and is located behind another lot; and
- (2) The pole, which connects the flag to the street and provides the only street frontage for the lot and at any point is less than the minimum lot width for the zone.

FLOOR AREA — The aggregate sum of the gross horizontal areas of the several floors of the buildings, measured from the exterior walls or from the center lines of walls separating two buildings.**[Amended 4-29-2013 by L.L. No. 5-2013]**

- (1) In particular, the floor area of a building or buildings shall include:
 - (a) Finished basement space or, whether finished or unfinished, providing structural headroom of seven feet six inches or more.
 - (b) Elevator shafts and stairwells at each floor.
 - (c) Floor space for mechanical equipment, with structural headroom of seven feet six inches or more.
 - (d) Penthouses.
 - (e) Attic space, whether or not a floor has actually been laid, providing structural headroom of seven feet six inches or more.
 - (f) Interior balconies and mezzanines.
 - (g) Enclosed porches.
 - (h) Accessory uses, not including space for accessory off-street parking.
- (2) However, the floor area of a building shall not include:
 - (a) Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

- (b) Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- (c) Floor space used for mechanical equipment providing structural headroom of less than seven feet six inches.
- (d) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet six inches.
- (e) Uncovered steps; exterior fire escapes.
- (f) Terraces, breezeways, open porches and outside balconies and open spaces.
- (g) Accessory off-street parking spaces.
- (h) Accessory off-street loading berths.

FLOOR AREA RATIO (FAR) — The ratio of the habitable area of a building to the area of the lot on which the building is located. **[Added 4-29-2013 by L.L. No. 5-2013]**

FRATERNAL ORGANIZATION — See definition of "club." **[Added 4-29-2013 by L.L. No. 5-2013]**

FRONTAGE — The horizontal distance measured along the full length of a street line abutting the lot. **[Added 4-29-2013 by L.L. No. 5-2013]**

FUNERAL HOME — A building used and occupied by a professional mortician for burial preparation and funeral services.

FURNITURE STORE — An establishment primarily engaged in the retail sale of household and office furniture. Such establishment may also sell home furnishings and wall coverings.

GARAGE, PRIVATE — A detached or attached structure used only for the storage of vehicles owned or rented by the occupant of the principal structure or by his family.

GARAGE, PUBLIC — Any garage other than a private garage which is open to the public and used for the storage of motor vehicles.

GASOLINE FILLING STATION — An area of land, including structures thereon, or any building or part thereof that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing (which does not require mechanical equipment) or otherwise servicing motor vehicles, but not including auto body work, welding or painting.

GOLF COURSE OR GOLF CLUB — Whether public or private, non-profit or for profit, an organization offering members or patrons golfing and accessory recreational opportunities. A golf course or club may also be a country club. **[Added 4-29-2013 by L.L. No. 5-2013]**

GRADE — The finished ground level adjoining the building or structure at all exterior walls.**[Added 4-29-2013 by L.L. No. 5-2013]**

GRADE PLANE — A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.**[Added 4-29-2013 by L.L. No. 5-2013]**

GRADING — The alteration of surface or subsurface conditions of a portion of a lot, site, parcel or other area of land, lakes, ponds or watercourses by excavation or filling.**[Added 6-10-2009 by L.L. No. 5-2009]**

GROCERY STORE — A store, commonly known as a "supermarket," "food store," or "delicatessen," primarily engaged in the retail sale of all sorts of canned food and dry goods such as tea, coffee, spices, sugar, flour, fresh fruits and vegetables, fresh and prepared meats, fish, poultry, packaged dairy products, and specialized foods.

GROSS FLOOR AREA**[Added 4-29-2013 by L.L. No. 5-2013]** —

- (1) For one- and two-family homes. The gross floor area shall include all floor areas of all habitable rooms of all buildings and structures on the site.
- (2) For all other buildings and structures: The gross floor area shall mean the sum of the areas of horizontal sections through each story of all parts of the building devoted to residential or commercial use.
- (3) In computing the gross floor area, the area of horizontal section shall be that area enclosed by the outside faces of all exterior walls. Further, the gross floor area shall not include the floor areas devoted to any accessory parking structures.

GROUND FLOOR — The lowest floor of a building having its entire floor-to-ceiling height above grade.**[Added 4-29-2013 by L.L. No. 5-2013]**

HABITABLE AREA — A room or enclosed floor space arranged for living, eating, food preparation or sleeping purposes, not including bathrooms, foyers, hallways and other accessory floor space.**[Added 4-29-2013 by L.L. No. 5-2013]**

HEIGHT (OF A STRUCTURE OR BUILDING) — The vertical distance measured from the grade plane to the highest point of the building or structure, excluding the chimney and rooftop appurtenances such as antennas, elevator penthouses, water towers or mechanical equipment.**[Added 4-29-2013 by L.L. No. 5-2013]**

HOME, FACTORY MANUFACTURED — A dwelling unit built in an off-site factory which conforms to the applicable building codes and is

erected on a permanent foundation.**[Amended 4-29-2013 by L.L. No. 5-2013]**

HOME OCCUPATION — Any use customarily conducted entirely within the principal structure, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the principal structure and does not change the character thereof. The foregoing applies also to professions and trades.

HOSPITAL — An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons that is licensed by state law to provide such services. Hospitals may include inpatient medical or surgical care for the sick or injured and related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Cafeterias, restaurants, florists, gift shops, pharmacies and other typical and subordinate uses may be permitted subject to the standards for accessory uses.**[Amended 4-29-2013 by L.L. No. 5-2013]**

HOSTEL — A place of transient lodging for recreational and educational travelers which provides dormitory-style sleeping accommodations and common communal areas, including a kitchen for use by guests.

HOTEL — A facility offering 10 or more rooms for lodging accommodations for compensation to the general public and which may also provide additional services, such as meeting rooms, entertainment and recreational facilities, all for the use of customers residing at the inn and their guests only, and wherein all rooms are connected to interior hallways and thereby to interior elevators, lobbies and/or stairways, through which access to the exterior is gained. Motels and motor courts are not included in this definition and are prohibited in all zoning districts.**[Amended 4-29-2013 by L.L. No. 5-2013]**

HOUSE OF WORSHIP — A use that provides meeting space and facilities for religious institutions. Examples include churches, temples, synagogues and mosques. Such a use typically restricts access to the general public and owns, leases or holds property in common for the benefit of its members.**[Added 4-29-2013 by L.L. No. 5-2013]**

IMPERVIOUS COVERAGE — That percentage of the land area covered by impervious surfaces.**[Added 4-29-2013 by L.L. No. 5-2013]**

IMPERVIOUS SURFACE — Those surfaces, improvements and structures that cannot effectively infiltrate snow melt and stormwater into the ground, including but not limited to parking areas, driveways, streets, sidewalks, areas of concrete, asphalt, gravel or other compacted aggregate, swimming pools, and areas covered by the outdoor storage of goods or materials which do not absorb water.**[Added 4-29-2013 by L.L. No. 5-2013]**

INSTRUCTIONAL USE — Specialized schools. Schools primarily engaged in offering specialized trade, business or commercial courses,

but not academic training. Also specialized non-degree-granting schools, such as music schools, dramatic schools, dance studios, martial arts studios, language schools and other short-term examination preparatory schools. If a specialized school involves indoor or outdoor recreational facilities, these facilities shall be deemed second principal uses and shall only be permitted in accordance with the requirements for entertainment and recreation uses. An instructional use is to be distinguished from an educational use.**[Amended 4-29-2013 by L.L. No. 5-2013]**

JUNKYARD — Junkyards shall consist of buildings, structures or premises where junk, wastes, discarded or salvage materials are brought, sold, exchanged, baled, packed, disassembled or handled, including automobile wrecking yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition. The deposit on a lot of two or more wrecked or inoperable vehicles or major parts thereof for a period in excess of three months shall be deemed to make the lot a junkyard.

LAUNDRY**[Added 4-29-2013 by L.L. No. 5-2013]** —

- (1) **SELF SERVE** — A laundromat facility providing washing and drying vending machines for patrons to do their own wash.
- (2) **DRY CLEANING** — A business taking in articles of clothing from patrons to wash and return to patrons, and related services such as tailoring or shoe or clothing repair.

LIFE-CARE OR CONTINUING-CARE RETIREMENT COMMUNITY — An independent-living senior citizen development which includes enriched-housing and/or assisted-living and nursing-care facilities as accessory uses as such terms are defined in Article 46 of the Public Health Law of the State of New York.

LOADING SPACE — Any off-street space available for the loading or unloading of goods. Loading shall include unloading.

LOT — A measured portion, piece, parcel or division of land having fixed boundaries and designated on a plat or survey; one of several parcels into which a site or property is divided.**[Amended 6-10-2009 by L.L. No. 5-2009]**

- (1) **LOT, CORNER** — A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.
- (2) **LOT, THROUGH** — A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.
- (3) **LOT, INTERIOR** — Any lot not a corner lot.

LOT AREA — The total horizontal area included within the property lines of a lot.**[Amended 4-29-2013 by L.L. No. 5-2013]**

LOT COVERAGE — That lot or percentage of lot area covered by buildings or impervious surfaces, except that in the case of a change of occupancy or use on a site which already exceeds the lot coverage limitation applicable to the site at the time of the change of use or occupancy, the new use or occupancy may continue, but not expand, its lot coverage on the same site.**[Amended 4-29-2013 by L.L. No. 5-2013]**

LOT, DEPTH — The minimum distance from the street line of a lot to the rear lot line of such lot.**[Amended 4-29-2013 by L.L. No. 5-2013]**

LOT LINES — The property lines bounding a lot, as herein defined.

- (1) **LOT LINE, FRONT** — The dividing line between the lot and a street.
- (2) **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
- (3) **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

LOT WIDTH — The distance between the two side lot lines measured at the required setback line.

MAJOR HOUSEHOLD APPLIANCE — A refrigerator, stove, household heating or cooling unit, or other appliance of similar bulk and function.

MIXED-USE DISTRICT — The NBR District.**[Added 10-28-2015 by L.L. No. 10-2015]**

MOBILE HOME — Any vehicle or similar portable structure, having been constructed with wheels (whether or not such wheels have been removed), which has been designed to permit occupancy for dwelling or sleeping purposes. A factory manufactured home is not a mobile home, nor shall the definition of mobile home include construction trailers temporarily located at building sites to serve offices, headquarters and related nonresidential purposes.

MOTEL — A building or group of buildings containing individual living and sleeping accommodations for hire, each of which is provided with a separate parking space, and is offered for rental and use primarily by motor vehicle travelers or transient guests. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an "auto court," "motor inn," "motor lodge," "tourist court," "tourist cabins," "roadside hotel." Hotels or hostels are not to be construed as motels. Motels are prohibited uses in all districts, except as prior nonconforming uses.**[Amended 4-29-2013 by L.L. No. 5-2013]**

MULTISTORY — A building or structure having more than one full floor above the average grade as determined pursuant to § 212-18B.**[Added 10-28-2015 by L.L. No. 10-2015]**

MURAL — A picture or design painted on or otherwise affixed to and covering a portion of a wall surface. A mural shall not be considered as a sign if the mural is clearly separate from a sign, is primarily decorative and does not depict specific goods, services or activities offered for sale. A mural which includes trademarks, brand names, logos or which specifically illustrates commercial activities shall be counted as part of the sign for the premises on which it is located.

NONCONFORMING LOT — Any lot in single ownership where the owner of said lot does not own any adjoining property, the subdivision of which could create one or more conforming lots, which does not conform with the minimum area and/or dimensions required in the zoning district where such lot is situated or for any special use, as the case may be. In the case of a change of occupancy or use on a lot which is already nonconforming at the time of the change of use or occupancy, the new use or occupancy may continue, but not expand, its nonconformity. **[Amended 4-29-2013 by L.L. No. 5-2013]**

NONCONFORMING STRUCTURE OR BUILDING — A structure or building which does not conform to the regulations of this chapter for the zoning district in which it is located. In the case of a change of occupancy or use for use of a structure or building which is already nonconforming at the time of the change of use or occupancy, the new use or occupancy may continue, but not expand, its nonconformity. **[Amended 4-29-2013 by L.L. No. 5-2013]**

NONCONFORMING USE — A building, structure or premises legally existing and/or used at the time of adoption of this chapter, or any amendment hereto, and which does not conform with the use regulations of the zoning district in which it is located.

NONPROFIT CLUBS, LODGES AND FRATERNAL ORGANIZATIONS — Voluntary, not-for-profit organizations with facilities catering principally to members and their guests for recreational and social purposes.

NONRESIDENTIAL DISTRICT — Any district other than H, R-1, R-2, R-3 or NBR. **[Amended 10-28-2015 by L.L. No. 10-2015]**

NUISANCE CHARACTERISTIC — Any noise which exceeds the limits prescribed in Chapter 143, Noise, of the Village of New Paltz Code, the generation of excessive or hazardous vehicular traffic, or excessive glare as may be determined by the Village Planning Board using accepted governmental criteria.

NURSERY SCHOOL — Any place, however designated, operated for the purpose of providing daytime care or instruction for two or more children from two to five years of age, inclusive, and operated on a regular basis, including kindergartens, day nurseries and day-care centers.

NURSING OR CONVALESCENT HOME — A proprietary or nonproprietary facility, licensed and regulated by the State of New York for the accommodation of two or more persons not related by blood or marriage who are aged, convalescents or other persons not acutely ill

and not in need of hospital care and related medical services, which persons are boarded and/or housed for remuneration, and in which facility such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to provide such care or services in accordance with the laws of the State of New York.

OCCUPANCY — The purpose for which a building or structure, or portion thereof, is utilized or occupied.**[Added 4-29-2013 by L.L. No. 5-2013]**

OFFICES, GENERAL — A space within which business activities are conducted and services are performed.**[Amended 10-28-2015 by L.L. No. 10-2015]**

OPEN AREA — An area of land that provides uninterrupted space for the purposes of view corridor preservation. Open area may include open space or green space, as well as parking or loading areas.**[Added 4-29-2013 by L.L. No. 5-2013]**

OPEN SPACE — Areas of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment; or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be improved with buildings of which not more than 25% of any building is roofed for shelter from the elements, or where it is roofed but not fully enclosed, such as picnic pavilions, or restroom facilities, and other improvements that are designed to be incidental to the natural openness of the land.**[Added 4-29-2013 by L.L. No. 5-2013]**

OUTDOOR CAFE — A facility where tables and seating are provided outside the structure in which food and drink are stored and prepared for service to customers at these outdoor seating facilities. Such outdoor facilities shall be located and arranged in accordance with standards set forth in § 212-41J of this chapter, unless operated as an accessory to a retail or restaurant use.**[Amended 4-29-2013 by L.L. No. 5-2013]**

OVERLAY DISTRICT — A zoning district establishing regulations which supersede less restrictive regulations of a base district.**[Added 4-29-2013 by L.L. No. 5-2013]**

OWNER OCCUPIED — A dwelling that constitutes the owner's legal residence and primary place of occupancy, being the place where the owner physically resides for nine months of a given calendar year or for which the sole or principle use of the property is to serve as the owner's place of occupancy.

PARCEL — A tract, plot, part or portion of land; it may be synonymous with "lot."**[Added 6-10-2009 by L.L. No. 5-2009]**

PARKING AREA — A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in

money and/or other considerations.**[Added 4-29-2013 by L.L. No. 5-2013]**

PARKING LOT — An off-street, improved lot, or part thereof, used for the storage of motor vehicles, which contains space for patrons of the uses operated on the same lot or on a lot to which the spaces have been committed as parking.**[Added 4-29-2013 by L.L. No. 5-2013]**

PARKING LOT, COMMERCIAL — An open area, other than a street or public way, used for parking of automobiles and available to the public for a fee.

PARKING SPACE — An off-street space available for the parking of one motor vehicle.

PARTY OR COMMON WALL — The wall created on the boundary of the two properties and which serves as a common structure between the two premises owned by different parties.**[Added 4-29-2013 by L.L. No. 5-2013]**

PLANNED UNIT DEVELOPMENT — Two or more structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group, and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking needs.

PREMISES — A lot, plot or parcel of land, including the buildings or structures thereon.

PREVAILING HEIGHT — That on any block frontage where at least 80% of that frontage is occupied by preexisting principal buildings and more than 80% of that occupied frontage consists of buildings whose individual heights vary no more than one story or 10 feet in height from the average height of all buildings on that block frontage, that average height shall be the prevailing height.

PREVAILING SETBACK — That on any block frontage where at least 80% of that frontage is occupied by buildings whose setback from the front lot line varies no more than five feet from the average setback of all buildings on that block frontage, that average front setback shall be the prevailing setback.

PRINCIPAL BUILDING — A building in which is conducted the main or principal use of the lot on which said building is located.**[Added 4-29-2013 by L.L. No. 5-2013]**

PRINCIPAL FRONTAGE — Frontage of the lot adjacent to the principal street in the case of a corner lot. Where a corner lot faces two principal business streets, only one such frontage shall be considered as the principal frontage.

PROFESSIONAL OFFICE — An office for an occupation that a) requires advanced education, skill or training and b) requires a license or certification to practice the occupation by the State of New York.**[Added 10-28-2015 by L.L. No. 10-2015]**

PUBLIC SPACE — Space within a residential building for public use, such as lobbies and lounges, reception, ball, meeting, lecture and recreation rooms, banquet and dining rooms, and kitchens and swimming pools.

RECREATION, INDOOR COMMERCIAL — Recreation facilities operated within a building as a business for profit, whether open to the general public or as a limited membership, including billiard rooms, bowling alleys, tennis courts, skating rinks, discotheques, and similar uses.

RESEARCH FACILITY — A for-profit or nonprofit facility the primary function of which is research and development in the scientific, medical, engineering, or other practical or applied arts and sciences. **[Added 4-29-2013 by L.L. No. 5-2013]**

RESIDENCE — A building, or any part of a building, which contains living or sleeping accommodations for permanent occupancy, including all one-family, two-family, multifamily, rooming, sorority and fraternity houses. Residences shall not include such accommodations for transients such as motels, and shall not include that part of a building containing both residential and nonresidential uses unless such nonresidential uses are customarily accessory to residential uses.

RESIDENT AGENT/MANAGER — A person, designated and appointed by the owner of a dwelling, for whom said dwelling shall constitute his or her legal residence and primary place of occupancy, and who shall be responsible for, including but not limited to, emergency situations, and the maintenance, repair and daily management of said dwelling in accordance with the Code of the Village of New Paltz and the laws of the State of New York. The resident agent/manager shall be at least 18 years of age at the time of appointment.

RESIDENT OWNER/MANAGER — The owner of a dwelling, for whom said dwelling constitutes his or her legal residence and their primary place of occupancy, being the place where the owner physically resides for the majority of a calendar year, and who shall be responsible for, including, but not limited to, emergency situations, and the maintenance, repair and daily management of said dwelling in accordance with the Code of the Village of New Paltz and the laws of the State of New York.

RESIDENTIAL CLUSTER DEVELOPMENT — The development of a tract of land as a single entity in accordance with a plan permitting residential housing units to be placed on individual lots of smaller area than specified in Schedule B, § 212-15 of the Code of the Village of New Paltz or grouped in multifamily dwellings on condition that compensating amounts of open space are provided within the same development so that the net density for that zoning district is not exceeded.

RESIDENTIAL DISTRICT — An H, R-1, R-2 or R-3 District.

RESIDENTIAL USE — A use for living or sleeping accommodations for permanent occupancy, including all one-family, two-family, multifamily, rooming, sorority and fraternity houses and customary accessory uses incidental thereto.

RESTAURANT — A business which is not a use otherwise specifically set forth in the definitions of "limited business retail," "core business retail" or "highway business retail" (under the definition of "retail use"), where food and/or drink are prepared and sold solely for consumption within the structure or on the site where it operates. Any use which packages food and/or drink for off-premises consumption or furnishes facilities (e.g., wastebaskets) for the convenience of customers who wish to consume their purchases on the premises but outside the structure, shall not be considered as meeting the above definition. The fact that a business may meet the definition of restaurant shall not preclude it from being deemed a bar if it also meets that definition, and if it may be defined as both, it must meet the standards of this Code which are more stringent as to each such use.**[Amended 4-29-2013 by L.L. No. 5-2013²⁸]**

RESTAURANT, FAST-FOOD — A business which is not a use otherwise specifically set forth in the definition of "limited business retail" or "core business retail" (under the definition of "retail use") meeting the definition of "restaurant" herein which also, or exclusively, serves food to customers by order from a fixed menu which displays the same items for sale every day and which items are dispensed over a counter or through a drive-up window in disposable containers.**[Amended 4-29-2013 by L.L. No. 5-2013]**

RESTAURANT, TAKEOUT — A business which is not a use otherwise specifically set forth in the definition of "limited business retail" or "core business retail" meeting the definition of "restaurant" herein where food and/or drink are prepared and sold ready for consumption and where there are regular provisions for the packaging of food and/or drink for off-premises consumption but where no facilities are provided for consumption on the premises or outside the structure.**[Amended 4-29-2013 by L.L. No. 5-2013]**

RETAIL BUSINESS OR SERVICE NOT SPECIFICALLY MENTIONED — Includes retail and personal service establishments such as appliance sales and service; banks; bakeries and food stores; barber shops and beauty parlors; book, card and stationery stores; candy and tobacco shops; dry goods and variety stores; florists and garden supplies; hardware stores; newspaper and periodical vendors; business and professional offices; package liquor stores; photographic supplies, services and equipment; shoe sales and repair services; tailors and dressmakers; and wearing apparel stores and similar uses. This definition shall not include such retail and personal service establishments as are otherwise specifically mentioned in the use table

28. Editor's Note: This local law also repealed the former definition of "restaurant, drive-in," which immediately followed this definition.

for any zoning district. It shall also not include such uses as may generate noise, traffic, fumes, glare or maintenance and storage problems different in kind or degree from the commonly experienced impact of the above-included uses and by virtue of which characteristics may be considered special permit uses.

RETAIL USE — Establishments involved in the sale, lease or rent of new or used products to the general public for personal or household consumption and establishments involved in the sale of personal services, hospitality services or product repair services to the general public. These include sales-oriented uses selling, leasing or renting consumer, home and business goods, personal-service-oriented uses providing services rather than products to the public, repair-oriented uses (expressly not including repair of motor vehicles or lawn, landscaping and garden equipment, small machines or similar intensive repair). Retail uses are divided into the following subgroups:**[Added 4-29-2013 by L.L. No. 5-2013]**

- (1) **LIMITED BUSINESS RETAIL** — Antique shops, boutique apparel shops, beauty and barber shops, arts and crafts, supplies, and art galleries, bicycle sales and repair, custom tailors and dressmakers, shoe repair, gift shops and stationers, photographic studios, bakeries, specialty food, outdoor cafe, restaurant, restaurant takeout, toy/hobby, computer service, music stores, florists, boutique jewelry, boutique clothing accessories, boutique home design and furnishings stores, boutique pet supplies (but no animals or animal services), confectioneries, newsstand, artisan workshops, bookstores, coffee shops and tea houses. **[Amended 7-8-2013 by L.L. No. 7-2013]**
- (2) **CORE BUSINESS RETAIL** — All uses set forth in the "limited business" definition above, and electronic equipment, computer, and small appliance sales, pharmaceuticals and drugstores, plants, cultural facilities, glass, grocery, hardware, printing and photocopying services, travel agency, restaurant fast food, videos, laundry (self-serve) and laundry (dry cleaning), liquor stores, sporting goods supplies, catering services (but not country clubs, clubs or golf clubs).
- (3) **HIGHWAY BUSINESS RETAIL** — All uses set forth in the "core business" definition above, and major appliance sales and service, car wash, commercial group, educational use, equipment repair and rental, floor covering, wall covering, window treatment, fabric/yarn sales, furniture, garden and farm supply, gas filling stations, and lumberyards.

RETAINING WALL — A wall or portion thereof exceeding five feet in height built to support or prevent the advance of a mass of earth.**[Added 4-29-2013 by L.L. No. 5-2013]**

RIDING ACADEMY — Any establishment where horses are kept for riding, driving or stabling for compensation or incidental to the operation of any club, association, ranch or similar establishment.

ROOMING HOUSE — A dwelling unit occupied by a resident-owner, or agent thereof, and his family, and from whom four or more tenants rent sleeping space without provisions for meals. **[Amended 4-29-2013 by L.L. No. 5-2013]**

SENIOR CITIZEN DEVELOPMENT — A building or group of buildings, whether detached or connected, containing at least 24 dwelling units per development that are intended and operated for use as senior citizen housing, with common areas in multifamily or congregate dwellings owned and managed by a single management entity, together with normal and customary ancillary facilities or services for use by older persons. Senior citizen developments may also include single-family or two-family dwellings intended as housing for persons who are 55 years of age or over.

SHARED SPACE USAGE — Two or more businesses or professional offices sharing an entry and utility services in common, each such business or office occupying a minimum of 300 square feet of gross floor area and separated from each other by fixed walls or barriers.

SHORT-TERM RENTAL — The use of a residential unit or dwelling of any kind, whether in whole or in part, as a lodging, for profit, for a period of less than 60 consecutive days. **[Added 12-11-2013 by L.L. No. 3-2014]**

SIGN — Any structure or part thereof; or any device attached to a structure or painted or represented on a structure, which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking or representation used as, or which is in the nature of, an announcement, direction, statement or advertisement. "Sign" includes a billboard, neon tube, fluorescent tube or other artificial light or string of lights, outlining or hung upon any part of a building or lot for the purposes mentioned above, but a sign does not include the flag or insignia of any nation or of any governmental agency. As used in this chapter, "structure" shall not signify the building to which a structure bearing a sign is affixed.

- (1) ACCESSORY SIGN — A sign located on a premises which provides information such as "In," "Enter," "Out," "Exit," "Parking in Rear," "Crosswalk" or "Watch for Pedestrians."
- (2) AREA — The area within the shortest lines that can be drawn around the outside perimeter of a sign, including all decorations and lights, but excluding the supports if they are not used for advertising, announcement, statement or direction purposes. Each face of signs with two faces or more shall be used in determining the aggregate area. Any neon sign, string of lights or similar device shall be deemed to have minimum dimensions of one square foot. For a sign painted or applied to a building, the area shall be

considered to include all lettering, wording and accompanying designs or symbols, together with any background of a color different from the natural color or finish material of the building. For signs consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all the letters and symbols. In computing face area of exempt signs under § 212-25C, the aggregate face area of any commercial or other signs on the premises for which a permit is required under § 212-25 shall not be included. In computing face area of signs for which a permit is required under § 212-25, the aggregate face area of any exempt sign(s) under § 212-25C on the premises shall not be included.

- (3) BANNER — A piece of cloth, plastic or similar pliable material attached at one or more points to a pole, staff or other support.
- (4) BENCH SIGN — Any sign painted on or otherwise attached to a bench or other seat meant to be seen by the public, except a plaque no larger than one square foot in memoriam or commemorating a contribution made by or to a religious or civic organization.
- (5) BILLBOARD — An outdoor sign identifying or advertising a business, person, activity, goods, products, services or facilities or entertainment which is conducted, sold or offered at a location separate from the premises where the sign is installed. A billboard does not include a "directional sign," as defined herein.
- (6) BULLETIN BOARD — A structure designed for posting notices temporarily by using tacks or staples.
- (7) BUSINESS SIGN — A sign which directs attention to a permitted business or profession conducted on the premises on which the sign is located.
- (8) COMMERCIAL COPY — Copy on a sign which advertises or refers to products or services with economic motivation and/or that encourages a commercial transaction.
- (9) COMMERCIAL SIGN — A sign that contains commercial copy.
- (10) COMMUNITY POLE — A sign owned and maintained by the Board of Trustees or an individual or group and approved by the Planning Board and which sign contains one or more directional signs for the purpose of directing persons to public or semipublic buildings or sites or other places of public interest within the Village.
- (11) DIRECTIONAL SIGN — A sign which directs attention to a business, a service or entertainment conducted, sold, or offered elsewhere than on the premises, and that is permitted only if a significant need can be demonstrated (such as an isolated establishment located on a side street and not visible from a main

thoroughfare). Directional signs shall be no more than three square feet and shall contain only the name of the establishment or the type of business and an arrow indicating its location. Sign area will be deducted from the aggregate area allowed for that business.

- (12) DIRECTORY SIGN — A listing of two or more business enterprises for identification or advertising purposes.
- (13) FREESTANDING SIGN — A sign not attached to or part of any building or screening surface but permanently affixed, by any other means, to the ground, including pole, post and arm, ladder and monument signs.
- (14) LIGHTED SIGN — Any sign designed to give forth or to reflect artificial light.
 - (a) EXTERNALLY ILLUMINATED — A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.
 - (b) INTERNALLY ILLUMINATED — A sign illuminated by use of an artificial light which is located within the sign structure and which depends for its illumination on transparent or translucent material.
 - (c) NEON SIGN — A sign created by glass tubing incorporating ionic or other discharge of gas.
- (15) MOBILE SIGN — A sign which is designed to be readily moved or which is attached to a structure which is capable of being readily moved, such as but not limited to a sign with wheels or attached to a structure with wheels.
- (16) NONCOMMERCIAL SIGN — A sign that contains copy other than commercial copy.
- (17) REPRESENTATIONAL SIGN — Any three-dimensional sign which is built so as to physically represent the object advertised.
- (18) ROOF SIGN — A sign erected on a roof or extending in height above the bottom edge of the roofline of the building on which the sign is erected.
- (19) SANDWICH BOARD — A sign which is designed to be freestanding and self-supporting based on an inverted V-shaped design. A sandwich board may contain a message on one or both sides.
- (20) TEMPORARY SIGN — A sign which is not permanently mounted and which is designed to advertise, announce or promote a dated event, that is, a particular event or series of events (such as but not limited to an entertainment event, a sporting event, an election, a sale) being held on a particular date or dates.

SINGLE OWNERSHIP — Possession of land under single or unified control, whether by sole, joint, common or other ownership, or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

SITE — Place(s), location(s) or piece(s) of property set aside for a specific use, identified or described on a site plan, or developed in accordance with an approved site plan.**[Added 6-10-2009 by L.L. No. 5-2009]**

SITE PLAN — A development plan of one or more lots on which the existing and proposed conditions of the lot and the structures thereon are shown in accordance with the requirements of § 212-23 of this chapter of the Village Code, as same may be modified by the Planning Board.**[Amended 4-29-2013 by L.L. No. 5-2013]**

SLEEPING UNIT/SPACE — A space meeting the criteria set forth in § 129-20 of the Village Code, which is occupied or intended to be occupied for sleeping.

SLOPE — The deviation of a surface from the horizontal, measured as the vertical distance (rise) divided by the horizontal distance (run), and expressed in percent or degrees.**[Added 4-29-2013 by L.L. No. 5-2013]**

SORORITY OR FRATERNITY HOUSE — A rooming house, with or without provision for general meals, which is open only to students of a college or university, is owned and/or operated under the auspices of a sorority or fraternity officially recognized by a college or university, and which is under the supervision of a resident manager.

SPECIAL PERMIT USE — A use which, because of its unique characteristics, requires individual consideration in each case. For purposes of this chapter, a special permit use is one so designated in the use schedules of Article III of this chapter.

STORAGE FACILITY — Facilities that provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.**[Added 4-29-2013 by L.L. No. 5-2013]**

STORY — That portion of a building which is between one floor level and the next higher floor level or the roof.

STORY, HALF — That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to 1/2 the floor-to-ceiling height of the story below.

STREET — Includes a highway, road, avenue or alley which the public has a right to and is Village-dedicated or which has been approved as a private street by the Village Board or the Planning Board in connection with a duly submitted and approved plan, or that is a federal, state or county highway or street.**[Amended 4-29-2013 by L.L. No. 5-2013]**

STREET WIDTH — The width of the right-of-way or the distances between property lines on opposite sides of a street.

STRUCTURE — Anything constructed or erected, the use of which requires location on or under the ground or attachment to something having location on the ground. "Structure" includes a building.

SUBDIVISION — The division of land into two or more lots, plots, blocks, or sites with or without streets or highways, for the purpose of offering such lots, plots, blocks, or sites for sale, transfer of ownership, or development, or any other reason. The term "subdivision" shall include any alteration of lot lines or dimensions of any lots, plots, blocks, or sites shown on a plat previously approved and filed in the office of the County Clerk or previously established by deed transfer, with or without subdivision approval. **[Added 4-29-2013 by L.L. No. 5-2013; amended 7-16-2016 by L.L. No. 3-2016]**

TERRACE — An uncovered flat platform of earth or other natural material with or without a surface material or retaining walls. Any such platform with a roof or awning shall be considered a porch.

TRANSPORTATION USE — A depot, terminal or station where passengers are picked up and deposited by duly licensed vehicles and which also may provide customary accessory uses, including customer parking and automobile rental.

USE — The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

YARD — An open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

- (1) FRONT YARD — An open space extending the full width of the lot between the front lot line and the building setback line, unoccupied and unobstructed from the ground upward.
- (2) REAR YARD — An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- (3) SIDE YARD — An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ARTICLE II
Zoning Districts

§ 212-6. Designation of districts. [Amended 10-28-2015 by L.L. No. 10-2015]

Zoning districts established in fulfillment of the purposes of this chapter are designated as follows:

R-1	Residence
R-2	Residence
R-3	Residence
B-1	Limited Business
B-2	Core Business
F	Floodplain
H	Historic
NBR	Neighborhood Business Residential Mixed-Use District
P-B	Professional and Limited Business
G	Gateway

§ 212-7. Zoning Map. [Amended 10-23-1996 by L.L. No. 7-1996; by L.L. Nos. 8-1996; 26-1997; 9-6-2000 by L.L. No. 9-2000]

Except as hereinafter provided, the location and boundaries of the said zoning districts are hereby established as shown on the Zoning Map of the Village of New Paltz, dated July 2000, which is attached to and is hereby made a part of this chapter. Said map, together with everything shown thereon, and all amendments thereto shall be a part of this chapter as if the same were fully described and set forth herein.²⁹

- A. Land situate within four parcels identified as SBLs 86.41-1-27.1, 86.41-1-27.2, 86.41-1-28, and 86.41-1-29 is hereby merged into the Gateway (G) District, which is an area of roughly 1.1 contiguous acres. The rezoned area is adjacent to existing Gateway (G) Zoning District that is further to the north/northeast. The polygon added to G District corresponds with lands bounded by Wallkill Valley Rail Trail on the west, Water Street to the north and northeast, Mohonk Avenue to the east, Pencil Hill Road to the east, and Plains Road to the east. For future building, there may be further applicability of Zoning Article VI, Floodplain District (flood damage prevention), §§ 212-32 to 212-37. **[Amended 6-14-2017 by L.L. No. 5-2017]**
- B. Notwithstanding the location of boundaries of the zoning districts as shown on the said Zoning Map, the zoning district designation of that portion of the areas on Bonticou View Drive, Pine Street and Cooper Street currently shown on the said Zoning Map in the R-2 Residence

29. Editor's Note: The current version of the Zoning Map is on file in the Village offices.

District within the bold outline on the portion of the Zoning Map which is attached to and is hereby made a part of this subsection shall hereinafter be designated as an R-1 Residence District.³⁰ **[Added 6-27-2001 by L.L. No. 7-2001]**

- C. Notwithstanding the location and boundaries of the zoning districts as shown on said Zoning Map, the zoning district for a parcel of land hereinafter described is hereby designated as an R-3 Residence District, said parcel being more particularly bounded and described as follows: **[Added 4-10-2002 by L.L. No. 6-2002]**

All that parcel of land situate in the Town of New Paltz, County of Ulster and State of New York, being designated as Lot #2 on a map entitled "Final Map of Subdivision Prepared For Mulberry Square, L.L.C.," said map being filed with the office of the Ulster County Clerk on December 9th, 1998, as map number 11223, said parcel being more particularly bounded and described as follows:

BEGINNING at a stone found set on the southerly side of Mulberry Street at the northeast corner of the herein described parcel of land, said stone being on the division line with lands conveyed to Virginia M. Fronheiser as recorded in Deed Liber 1685 at page 341, and running thence along the division line with said lands of Fronheiser, and along the division line with lands conveyed to Mary Mennel and Joel Greenbaum as recorded in Deed Liber 1780 at page 22, south 23° 21' 45" west 367.18 feet to a pipe found set on the division line with lands conveyed to Constantine T. Manos as recorded in Deed Liber 1171 at page 568, thence along the division line with said lands of Manos, south 38° 24' 25" west 18.14 feet to a found pipe, thence continuing along the division line with said lands of Manos, and along the division line with lands conveyed to William T. and Lucille Odeneal as recorded in Deed Liber 1521 at page 311, south 50° 29' 55" west 285.33 feet to a rod set on the northerly bounds of Henry W. DuBois Drive, said point being on the division line between the Town of New Paltz and the Village of New Paltz, thence on the division line between Lot #1 and Lot #2 as shown on said filed map 11223, and along the Town of New Paltz and Village of New Paltz line, north 25° 41' 25" east 622.91 feet to a point on the southerly side aforementioned Mulberry Street, thence along Mulberry Street, south 75° 03' 50" east 110.74 feet to the place of beginning.

Containing 1.36 acres.

The parcel is designated on the current Real Property Tax Map of the Town of New Paltz as 86.8-1-49.

30. Editor's Note: The portion of the Zoning Map referenced in this subsection is included at the end of this chapter.

§ 212-8. Interpretation of boundaries.

Where uncertainty exists as to the boundaries of any of the aforesaid zoning districts as shown on the Zoning Map, the following rules shall apply:

- A. District boundaries along rights-of-way. Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, highways, public utility easements or watercourses, such boundaries shall be construed as coincident with such lines. (Such boundaries shall be deemed to be automatically moved if such center line or right-of-way is moved no more than 50 feet.)
- B. District boundaries on Village boundaries and property lines. Where district boundaries are indicated as approximately following the Village boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed as to be coincident with such lines or projections.
- C. Boundaries parallel to other lines. Where district boundaries are so indicated that they are approximately parallel to the Village boundary line, property lines, lot lines or right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto at such distance therefrom as indicated on the Zoning Map.
- D. Boundaries to coincide with lot lines. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
- E. Unclear boundaries. In the event that a district boundary is unclear, the Building Inspector shall request the Zoning Board of Appeals to render its judgment thereto.

ARTICLE III
District Use and Development Regulations

§ 212-9. Schedule of regulations.

The regulations intended to guide development in each zoning district are set forth in the following sections and schedules which are supplemented by other sections of this chapter.

§ 212-10. Application of regulations.

Except as hereinafter provided:

- A. No land or building shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations hereinafter specified for the zoning district in which it is located.
- B. No part of a yard or other open space required about any building shall be included as part of a yard or other open space similarly required for another building.
- C. No off-street parking or loading space required for one building or use shall be included to satisfy, in whole or in part, the off-street parking or loading space required for another building or use, except as provided in Article VIII.

§ 212-11. General use restriction.

Any use not designated as a principal permitted use, a permitted accessory use, or a special permit use is specifically prohibited in the Village of New Paltz.

§ 212-12. General regulations.

- A. Water and sewer requirements. No building permit shall be issued for construction of a building or structure in the Village of New Paltz without provision for connecting the building site to the Village water distribution and sanitary sewer systems in accordance with the applicable regulations of the Village, the Ulster County Department of Health and any other governmental agencies having jurisdiction.
- B. Cross-references. **[Amended 1-14-2015 by L.L. No. 3-2015]**
 - (1) Section references in parentheses indicate specific regulations pertaining to a specific use.
 - (2) All uses require off-street parking as noted in Article VIII.
 - (3) All special permit uses are governed by regulations set forth for the particular use in Article VII. Where no regulation comparable to those contained in this schedule is established in Article VII for a particular use, the regulations for permitted uses in this schedule shall govern.

- (4) Front, rear and side yard requirements may vary under special circumstances as provided in Article IV.
- (5) Definitions of terms are contained in § 212-5.

§ 212-13. District regulations. [Amended 10-23-1996 by L.L. No. 7-1996; 3-12-1997 by L.L. No. 4-1997; 7-23-1997 by L.L. No. 18-1997; 8-27-1997 by L.L. No. 20-1997; by L.L. Nos. 26-1997; 9-1998; 5-12-1999 by L.L. No. 5-1999; 5-26-1999 by L.L. No. 6-1999; by L.L. Nos. 8-1999; 6-2000; 9-6-2000 by L.L. No. 8-2000; 12-12-2001 by L.L. No. 14-2001; 3-13-2002 by L.L. No. 5-2002; by L.L. No. 6-2002; 6-26-2002 by L.L. No. 9-2002; 10-9-2002 by L.L. No. 16-2002; 4-23-2003 by L.L. No. 3-2003; 1-4-2006 by L.L. No. 1-2006; 1-4-2006 by L.L. No. 3-2006; 4-29-2013 by L.L. No. 5-2013; 7-8-2013 by L.L. No. 7-2013; 12-11-2013 by L.L. No. 3-2014; 1-14-2015 by L.L. No. 3-2015]

This section sets forth use and density regulations by zoning district. Notwithstanding anything contained in the Village Code to the contrary, all uses, including principal permitted and accessory uses, are required to obtain an approved site plan in accordance with § 212-13, with the following exceptions that would only require a building permit: in-kind repairs and/or replacements; minor deviations from an approved site plan; aboveground pools under 325 square feet in size; fences; sheds with an area of less than 144 square feet, not exceeding 10 feet high, and without plumbing; porches/decks of less than 64 square feet.

A. R-1 Residence District.

- (1) Principal permitted uses:
 - (a) One- and two-family detached dwellings.
- (2) Permitted accessory uses:
 - (a) Home occupations (see § 212-28).
 - (b) Signs (see § 212-25).
 - (c) Home gardening but not the keeping or raising of fowl or farm animals.
 - (d) Other uses customarily incident to principal permitted uses on the same lot.
- (3) Special permit uses:
 - (a) Nursing homes.
 - (b) Townhouses.
 - (c) Bed-and-breakfast facility.
 - (d) Essential services.

- (e) Accessory uses customarily incident to principal permitted uses but not on same lot.
 - (f) Houses of worship and related residences.
 - (g) Educational use.
 - (h) Family-type home for adults.
 - (i) Senior citizen development.
 - (j) Hostel.
 - (k) Agency boarding home.
- (4) Minimum lot size:
- (a) One- or two-family dwellings: 15,000 square feet per dwelling unit.
 - (b) Senior citizen development: 5,000 square feet per dwelling unit.
 - (c) Other permitted uses: 15,000 square feet.
- (5) Minimum lot width:
- (a) All uses: 100 feet at building line.
- (6) Maximum height:
- (a) Permitted uses: 2 1/2 stories or 30 feet.
- (7) Maximum lot coverage:
- (a) All uses: 30%.
- (8) Minimum yard dimensions:
- (a) Front yards.
 - [1] Permitted uses: 50 feet.
 - (b) Rear yards.
 - [1] One- and two-family dwellings: 25 feet.
 - (c) Side yards.
 - [1] One- and two-family dwellings: 20 feet.
- (9) Residential cluster development.
- (a) In accordance with § 212-27.
- B. R-2 Residence District.
- (1) Principal permitted uses:

- (a) One- and two-family detached dwellings.
 - (b) Nursery schools.
 - (c) Cultural facilities.
 - (d) Nonprofit or recreational use.
- (2) Permitted accessory uses:
- (a) Home occupations (see § 212-28).
 - (b) Signs (see § 212-25).
 - (c) Home gardening but not the keeping or raising of fowl and farm animals.
 - (d) Other uses customarily incident to principal permitted uses and on the same lot.
- (3) Special permit uses:
- (a) Houses of worship and related residences.
 - (b) Educational use.
 - (c) Townhouses.
 - (d) Multifamily dwellings.
 - (e) Family-type home for adults.
 - (f) Bed-and-breakfast facility.
 - (g) Essential services.
 - (h) Senior citizen development.
 - (i) Nursing homes.
 - (j) Hostel.
 - (k) Agency boarding home.
 - (l) Accessory use customarily incident to permitted uses but not on same lot.
- (4) Minimum lot size:
- (a) Residential uses: 7,260 square feet per dwelling unit containing a maximum of three bedrooms, plus 2,420 square feet for each additional bedroom per dwelling.
 - (b) Senior citizen development: 3,630 square feet per dwelling.
- (5) Minimum lot width:

- (a) All uses: 50 feet.
 - (6) Maximum height:
 - (a) Permitted uses: 2 1/2 stories or 30 feet.
 - (7) Maximum lot coverage:
 - (a) All uses: 30%.
 - (8) Minimum yard dimension:
 - (a) Front yards.
 - [1] Permitted uses: 25 feet.
 - (b) Rear yards.
 - [1] One- and two-family dwellings: 25 feet.
 - [2] Other permitted uses: 25 feet except where abutting a residence or residential district, then the Planning Board may require up to 50 feet of additional rear yard to provide adequate buffers and safeguards as to protect adjacent uses from nuisance characteristics.
 - (c) Side yards.
 - [1] One- and two-family dwellings: 12.5 feet per side.
 - [2] Other permitted uses: 12.5 feet per side except if abutting a residence or residential district, then the Planning Board may require up to 12.5 feet of additional space for each yard to protect adjacent uses from nuisance characteristics.
- C. R-3 Residence District.
- (1) Principal permitted uses:
 - (a) One- and two-family detached dwellings.
 - (b) Multifamily dwellings.
 - (c) Townhouses.
 - (d) Nursery schools.
 - (e) Cultural facilities.
 - (f) Nonprofit club or recreation use.
 - (2) Permitted accessory uses:
 - (a) Home occupations (see § 212-28).
 - (b) Signs (see § 212-25).

- (c) Home gardening but not the keeping or raising of fowl and farm animals.
 - (d) Other uses customarily incident to principal permitted uses and on the same lot.
- (3) Special permit uses:
 - (a) Houses of worship and related residences.
 - (b) Educational use.
 - (c) Essential services.
 - (d) Rooming house.
 - (e) Nursing home.
 - (f) Senior citizen development.
 - (g) Family-type home for adults.
 - (h) Bed-and-breakfast facility.
 - (i) Hostel.
 - (j) Accessory use customarily incident to principal use but not on same lot.
- (4) Minimum lot size:
 - (a) Residential uses: 3,630 square feet per dwelling unit containing a maximum of three bedrooms, plus 1,210 square feet for each additional bedroom per dwelling.
 - (b) Senior citizen development: 2,420 square feet per dwelling unit.
 - (c) Other permitted used: 10,000 square feet.
- (5) Minimum lot width:
 - (a) All uses: 50 feet.
- (6) Maximum height:
 - (a) All uses: 2 1/2 stories up to 30 feet.
- (7) Maximum lot coverage:
 - (a) All uses: 60%.
- (8) Minimum yard requirements:
 - (a) Front yard.
 - [1] All uses: 25 feet.

(b) Rear yard.

[1] All permitted uses: 25 feet except where abutting a residence other than a multifamily residence on a lower density residential zone, then the Planning Board may require up to 50 feet additional rear yard to provide adequate buffers and safeguards to protect adjacent uses from nuisance characteristics.

(c) Side yards.

[1] All permitted uses: 12.5 feet per side except where abutting a residence or residential district, then the Planning Board may require up to 50 feet additional rear yard to provide adequate buffers and safeguards to protect adjacent uses from nuisance characteristics.

(9) Multifamily dwellings. Multifamily dwellings, in addition to being subject to site plan review (§ 212-23) and cluster residential development regulations (§ 212-27) must also satisfy the following requirements:

- (a) The proposed development must be for at least eight dwelling units and, in R-3 districts south of Main Street, for sufficient dwelling units to occupy an entire block front.
- (b) No more than 16 dwelling units shall be contained in any one continuous structure and there shall be no more than eight dwelling units in any unbroken building line. A setback of not less than four feet shall be deemed a satisfactory break in the building line.
- (c) No building or structure for dwelling use shall face the rear of another such building or structure or the rear of buildings or structures on adjoining properties.
- (d) Any building or structures which cannot properly be served by emergency or service vehicles from a street or road abutting the lot shall be made accessible to such vehicles by a paved driveway.
- (e) The minimum distance between buildings and structures shall be 50 feet, except for garages and other accessory buildings as mentioned above. The minimum distance from any building or structure to any rear or side lot line shall be 50 feet.
- (f) The minimum right-of-way width for any street, road, thoroughfare or access street shall be 50 feet, and for any driveway giving access to a parking area, 25 feet. All streets, roads, thoroughfares, accessway and driveways must be paved to a minimum width of 25 feet.

D. H Historic District.

- (1) Principal permitted uses (see § 212-29):
 - (a) One- and two-family detached dwellings.
 - (b) Houses of worship and related residences.
 - (c) Cultural facilities (library, art gallery, museum, etc.).
 - (d) Agriculture but not including the keeping of fowl or farm animals.
- (2) Permitted accessory uses:
 - (a) Home occupations (see § 212-28).
 - (b) Signs (see § 212-25).
 - (c) Other uses customarily incident to principal permitted use and on same lot.
- (3) Special permit uses:
 - (a) Essential services.
 - (b) Commercial parking lot.
 - (c) Townhouses.
 - (d) Bed-and-breakfast facility.
 - (e) Hostel.
 - (f) Educational use.
 - (g) Nonprofit club or recreation use.
 - (h) Nursery school.
 - (i) Golf course or country club.
 - (j) Accessory uses customarily incident to principal permit use but not on same lot.
- (4) Minimum lot size:
 - (a) One- or two-family dwelling: 20,000 square feet per dwelling unit.
 - (b) Other permitted uses: 40,000 square feet.
- (5) Minimum lot width:
 - (a) One- or two-family dwellings: 100 feet at building line.
 - (b) All other uses: 200 feet at building line.
- (6) Maximum height:

- (a) Permitted uses: 2 1/2 stories or 30 feet.
 - (7) Maximum lot coverage:
 - (a) All uses: 30%.
 - (8) Minimum yard dimensions:
 - (a) Front yard.
 - [1] Permitted uses: 50 feet.
 - (b) Rear yard.
 - [1] Permitted uses: 20 feet.
 - (c) Side yards.
 - [1] One- and two-family dwellings: 20 feet on each side.
 - [2] Other permitted uses: 20 feet each side except in those cases where nuisance characteristics may intrude on adjacent residential uses, the Planning Board may require up to 10 feet of additional space and other safeguards.
 - (9) Short-term rentals shall be prohibited in the H Historic District.
- E. B-1 Limited Business District.
- (1) Principal permitted uses:
 - (a) One-family dwelling.
 - (b) Two-family dwelling.
 - (c) Limited business retail.
 - (d) General or professional office.
 - (e) Mixed-use apartments above first floor consisting of not more than three bedrooms.
 - (2) Permitted accessory uses:
 - (a) Home occupations (see § 212-28).
 - (b) Signs (see § 212-25).
 - (c) Other uses customarily incident to principal permitted uses on the same lot.
 - (3) Special permit uses:
 - (a) Family-type home for adults.
 - (b) Senior citizen development.

- (c) Rooming house.
 - (d) Bed-and-breakfast.
 - (e) Hostel.
 - (f) Cultural facilities.
 - (g) Educational use.
 - (h) Houses of worship and related residences.
 - (i) Instructional services.
 - (j) Nursery school/day care.
 - (k) Shared space usage.
 - (l) Accessory use customarily incident to permitted use but not on the same lot.
 - (m) Core business retail and retail uses not set forth in the definition of "limited business retail."
 - (n) Bar.
- (4) Minimum lot size:
- (a) Residential uses: 7,260 square feet per dwelling unit containing a maximum of three bedrooms, plus 2,420 square feet for each additional bedroom per dwelling.
 - (b) Senior citizen development: 3,630 square feet per dwelling.
 - (c) All other uses: 5,000 square feet.
- (5) Minimum lot width:
- (a) All uses: 50 feet at building line.
- (6) Maximum height: 2 1/2 stories or 30 feet.
- (7) Maximum lot coverage:
- (a) All uses: 60%.
- (8) Minimum yard dimensions:
- (a) Front yard.
 - [1] All uses: 15 feet.
 - (b) Rear yard.
 - [1] All uses: 10 feet if measured from a parking area to the rear lot line and 20 feet if measured from a building to the rear lot line. If abutting a residence or residential district,

the Planning Board may require up to 50 feet of additional yard space to provide an adequate buffer and safeguard to protect adjacent uses from nuisance characteristics.

(c) Side yard.

- [1] All uses: 10 feet except if abutting a residence zone. If abutting a residence or residential district, the Planning Board may require up to 10 feet of additional yard space to provide an adequate buffer and safeguard to protect adjacent uses from nuisance characteristics.

(9) B-1 Zoning District development standards.

- (a) No structure shall be demolished nor the exterior of any structure altered for commercial use unless such action is approved by the Planning Board. Basic maintenance and essential repairs which do not affect or alter the exterior appearance of the structure are permitted.
- (b) All new construction or major alterations shall be architecturally compatible with existing structures as determined by the Planning Board during the site plan and special use permit review processes. The intent of the applicable design standards is to provide prospective applicants for land development with actual illustrations of the types of development that the Village wishes to achieve within the B-1 Zoning District. The standards are also intended to ensure that future development within the B-1 Zoning District creates no more than a minimal impact on the district and surrounding area, requires that new development follow traditional settlement patterns within the district, respects local historic styles of architecture, and provides general siting principles to help landowners, developers, and the Planning Board plan projects that fit into the attractive physical appearance of the area. The following regulations shall apply to new commercial development within the B-1 Zoning District:

- [1] New commercial buildings shall be sited in clusters with screened parking. Parking shall be located at the side and/or rear of the structures. If parking is provided at the side of structures, at least a ten-foot wide landscaped area (exclusive of that required for sidewalks or utility easements) shall be provided between the right-of-way and the parking lot as a screening treatment, to be planted with shade or ornamental trees and at least a three-foot-high evergreen hedge, berm, fence or combination thereof.
- [2] Architecture shall be similar in character to that found elsewhere in the Village, or other traditional rural and hamlet architecture in the area. Nonresidential uses shall

be placed in structures similar in mass, proportion, fenestration, and roof pitch to the large residential structures found in the B-1 Zoning District. The design of new construction shall complement the architectural style of neighboring structures.

- [3] No structure shall exceed 3,000 square feet in footprint.
- [4] The minimum distance between any two buildings, or portions thereof, shall be 16 feet.
- [5] Existing mature trees are essential to the character of the B-1 Zoning District. Trees over seven inches in diameter as measured 12 inches above the ground shall not be removed for commercial development without prior approval of the Planning Board. Nothing in this part shall prevent the removal of dead tress or the pruning of dying limbs on healthy trees.
- [6] Whenever possible, the parking areas for all new commercial development shall connect with parking areas of adjacent commercial uses at the rear of buildings.
- [7] The Planning Board shall refer all proposed site plan and special use permit applications for premises having access to a state highway to the New York State Department of Transportation for an advisory opinion on the proposed access arrangements, regardless of whether a state highway work permit is required.
- [8] New construction shall be located at the front yard setback line unless existing adjoining structures are set back from their respective lot lines further than the required front yard setback. In these cases, new construction shall conform with the front yard setbacks of the buildings immediately adjacent on either side of the proposed use.
- [9] Night lighting shall be provided for the convenience of residents, visitors, and employees, but in no case shall such lighting constitute a nuisance to adjoining residential uses nor shall such lighting create glare and illumination beyond the site. Parking lots shall be designed and screened to avoid adverse impacts from auto headlights on adjacent land uses.
- [10] There shall be no overnight storage of materials, stocks, or supplies in trucks on-site. Outdoor storage areas must be visually screened.
- [11] Accommodations shall be made for the needs of pedestrians.

[12] A minimum of 20% of each lot shall be landscaped. Landscaped buffers of at least 15 feet and up to 30 feet at the discretion of the Planning Board shall be required for business uses abutting residential zones. Suitable buffers shall also be required between business and recreational uses.

F. B-2 Core Business District.

(1) Principal permitted uses:

- (a) All principal and special permitted uses in the B-1 Limited Business District.
- (b) Core business retail.

(2) Permitted accessory uses:

- (a) Other uses customarily incident to a principal use and on the same lot.
- (b) Signs.

(3) Special permit uses:

- (a) Accessory use customarily incident to principal use but not on the same lot.
- (b) Highway business retail.
- (c) Bed-and-breakfast facility.
- (d) Building, mixed use.
- (e) Commercial group.
- (f) Commercial parking lot (in compliance with Article VIII).
- (g) Family-type home for adults.
- (h) Hostel.
- (i) Hotel.
- (j) Indoor commercial sports/recreation.
- (k) Shared space usage.
- (l) Warehouse and storage facility adjoining a retail business in accordance with the requirements of Subsection Y of § 212-41.
- (m) Bar.

(4) Minimum lot size:

- (a) All commercial uses: 2,500 square feet.

- (b) All residential uses: 5,000 square feet.
 - (5) Minimum lot width:
 - (a) All commercial uses: 25 feet at building line.
 - (b) All residential uses: 50 feet at building line.
 - (6) Maximum height:
 - (a) All uses: three stories or 35 feet.
 - (7) Maximum lot coverage:
 - (a) All uses: 90%.
 - (8) Minimum yard dimensions:
 - (a) Front yard.
 - [1] All uses: prevailing setback where applicable; otherwise 5 feet.
 - (b) Rear yard: 10 feet or 10% of lot area, whichever is greater.
 - (c) Side yard.
 - [1] All uses: none required, but a minimum of eight feet if there is any setback.
 - (9) Landscaped buffers of up to 30 feet in width of a density sufficient to block visibility of either side of said buffers and/or solid fences up to eight feet in height, at the discretion of the Planning Board, shall be required for business uses abutting residential zones. Setback and buffer requirements shall apply equally to both side lots and rear lots.
- G. Neighborhood Business Residential Mixed-Use District (NBR). **[Added 10-28-2015 by L.L. No. 10-2015³¹; amended 5-23-2016 by L.L. No. 2-2016; 12-12-2018 by L.L. No. 17-2018]**
- (1) Purpose. The Neighborhood Business Residential Mixed-Use District is established to promote the development of a neighborhood defined by a mix of residential, retail, service, professional, civic and cultural uses and which encourages travel by walking, bicycle, and mass transit. The NBR District aims to enhance the quality of the developed environment and promote site layout and architectural design compatible with the historic character of the community. In particular, development within the district shall be sensitive to and compatible with: a) the neighboring National Historic Landmark (HHS-Huguenot) District, b) the locally designated Historic District zone, c) The Historic

31. Editor's Note: This local law also repealed former Subsection G, North Chestnut Street Gateway District.

Preservation Commission's Downtown Historic District Preservation Guidelines and Recommendations, and d) the downtown New Paltz properties defined by the 2009 State and National Register District. The two primary goals for the district are 1) encourage residential housing on the upper floors of multistory, mixed-use buildings, and 2) to foster a positive relationship between residential, retail and service/professional uses, while encouraging public transit use and reducing automobile trips and overbuilding of parking facilities, and the creation of a streetscape, which includes pedestrian and bicycle infrastructure.

- (2) Site development standards. Diagrams illustrating Architectural Standards (Schedule F) and Parking and Site Design Guidelines (Schedule G), both taken from the 2017 Ulster County Community Design Manual, are found as attachments to this chapter.³²
 - (a) All newly constructed buildings in the NBR District must be multistory and mixed-use, except:
 - [1] When site conditions do not permit the safe or legally compliant construction of a multistory or multiuse building; or
 - [2] For the construction of not-for-profit cultural facilities or performance spaces.
 - (b) Where a new single-story building, or a single-use building, is permitted by this section, development of such building shall be limited to the nonresidential uses permitted in the district as found in Schedule A.³³
 - (c) Any new residential development within the district shall have no more than four bedrooms per dwelling unit, as said terms are defined in § 212-5 of this chapter.
- (3) Streetscape standards. For alignment with the community's complete streets policy, site plans should include a broad sidewalk, street trees, and a bicycle lane. (See Town and Village December 2017 resolutions.) [Complete Streets Resolutions]
- (4) Building design standards.
 - (a) Design standards and the schematic illustrations outlined on pages 30 to 31 in the 1994 Village Comprehensive Plan, and any updates, revisions, or replacements thereof shall apply to all properties.
 - (b) Facades of shopfront buildings shall be built parallel to the street frontage through the use of consistent setbacks with

32. Editor's Note: Architectural Standards (Schedule F) and Parking and Site Design Guidelines (Schedule G) are on file at the Village office.

33. Editor's Note: The Use Schedule is included as an attachment to this chapter.

adjacent properties and minimum yard dimension requirements.

- (c) Shopfronts shall be glazed pursuant to the current New York State Energy Conservation Code.
 - (d) Buildings shall have sloped, gabled, mansard roofs or flat roofs with articulated parapets and cornices. Parapets shall be a minimum of 42 inches high, or higher if necessary to conceal mechanical or alternative energy generating equipment to the satisfaction of the Planning Board.
 - (e) Architectural features and windows shall be continued on all sides of a building that are clearly visible from the street, parking area or Wallkill Valley Rail Trail to avoid visible blank walls.
 - (f) All mechanical equipment, whether ground-mounted or roof-mounted, shall be completely screened from the Wallkill Valley Rail Trail, adjacent properties and the street in a way that is consistent with the architecture of the main building.
 - (g) Canvas or canvas-like awnings are permitted along street frontages and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Interior illumination is allowed under an awning if it is projected downward.
 - (h) Refuse containers shall be accessible to waste haulers, but enclosed and located so that they are concealed from public view from the street, the Wallkill Valley Rail Trail and adjacent properties.
 - (i) Walls and fences shall be constructed of vinyl or natural materials, such as wood. Chain-link fences are prohibited.
- (5) Principally permitted uses.
- (a) A mixture of residential and nonresidential uses is required in the development of all multistory buildings. New multistory buildings in this district shall be principally permitted, if the following conditions are met:
 - [1] For the first floor, the front of the building facing Route 32 N shall be limited to retail and service businesses, professional and general offices, restaurants, artisanal use, and cultural centers.
 - [2] The sides of the first story not facing Route 32N shall be limited to residential, retail and service business, professional and general offices, restaurants, artisanal uses, and cultural centers. Unless for "accessible units," first floor apartments facing away from Route 32N require

a special use permit. Specific allowed uses, both residential and nonresidential, on the first floor not facing Route 32N, shall be at the discretion of the Planning Board.

- (b) The addition of photovoltaic and wind energy generating systems and/or green infrastructure such as green roofs and gardens on the rooftops of new multistory buildings shall be considered permitted accessory uses to encourage the use of alternative energy sources and reduce the additional demand for energy required by these buildings.
- (6) Special permit uses and accessory uses.
- (a) See Use Schedule, Schedule A, attached hereto.³⁴
 - (b) All nonresidential uses on second floors require a special use permit. Development of a third story shall be limited to residential uses.
- (7) Height requirements.
- (a) All uses.
 - [1] The first story of any new building must be a minimum of 11 feet high with a cumulative minimum total height of two stories and 20 feet. First-floor interior height may be 10 feet from floor to ceiling.
 - [2] Maximum: three stories, but not greater than 35 feet for the main structure and a maximum of 40 feet, to allow for peaked roofs, except as provided in § 212-18A, and exclusive of usable rooftop area for private and/or common outdoor space, with or without rooftop gardens and/or green roofs, and exclusive of decorative architectural features and alternative energy generating systems. Green roofs and other green infrastructure are encouraged to assist with the handling of stormwater and to reduce the heat island effect.
 - (b) Roof decks or roof gardens require a special use permit. Roof decks or roof gardens must: be reserved for residential use only and are not to be used for customers of commercial tenants; remain open for all tenants and may not be reserved for private parties; under no circumstances surpass their maximum occupancy load (determined using NYS fire prevention and building codes); have a deck area not greater than 65% of the available roof space with the nondeck area positioned as a buffer between deck area and nearby residential neighborhoods; have a garden area or combined

34. Editor's Note: The Use Schedule is included as an attachment to this chapter.

garden and deck area not greater than 85% of the available roof space where the deck area, if part of a combined deck and garden, does not surpass 65% of the roof space; have lighting fixtures aimed down and may not be positioned more than three feet above deck surface; not be outfitted with outdoor speakers and amplification is not permitted.

- (c) Roof decks or roof gardens may not be used to fulfill recreation requirements pursuant to § 212-23J.
- (8) Maximum lot coverage.
 - (a) All uses: 85%.
- (9) Minimum yard dimensions.
 - (a) Front yard. All uses: sufficient space to allow construction of sidewalks, bicycle lanes, and related pedestrian amenities in the zone along with street tree landscaping. Most, if not all, of streetscape elements to be implemented in this district may fit within the Route 32 R-O-W. Up to a zero-foot front yard may be allowed if the streetscape elements fit within the Route. 32 R-O-W and the adjacent building frontage is a storefront.
 - (b) Rear yard. All uses: 10 feet minimum. Along the boundary of the Wallkill Valley Rail Trail native trees and natural vegetation shall be retained at the discretion of the Planning Board and enhanced as part of the ten-foot landscape buffer.
 - (c) Side yard. All uses: zero to 15 feet (maximum), at the discretion of the Planning Board, with the presumption being that the intent of the district is to minimize setbacks. Notwithstanding the foregoing, where adjacent properties are concurrently proposed to be developed at zero side lot lines, and will be conjoined, no side setback is required.
 - [1] A stub connection to access future parking in adjacent lots is required unless conditions do not permit safe or strict compliance as stated in #9 on page 30 in the 1994 Village Comprehensive Plan. "Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveway to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses."
 - (d) Buffers of 30 feet on each side of the centerline of Tributary 13 (Millbrook) is required. No structures, parking lots or driveways may be constructed within this buffer zone to protect the water quality of the stream and riverine habitat.
- (10) Lighting. All exterior lights shall be shown on the site development plan, and shall be designed and located in such a manner as to

prevent objectionable light and glare from spilling across property lines. A lighting plan, prepared accordant with the Village of New Paltz outdoor lighting standards, including specifications for the lighting pole and fixture, shall be provided to the Planning Board during site development plan review.
<https://www.villageofnewpaltz.org/download/Forms/Building%20Department%20Forms/Outdoor%20Lighting%20Standards.pdf>.

- (11) Open space. Where appropriate and practical, new development should create public open spaces and should maintain existing public open space. Where feasible, new open spaces should connect to existing open spaces, including the Wallkill Valley Rail Trail to provide access to the trail by members of the public and occupants of the property. Connections between the Wallkill Valley Rail Trail and private properties require a special use permit and need to be within the parameters set in the Wallkill Valley Rail Trail Conservation Easement dated January 18th, 1991.
- (12) Street furniture and public waste receptacles. Street furniture and public waste receptacles approved by the Planning Board shall be provided along street frontages and within the site, as deemed necessary by the Planning Board. Street furniture and waste receptacles shall be maintained by the developer or managing agent of the property. Required public amenities shall include bicycle parking facilities, as provided in Article 8 of Chapter 198 relating to bicycle parking.
- (13) On-site or off-street parking. The Planning Board will determine the number and configuration of on-site parking spaces for any particular use to ensure pedestrian and vehicular safety, provide adequate parking, and minimize adverse visual impacts. The following "requirements for residential" and "guidelines for nonresidential" shall apply:
 - (a) Residential use requirements: 1.1 space per one bedroom or studio, 1.6 space per two bedroom, 2.1 spaces per three or four bedrooms.
 - (b) Nonresidential use guidelines.
 - [1] Retail one space for each 500 square feet of usable floor space for a retail business or service.
 - [2] Offices: one space for each 300 square feet of gross office floor area.
 - [3] One additional space for each separate commercial use.
 - (c) On-street parking along and adjacent to the property frontage may apply toward on-site or off-street parking "requirements for residential" or "guidelines for commercial."

- (d) The Planning Board may also consider a further reduction to the amount of on-site parking for different types of mixed-use properties - where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by tenants patrons, or employees - using the ratios in the following examples:
- [1] Residential and office: the number of required spaces may be reduced by dividing spaces by 1.4. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 21 spaces (30 divided by 1.4).
 - [2] Residential and retail: the number of required spaces may be reduced by dividing the number of spaces by 1.2. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 25 spaces (30 divided by 1.2).
 - [3] Lodging³⁵ and retail: the number of required spaces may be reduced by dividing the number of spaces by 1.3. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 23 spaces (30 divided by 1.3).
 - [4] Lodging³⁶ and office: the number of required spaces may be reduced by dividing the number of spaces by 1.5. For example, using the requirements and guidelines above, a 30 parking space project could be reduced to 20 spaces (30 divided by 1.5)
 - [5] Any fraction of a rounded spot gets rounded up to a full parking space. For example, 13.2 spots becomes 14.
- (e) Parking lots and garages should be located in the rear of the property and behind retail goods and services establishments and/or professional offices, and/or at the side of a building wherever possible, allowing for road frontage to enhance the visibility of retail goods and services establishments and/or professional offices and streetscaping. Wherever feasible, parking garages are acceptable below grade, or on the ground floor, beneath residential units within the ground floor building footprint provided that the building's ground floor frontage has retail or office use that faces the street.
- (f) Parking shall not dominate any site when viewed from the street providing frontage for such site. Large uninterrupted areas of parking stalls that significantly reduce the continuity or quality of natural open space shall not be permitted.

35.Note: See § 212-47/Schedule C for off-street parking guidelines.

36.Note: See § 212-47/Schedule C for off-street parking guidelines.

- (g) Shared driveways should be used to access parking lots behind buildings and facilitate fewer curb cuts. Shared driveways and/or entrances for ingress and egress access between neighboring buildings and parking lots are strongly encouraged for the district.
 - [1] Access drives connecting to different properties may be offered for dedication to the Village, subject to acceptance at the sole discretion of the Board of Trustees.
 - (h) Interior parking lot landscaping. Interior parking lots shall be landscaped, as determined necessary by the Planning Board.
 - (i) Exterior parking lot landscaping. A landscaped strip shall be provided around the perimeter of parking lots, exclusive of driveways. The landscaped strip should be a minimum of three feet wide. Where appropriate, a berm or other appropriate screening should be used to buffer parking areas from the street.
- (14) Off-site parking. The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in parking requirements of up to 30% for two or more principal buildings or uses, either on adjacent or nearby parcels, where it is clearly demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by tenants, patrons, or employees.
- (a) There shall be a covenant filed with the Ulster County Clerk on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. The Planning Board shall require deed restrictions, satisfactory to the Board of Trustees, binding the owner and his/her heirs, successors and assigns thereto. Such covenant shall be:
 - [1] Enforceable by any of the parties having shared beneficial use of the facility; and
 - [2] Enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns to permit and maintain internal access, circulation and joint use of parking facilities.
- (15) Landscaping.
- (a) A landscaping plan prepared by a New York State registered landscape architect (RLA) shall be submitted for review by the Planning Board, and should be designed to avoid existing overhead or underground utility lines. Where the location of existing overhead or underground utility lines conflicts with

the required landscaping strip and tree planting, the Planning Board may approve an alternate plan consistent with the intent to buffer parking.

- (b) Required landscaping shall be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular maintenance of all plantings as necessary for each particular plant species.
- (c) Site trees should be no smaller than three-inch caliper diameter at four feet in height.
- (d) Density of site trees shall be at the discretion of the Planning Board as determined necessary.
- (e) Landscaped buffers of up to 15 feet in width of a density so as to block visibility of parking areas may be required by the Planning Board. The Planning Board's review of a proposed buffer modification shall include the Shade Tree Commission's review of and recommendations for the proposal.
- (f) Native and noninvasive plants and trees are required, as listed by the New York State DEC: https://www.dec.ny.gov/docs/lands_forests_pdf/factnatives.pdf and any updates, revisions, or replacements thereof shall apply.

H. F Floodplain District.

(1) Principal permitted uses:

- (a) Agriculture but not including the keeping of fowl or farm animals.

(2) Permitted accessory uses:

- (a) Uses customarily incident to principal permitted use and on same lot.

(3) Special permit uses:

- (a) Outdoor commercial recreation.
- (b) Golf course or country club.
- (c) Nonprofit recreation use.
- (d) Riding academy.
- (e) Essential services.
- (f) Accessory uses customarily incident to principal permitted use but not on same lot.

(4) Minimum lot size:

- (a) Agricultural uses: 10 acres.
 - (b) Other uses: 40,000 square feet.
 - (5) Minimum lot width: 200 feet at property line.
 - (6) Maximum height:
 - (a) All uses: no permanent structures; temporary structures: 2 1/2 stories or 30 feet.
 - (7) Maximum lot coverage:
 - (a) All uses: 10%.
 - (b) Side yards: 25 feet each.
 - (c) Rear yard: 50 feet.
 - (8) Minimum yard dimensions:
 - (a) Front yard: 50 feet.
- I. P-B Professional and Limited Business District.
- (1) Principal permitted uses:
 - (a) Office building.
 - (b) Research laboratory.
 - (c) Wholesale and accessory use storage establishments conducted in completely enclosed buildings except that open storage is permitted if enclosed by an opaque fence or other suitable enclosure at least eight feet in height.
 - (2) Permitted accessory uses:
 - (a) Signs (see § 212-25).
 - (b) Living quarters for caretaker or watchman.
 - (c) Other uses customarily incident to principal use on same lot.
 - (3) Special permit uses:
 - (a) Light industrial activities or businesses of a kindred nature engaged in the manufacture, assemblage, treatment or packaging of products when conducted without public noise, smoke, dust or glare perceptible beyond the property line.
 - (b) Essential services.
 - (c) House of worship (but not including related residences).
 - (d) Bed-and-breakfast.

- (e) Hotel.
 - (f) Instructional use.
 - (g) Life-care or continuing-care retirement community.
 - (h) Accessory use customarily incident to principal use but not on same lot.
- (4) Minimum lot size:
- (a) Life-care or continuing-care retirement community: 5,000 square feet per dwelling unit.
 - (b) All other uses: 40,000 square feet.
- (5) Minimum lot width:
- (a) All uses: 200 feet at building line.
- (6) Maximum height:
- (a) All uses: 30 feet or 2 1/2 stories.
- (7) Maximum lot coverage:
- (a) All uses: 50%.
- (8) Minimum yard dimensions:
- (a) Front yard.
 - [1] All uses: 50 feet, except if rear yard requirement is 50 feet the minimum front yard shall be 25 feet.
 - (b) Rear yard.
 - [1] All uses: 20 feet except if abutting a residence or residential district then a minimum of 50 feet shall be required, at least 20 feet of which shall be planted with evergreens and other suitable trees and shrubs as required by the Planning Board to provide effective buffering against nuisance characteristics.
 - (c) Side yards.
 - [1] All uses: 20 feet except if abutting a residence or residential district, then the Planning Board may require up to an additional 20 feet to provide adequate buffers and safeguards to protect adjacent uses from nuisance characteristics.
- (9) Residential cluster development: Clustering of residential units which are components of a life-care or continuing-care retirement community shall be permitted in accordance with the provisions of § 212-27.

J. Gateway District.

(1) Principal permitted uses:

- (a) All principal permitted uses in the B-2 Core Business Retail.
- (b) Realtor.

(2) Special permit uses:

(a) General:

- [1] Cultural facilities.
- [2] Instructional use.

(b) Business:

- [1] Highway business retail.
- [2] Bed-and-breakfasts.
- [3] Boat rental and sales.
- [4] Hostel.
- [5] Hotel.
- [6] Accessory uses customarily incidental to principal permitted uses on the same lot.

(3) Minimum lot size:

- (a) All uses: 2,500 square feet.

(4) Minimum lot width:

- (a) All uses: 25 feet at building line.

(5) Maximum height:

- (a) All uses: three stories or 35 feet, subject to reduced building height regulations by Planning Board to preserve district aesthetics.

(6) Maximum lot coverage:

- (a) All uses: up to 100%, subject to site plan approval under § 212-23, in conformity with the Gateway District Development Standards adopted by the Board of Trustees on September 22, 1997.

(7) Maximum yard dimensions:

- (a) Front yard.

[1] All uses: buildings to be constructed at sidewalk line with no setbacks or to be consistent with prevailing setbacks where applicable; however, a building may be set back if an outdoor cafe, dining deck or landscaped seating is located in front. Exception: along easterly side of Huguenot Street and Water Street and both sides of Main Street westerly of the rail trail subject to Planning Board limitations to assure adequate traffic sight lines.

(8) Minimum yard dimensions:

(a) Rear yard: none required, except if abutting a residence or residential district, the Planning Board may require up to 15 feet of landscaped buffer to protect adjacent uses from nuisance characteristics.

(b) Side yard: none required, except if abutting a residence or residential district, the Planning Board may require up to 15 feet of landscaped buffer to protect adjacent uses from nuisance characteristics.

(9) Maximum retail area: no individual retail use shall exceed 3,000 square feet of interior floor area.

(10) All garbage cans, garbage collection areas and mechanical equipment (including but not limited to heat pumps, air-conditioning units and compressors and emergency generators) shall be screened from view or not visible from the public right-of-way. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 12 square feet per structure.

(11) In addition to the sign regulations prescribed in § 212-25, no internally illuminated signs shall be permitted.

§ 212-14. Use schedule.

- A. Schedule of permitted uses. The following schedule summarizes the principal permitted uses (P) and those requiring a special use permit (S) in accordance with § 212-39 of this chapter for each of the designated zoning districts within the Village. [Note: Schedule A, Use Schedule is included at the end of this chapter.]
- B. Prohibited uses. Any use not designated as a principal permitted use (P) or a special permit use (S) in the use table is hereby specifically prohibited from any zoning district in the Village of New Paltz.

§ 212-15. Density control schedule. [Amended by L.L. No. 8-1999; 4-23-2003 by L.L. No. 3-2003]

Density requirements for the various zoning districts in the Village of New Paltz are summarized in the following table entitled "Village Density Control

Schedule.” [Note: Schedule B, Density Control Schedule, is included at the end of this chapter.]

ARTICLE IV

Supplementary Lot, Height and Yard Regulations**§ 212-16. Purpose and application.**

Regulations in this article supplement those in Article III and other sections of this chapter and are to be applied in conjunction with such other regulations.

§ 212-17. Lot regulations.

- A. Minimum lot requirements. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter for the zoning district in which the lot is located; if the area or dimensions are already less than required minimums, such area or dimension shall not be further reduced.
- B. Exception: preexisting lots of record. Notwithstanding the limitation imposed in any other provision of this chapter, the construction of a detached one-family dwelling in a residential district shall be permitted on a lot of record which does not meet the minimum area and dimension requirements for the zoning district in which it is located if such lot of record exists at the same time of adoption of this chapter; provided that such construction will not be permitted if the applicant is the owner of adjoining vacant property which could be used to comply with these requirements; and provided also that the applicant comply with the standards of the Ulster County Department of Health.
- C. Maximum number of principal buildings per lot. Where residential dwellings are to be constructed, no more than one principal building shall be permitted on a single lot, except in accordance with Subsection D(2) below. **[Amended 7-11-2012 by L.L. No. 6-2012]**
- D. Exceptions to maximum number of principal buildings per lot. **[Amended 7-11-2012 by L.L. No. 6-2012]**
 - (1) Single-family or two-family dwellings. There shall be no exceptions to the provisions of Subsection C above for the construction of single-family or two-family dwellings.
 - (2) Residential dwellings other than single-family or two-family dwellings. Where construction of residential dwellings permitted and defined by this chapter other than single-family or two-family dwellings is proposed, as many as three detached principal buildings may be permitted on a single lot provided that:
 - (a) No such detached principal building shall be closer to any other principal building than a distance equal to the average of the heights of said buildings.

- (b) Each building shall comply with all front and rear yard setbacks, and all bulk and area requirements, for a building lot in that zoning district.
 - (c) The area of the lot shall be at least equal to the minimum lot area required for a single building or dwelling unit in that particular zoning district multiplied by the total number of buildings or dwelling units which will occupy the lot, whichever requires the greater lot area.
- E. Lot frontage. The minimum lot frontage for any lot shall be measured along the minimum building setback line required for the zoning district in which the lot is located.
- F. Maximum lot coverage. All buildings, driveways, pedestrian ways, parking areas, and structures, including, but not limited to, accessory buildings, and all other impervious surfaces shall be included as part of lot coverage in complying with maximum lot coverage requirements for each zoning district. **[Amended 11-12-2008 by L.L. No. 12-2008]**

§ 212-18. Height regulations.

- A. General application and permitted exceptions. No building or structure shall be higher than the height permitted in the zoning district where such building is located; but such limitations shall not apply to flagpoles, radio or television antennas, transmission towers or cables, spires or cupolas, chimneys, elevator or stair bulkheads, parapets or railings, water tanks or cooling towers, or any similar structures, provided that in their aggregate coverage such structures occupy no more than 10% of the roof area of the building.
- B. How measured. Building height shall be measured from the average grade computed by averaging the grade obtained at the four corners of a principal structure or the four most extreme points on the north, south, east and west sides of a principal structure, or at four points 90° apart for a circular structure.

§ 212-19. Yard requirements. [Amended by L.L. No. 9-1995]

- A. Front yard setback line. The minimum front yard setback line shall be measured from the street right-of-way line. If a planned right-of-way line has been established on the official map for future streets or the future widening or extension of existing streets, setbacks shall be measured from such planned line as if it were a street line.
- B. Multiple frontage line.
 - (1) Wherever a side or rear yard is adjacent to a street, front yard setback requirements shall apply.
 - (2) Wherever a lot abuts on more than one street the front yard of such lot shall be established on the wider of the abutting streets. Where

the abutting streets are of equal width the front yard may be established on either street except in B-1 Districts where building constructed for permitted business uses on corner lots must front on the major thoroughfares, defined as Main Street and Plattekill Avenue.

- C. Corner lot clearances. At all street intersections no obstructions to vision exceeding 30 inches in height above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their point of intersection.
- D. Average side yard width. Where the side wall of a building is not parallel with the side lot line or is broken or is otherwise irregular, the side yard may be varied so long as the average width of such side yard is not less than the required minimum and is at no point less than one-half the required minimum.
- E. Permitted exceptions to yard requirements. The following projections into required yards may be permitted:
 - (1) Open fire escapes: four feet into required side or rear yards.
 - (2) Awnings or moveable canopies: six feet into any yard.
 - (3) Cornices, eaves and similar architectural features: three feet into any yard.
- F. Fences and walls.
 - (1) Fences and walls shall be permitted anywhere on a lot as not in violation of yard requirements except where corner lot clearances are required (see Subsection C).
 - (2) Fences and walls in residential districts shall not exceed four feet in height between the street and front line of the principal structure and shall not exceed six feet in height behind the front line of the structure, except that the maximum height of a fence or wall along a boundary line abutting a commercial district shall not exceed eight feet in height.
 - (3) In all nonresidential districts, fences and walls shall not exceed eight feet in height.
 - (4) In all districts, the front or more aesthetically attractive side of the fence or wall shall face towards the street or neighboring property and away from the premises upon which the fence or wall is placed.
- G. Setbacks from streams. Notwithstanding any other provision of this chapter, lots adjacent to any watercourse or stream containing water for at least two months of the year shall provide a twenty-foot width from the mean high water mark of said watercourse or stream. This

twenty-foot width may be computed as part of any yard requirement or buffer area but no parking areas, driveways or structures may be constructed in this strip.

§ 212-20. Accessory buildings and uses.

When an accessory structure is attached to the principal building it shall comply in all respects with the requirements of this chapter applicable to principal buildings.

A. Detached accessory building.

- (1) No accessory building shall be located closer to the street than the street wall of the principal building.
- (2) No accessory building shall be located closer to the principal building than 12 feet or a distance equal to the height of the accessory building, whichever is greater.
- (3) No accessory building shall be located closer to the side and rear lot lines than 12 feet or a distance equivalent to the height of the accessory building, whichever is greater.

B. Unenclosed accessory uses. Accessory uses in all districts not enclosed in a building, including swimming pools, tennis courts and satellite dish television antennas more than 36 inches in diameter, shall be erected only on the same lot as the principal building and may not be constructed in the front or side yards of such lot. Such uses must not be located closer than 20 feet to any lot line nor closer than 10 feet to the principal building. Such uses shall not adversely affect the character of the neighborhood by reason of noise, glare or safety hazards. When more than three feet in depth or 15 feet in length, pools shall be fenced.

§ 212-21. Awnings and canopies. [Amended 7-10-1996 by L.L. No. 2-1996; by L.L. No. 26-1997]

A. General application.

- (1) In all business districts, an awning or canopy may be erected and maintained on any building or structure which projects beyond the lot line onto the sidewalk portion of a public street provided that it shall be at least eight feet above the level of the sidewalk at all points and, further, that it shall not project more than five feet beyond the lot line.
- (2) Any such awning or canopy shall be firmly affixed to and supported by the building wall without any other means of support and shall be constructed so that it can be removed at any time upon demand by the municipality without causing the building to become structurally unsafe.

- (3) A building permit issued by the Building Inspector pursuant to §§ 86-9 and 86-10 of the Village Code is required prior to the erection of an awning or canopy.
- (4) In the Gateway District, no awnings or canopies shall be made of metal or plastic. Internal lighting may be used only if the awning or canopy is opaque.

B. Sign; lettering.

- (1) Any lettering, symbol, insignia or other similar representation of the business conducted at the premises upon which the awning or canopy is erected must comply with the sign regulations set forth in § 212-25 of this chapter.
- (2) Lettering on an awning or canopy will not constitute a sign in determining the maximum number of signs permitted under §§ 212-25C(2) or 212-25D(2) but the dimensions of the lettering, symbol, insignia or other similar representation will be calculated towards the maximum aggregate sign size permitted under §§ 212-25C(3) and 212-25D(3).

§ 212-22. Trash receptacles. [Added 2-13-2002 by L.L. No. 4-2002]

- A. Adequate receptacles shall be provided on all properties to properly secure all garbage and waste materials to be used in the manner set forth in §§ 171-4C and 124-6 of the Municipal Code.
- B. In residential zoning districts, dumpsters are prohibited except for those properties with more than 10 residents.
- C. In all zoning districts, dumpsters shall be enclosed to provide screening from the public way and all adjoining properties.
- D. The location of a dumpster enclosure shall comply with the setback regulations for each zoning district.

ARTICLE V
Supplementary Regulations

§ 212-23. Site plan review. [Amended by L.L. No. 17-1997; L.L. No. 26-1997; L.L. No. 4-2000; 11-14-2001 by L.L. No. 13-2001; 1-4-2006 by L.L. No. 2-2006; 1-18-2006 by L.L. No. 4-2006; 8-23-2006 by L.L. No. 13-2006; 8-1-2007 by L.L. No. 5-2007; 6-10-2009 by L.L. No. 7-2009; 7-11-2012 by L.L. No. 5-2012]

In accordance with § 7-725-a of the Village Law, no building permit shall be issued, no structure or use shall be established, and no lot, parcel or site preparations, including clearing vegetation, grading, filling, excavating in excess of 30 cubic yards, or altering drainage shall be undertaken, except in conformity with an approved site plan for the lot, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such a plan and any conditions attached thereto have been met. Limited short-term site investigations, such as surveys, soil borings, test pits, and other disturbances incidental to engineering and environmental studies, are exempt from the requirement for an approved site plan. Continued conformance with such a plan and such requirements shall be a condition of the continued validity of any certificate of occupancy issued. Revision of such plans shall be subject to the same approval procedure.

A. Application procedure for site plan approval.

- (1) An application for a building permit for a use requiring site plan approval shall be made to the Building Inspector. Until such time as a complete application, including all of the required information and documentation, in proper form, has been received by the Building Inspector, the application shall not be considered as officially submitted. The application shall be accompanied by a detailed site plan prepared by a legally qualified individual or firm, such as a registered architect or professional engineer, and shall contain the following information:
 - (a) The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, railroads, streams, buildings, structures or any other feature directly on the property or beyond the property if such feature has an effect on the use of said property.
 - (b) The location, use, and ground area of each proposed building, structure or any other land use.
 - (c) The location and widths of proposed streets servicing the area.
 - (d) The location, size and capacity of proposed off-street parking areas.
 - (e) The location and size of proposed loading berths.

- (f) The location and treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional width, and any other device necessary to traffic safety and/or convenience.
 - (g) The location and identification of buildings or sites on the premises or within 100 feet of the boundaries of the premises heretofore designated as landmarks pursuant to the provisions of § 9-20 of the Municipal Code or of an historic district.
 - (h) The location and identification of proposed open spaces, parks or other recreational areas and the general location of landscaping and other forestry features.
 - (i) The general location and design of stormwater detention facilities in accordance with § 212-23D(2).
 - (j) The location and design of buffer areas and screening devices to be maintained.
 - (k) The location of sidewalks, walkways and all other areas proposed to be devoted to pedestrian use.
 - (l) General nature and location of public and private utilities, including maintenance facilities.
 - (m) Specific location and size of signs.
 - (n) Architectural drawings, including floor plans and elevations, and an indication of exterior materials.
 - (o) Environmental assessment form, as appropriate.
 - (p) Any other information the Planning Board may deem necessary to ascertain compliance with the provisions of this chapter.
- (2) The filing of an application shall be accompanied by the payment of a filing fee by the applicant determined as follows: **[Amended 6-24-2009 by L.L. No. 9-2009]**
- (a) Pre-application review fee: set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - (b) Site plan approval: **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [1] Change of use, with no exterior changes: set annually by resolution of the Board of Trustees.
 - [2] Exterior renovations to existing structure: set annually by resolution of the Board of Trustees.

- [3] New construction, residential: set annually by resolution of the Board of Trustees.
- [4] New construction, commercial: set annually by resolution of the Board of Trustees.
- [5] New construction, site development: set annually by resolution of the Board of Trustees. The fees associated with new construction site development cover the costs of review by engineering, planning and legal consultants, but they do not include SEQR fees, as applicable by law, or other costs, including but not limited to wetland delineation and soil testing for pesticides, which are to be covered by the applicant.

(c) Amended site plan:

- [1] For changes affecting 50% or more of the total square footage of the structure(s) or the acreage of the site that is the subject of an amended site plan application, applicants shall pay 1/2 of the original fee for the site plan application of that type as set forth in Subsection A(2)(b) of this section.
- [2] For changes affecting less than 50% of the total square footage of the structure(s) or the acreage of the site that is the subject of an amended site plan application, applicants shall pay 1/4 of the original fee for the site plan application of that type as set forth in Subsection A(2)(b) of this section.

- (d) Applications for projects subject to New York State Environmental Quality Review ("SEQR") shall be charged the actual costs of either preparing or reviewing the draft and/or final Environmental Impact Statement ("EIS") for the project, in accordance with § 617.13 of the SEQR regulations. If the technical services of the New York Department of Environmental Conservation are necessary or desirable in the SEQR review of an application, the costs of the same shall be charged to the applicant in accordance with § 617.13 of the SEQR regulations.

(3) Drawings shall be at a scale adequate to show required details.

- B. Application review procedure. Each application requiring site plan approval, together with the required information described in Subsection A above, shall be referred to the Planning Board by the Building Inspector within 10 days of the date of application for action thereupon. A public hearing shall be conducted on all applications for site plan approval. **[Amended 8-25-2010 by L.L. No. 3-2010]**

(1) Notice.

- (a) Public notice of such hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the public hearing.
- (b) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, unless 14 days' notice is required by SEQRA, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application applies and to all other owners of real property which lie within 200 feet of such boundaries.
- (c) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the secretary of the Planning Board an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
- (d) Property signage. The Planning Board shall require that, at least 10 days prior to the initial public hearing, the owner or applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such road or highway. The size of the sign and text shall be approved by the Village Board or such Village official as the Board may designate. The notice shall include a statement that an application for site plan/special use permit affecting the property has been made and such other information as the Village Board may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this chapter for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Planning Board may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Board shall set forth the basis on which it determined the waiver appropriate.

- (2) The Planning Board shall conduct a public hearing within 62 days from the date the application was referred. The Planning Board shall issue its decision on the application within 62 days after the close of the public hearing. The review period may be extended by mutual agreement of the Planning Board and applicant.
- C. Planning Board action. Following review of a submitted site plan application, the Planning Board shall issue a decision, in writing:
- (1) Approving the site plan as submitted; or
 - (2) Approving part of the site plan deferring approval on other parts of the plan until the first stage is completed satisfactorily. The approved part shall represent at least 35% of the total value of the project; or
 - (3) Rejecting the site plan and requiring resubmission of a modified plan. Denial shall be accompanied by recommendations for modification.
 - (4) The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and copies thereof provided to the Building Inspector and mailed to the applicant.
- D. Standards for site plan approval.
- (1) In reviewing the site plan, the Planning Board shall require that it conform to the Comprehensive Master Plan, adopted by the Board of Trustees on June 4, 1994, and the Gateway District Development Standards, adopted by the Board of Trustees on September 22, 1997, and other provisions of the Village of New Paltz Municipal Code. Traffic flow, circulation, and parking shall be reviewed to ensure that there is no unreasonable interference with traffic on surrounding streets. Conservation features, aesthetics, landscaping, and impact on surrounding development as well as on the entire Village shall be part of the Planning Board review.
 - (2) Stormwater-detention facilities will be required in all instances where site plan approval must be obtained to ensure against flooding. The detention facilities shall be designed so that for rainfall events of two-, five-, ten-, fifteen-, and twenty-five-year-recurrence intervals the peak downstream flows for the developed conditions with the detention facilities in place will not exceed peak downstream flows for existing conditions without detention facilities in place. The applicant shall submit all detention facility design computations for review. Peak-flow rates for the two-, five-, ten-, fifteen-, and twenty-five-year-recurrence interval rainfall events shall be computed using the Modified Rational Method, the Soil Conservation Service TR-55 and TR-20 methods, or a computer program such as HEC-1. The Planning Board may waive detention

requirements upon the presentation of supporting evidence after consultation with the Village Engineer or Village Planner.

- (3) In its review, the Planning Board may request the applicant to produce approvals from those local, county, state, or federal agencies which may have an interest in the particular development for which site plan approval is being sought.
- E. Building Inspector's action. The Building Inspector shall not grant a building permit for any activity requiring site plan approval which has not been approved by the Planning Board. The Building Inspector shall not issue a certificate of occupancy for any structure or activity which does not conform within an approved site plan.
 - F. Site changes; expiration of approval. The site plan as approved by the Planning Board shall be binding upon the applicant. Any changes from the approved plan shall require resubmission and reapproval by the Planning Board. If no construction or other site improvements have been initiated at the site during the twelve-month period following approval, the approved plan shall require resubmission and reapproval by the Planning Board.
 - G. Performance guarantee. The Planning Board may require that public improvements, landscaping and buffer area requirements be secured by a performance guarantee in a mutually agreed on manner or in the same manner as prescribed for such improvements in the regulations for subdivision of land in the Village of New Paltz as may be enacted.
 - H. Submission to County Planning Board. When affecting an existing or proposed county road or drainage facility, a copy of the site plan shall be submitted to the Ulster County Planning Board for review, comment and approval at least 30 days prior to final approval by the Village of New Paltz Planning Board.
 - I. Application review fees.
 - (1) In addition to the fees specified in § 212-23A(2) of this chapter, every application for approval of a proposed site plan shall be accompanied by a reasonable fee to defray the expenses incurred by the Planning Board in rendering a determination on the application.
 - (2) The expenses for which the applicant shall be responsible shall include the costs of services rendered to the Planning Board by the Village Attorney, Village engineers, and other persons, consultants, and agencies for the analysis and review of the plans and specifications of the applicant and for advice concerning all legal, engineering, and administrative issues presented by the application; the fees required under § 105-6 of the Municipal Code for environmental quality review, if applicable; and all disbursements incurred by or on behalf of the Planning Board for postage, filing fees, inspection fees, additional publication of

notices, preparation of reports, and miscellaneous services and disbursements.

- (3) The payment, deposit, use, replenishment and refund of funds to cover expenses required by this section shall be governed by § 212-66 herein. **[Amended 12-15-2010 by L.L. No. 1-2011³⁷]**

J. Parkland. **[Amended 10-22-2014 by L.L. No. 13-2014; 5-16-2018 by L.L. No. 4-2018; 6-13-2018 by L.L. No. 5-2018]**

- (1) General requirement. Pursuant to § 7-725-a of the Village Law, site plans containing residential units must provide for adequate public parkland or recreation areas suitably located for parkland, playground or other recreational purposes. Where a site plan cannot meet the land reservation requirement, as set forth in Subsection J(2) below, the applicant shall be required to pay a fee to the Village that will be placed in a trust fund to be used for the purchase and development of parks and recreational sites within the Village.
- (2) Reservation of land. If the Planning Board finds that, consistent with Subsection J(1) above and the Village's Comprehensive Plan, the Village has a need for public parkland and recreational facilities, and that the site plan will contribute to such need, the Planning Board shall require that the site plan contain public parkland or recreational facilities suitably located thereon, based on the following standards:
 - (a) Land shall be reserved for public parks, playgrounds and other recreation purposes in such locations on the site plan consistent with the Comprehensive Plan, or where the Planning Board otherwise determines that such reservation would be appropriate under the circumstances.
 - (b) Each such reservation shall be of suitable size, dimension, and topography, have adequate pedestrian, bicycle, and vehicle access, and be of a general character, satisfactory to the particular public parkland or recreational purposes envisioned by the Planning Board. At least 45 days prior to the Planning Board's findings and determination of the reservation of such parkland and recreational facilities, the Planning Board shall refer the proposed reservation of parkland or recreational facilities to the Board of Trustees for a recommendation report back to the Planning Board on the suitability of the reservation of public parkland and/or recreational facilities. If no report back from the Board of Trustees occurs within such 45 days, then the Planning Board may make its reservation of parkland or recreational facilities determination.

37. Editor's Note: This local law also provided for the repeal of former Subsection I(4) through I(6), which immediately followed this subsection.

- (c) The minimum amount of land area to be reserved for public parks, playgrounds or other recreational purposes shall be 1,300 square feet for each new residential unit located within the proposed site plan. All such parks, playgrounds or recreational areas shall be at least 21,780 square feet. Based upon the particular circumstances of the site plan, the Planning Board may find that land area in addition to the minimum is necessary and may require that such larger land area be reserved. However, such land area in addition to the minimum shall, collectively with the minimum, result in no more than 10% of the developable area of the proposed site plan.
 - (d) The reserved areas shall be shown and marked on the site plan "Reserved Public Parkland for Recreational Purposes."
 - (e) The reservation of land deemed by the Planning Board to be of sufficient size and suitability must be reserved in full on the site plan; no partial public parkland or recreational facilities shall be credited toward the mandated reservation of land.
 - (f) The reservation of land may be offered for dedication to the Village. If the Board of Trustees determines not to accept the offer of dedication of such land, or if no offer is made, then the privately held land must be subject to such restrictions, by way of deed restrictions or easements in favor of the Village and acceptable to the Village Attorney as to form, to ensure that such land is properly developed and maintained for use by the public.
- (3) Payment in lieu of land. Where the Planning Board finds that the proposed site plan presents a proper case for requiring a public park or recreation area pursuant to this section and state law, but that a suitable public park or recreation area of adequate size cannot be appropriately located on the site plan, the Planning Board shall require, as a condition of approval, that the applicant deposit a cash payment in lieu of land reservation with the Village Clerk. The amount of such payment shall be as set by resolution of the Board of Trustees for each lot. The amount of such payment shall be as set annually by resolution of the Board of Trustees for each unit and must be paid to the Village Clerk prior to the signing of the site plan. Pursuant to § 7-725-a, Subdivision 6(d), of the Village Law, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved, the Planning Board shall credit the applicant for any land set aside, or payment in lieu of land set aside, under such subdivision plat approval on a pro-rata basis, provided that such prior subdivision approval shall have occurred less than 10 years prior; if such prior subdivision approval shall have occurred on or more than 10 years prior, no such credit shall be given.

§ 212-24. Conversion of uses. [Amended 4-29-2013 by L.L. No. 5-2013]

Conversion from any use to a permitted use is allowed, provided that all specified off-street parking requirements are met.

§ 212-25. Sign regulations. [Amended 7-10-1996 by L.L. No. 2-1996; by L.L. No. 14-1998; 3-13-2001 by L.L. No. 4-2001; 1-9-2002 by L.L. No. 1-2002; 8-14-2002 by L.L. No. 11-2002; 11-13-2002 by L.L. No. 17-2002]

A. General guidelines. These regulations are intended to:

- (1) Protect and enhance the unique visual qualities of New Paltz.
- (2) Conform to the guidelines and intent of the Comprehensive Master Plan of the Village.
- (3) Encourage the installation of appropriate signs that harmonize with the buildings, neighborhood, and other signs in the area.
- (4) Eliminate excessive and unsightly competition for visual attention through signs.
- (5) Safeguard the general public by elimination of signs which may distract a motorist or contribute to the hazards of driving.
- (6) Create a more attractive economic and business climate.
- (7) Preserve citizens' rights to a customary means of earning a living.
- (8) Protect property values.
- (9) Maintain a standard of quality of all signs.
- (10) Provide for the removal of signs that no longer advertise a bona fide business or product available for purchase or that advertise a dated event the date of which has passed.
- (11) Ensure that colors and materials of signs enhance the visual continuity of the district.

B. Permits.

- (1) General regulations. Except as otherwise provided herein, no sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered within the Village of New Paltz, except in conformity with these regulations nor without first having obtained a permit from the Building Inspector.
- (2) Application and fees.
 - (a) A written application shall be submitted to the Building Inspector on a sign permit form prescribed by the Village.

- (b) A plan drawing shall be included with the application, showing the location of the building, structure, or land upon which the sign now exists or is to be erected.
 - (c) An elevation drawing shall be included with the application, providing a full description of the placement and appearance of the proposed sign showing:
 - [1] Sign construction details including materials.
 - [2] Sign dimensions.
 - [3] Sign colors.
 - [4] Lettering and other matter on the sign.
 - [5] Method of illumination, if any, and the position of lighting.
 - (d) Written consent from the landowner or authorized representative if different from the applicant.
 - (e) Payment of the sign permit fee specified in § 86-12A(2) of the Municipal Code.
- (3) Issuance of permit.
- (a) Process. For signs not subject to Planning Board review (see § 212-25E), it shall be the duty of the Building Inspector upon receipt of a properly completed application for a sign permit and fee, to examine such plans, specifications, locations and other data submitted and approve said plans if they are in compliance with all requirements of this section and the Municipal Code of the Village. The Building Inspector shall then, within 10 working days of receipt of the application, issue a permit for the erection of the proposed sign.
 - (b) Condition. All sign permits shall include the condition that the permitted sign shall be maintained in such a way as not to present a health or safety hazard to pedestrians, drivers, and other persons or property within the vicinity of the sign.
 - (c) Disapproval. In the event that plans submitted do not meet requirements of the Municipal Code, the Building Inspector shall, within 10 days of the receipt of the application, notify the applicant, in writing, of the reason for refusal to issue a permit and return the application and fee to the applicant.
 - (d) Time limit. If the authorized sign is not erected within 180 days of the date the sign permit is granted, the permit shall become null and void and a new application must be submitted.
 - (e) Violation. If, subsequent to inspection by the Building Inspector, a sign is found to be in violation of the conditions specified in the sign permit or of this section or any other

section of the Municipal Code, the person to whom the permit was issued shall be notified, in writing, to bring the sign into compliance with the specified conditions. Failure to comply within 30 days of receipt of such written notice shall be cause for revocation of the permit and removal of the sign in accordance with § 212-25F(3) hereof.

- C. Exemptions to approval requirements. A permit shall not be required for the following signs. However, unless otherwise limited, the size, height, illumination, location, structure and other physical features of each such exempt sign on any premises must conform with the maximum specifications for a sign for which a permit is required in the zoning district in which the sign is located. In addition, the total aggregate face area of all such exempt signs on any premises shall not exceed these same specifications. In computing face area of such exempt signs, the aggregate face area of any commercial or other signs on the premises for which a permit is required under this § 212-25 shall not be included. Such exemptions shall not be construed as relieving the owner of the sign from the responsibilities for conformance with all other applicable provisions of these regulations:
- (1) Nameplate: one professional or business nameplate not exceeding one square foot in area for each professional tenant of the site.
 - (2) Construction sign: one sign for the purpose of identifying a site under construction.
 - (3) Real estate sign: one sign advertising the sale, lease or rental of the premises on which said sign is located, provided that the total aggregate face area of such sign shall not exceed 20 square feet in the B-3 Zoning District or six square feet in all other zoning districts, and further provided that such sign shall be removed no later than three weeks after the sale, lease or rental is consummated.
 - (4) Traffic or municipal signs, legal notices and temporary emergency nonadvertising signs as may be erected by the Village or any other government entity.
 - (5) Temporary commercial nonilluminated window advertising signs which occupy no more than 20% of the total window area of the principal facade of the establishment and are displayed for no longer than two weeks.
 - (6) Historical markers: emblems, tablets, plaques or memorial signs when cut into masonry surface or when constructed of bronze, stainless steel or other similar permanent material installed by governmental agencies, religious or nonprofit organizations.
 - (7) Accessory signs, as defined in § 212-5 hereof.

- (8) Noncommercial signs. Permanent or temporary signs displaying a noncommercial message. If a temporary, noncommercial sign promotes a dated event, such as a sporting event, entertainment event or an election, such sign must be removed within one week after such event. If such a sign is not removed within one week after the event, the Building Inspector shall provide written notice to the owner of the premises that said sign must be removed. Failure to remove the sign within 10 days of receipt of such written notice shall be cause for removal of the sign in accordance with § 212-25F(3) hereof.
- D. Prohibited signs. All signs not specifically permitted are prohibited, unless allowed or approved by the Zoning Board of Appeals or the decision of a federal, state or county court or department having superseding governmental jurisdiction. Prohibited signs include but are not limited to:
- (1) Billboards.
 - (2) Bench signs.
 - (3) Roof signs.
 - (4) No flashing signs or lights shall be permitted.
 - (5) Sandwich boards are prohibited, except those containing a noncommercial message provided the period of display shall not exceed two weeks. Sandwich boards may not be placed on any sidewalk on public or private property.
 - (6) Signs which have any visible moving parts, including signs which achieve movement by design or by action of wind currents.
 - (7) Traffic hazards. No signs shall be permitted which by color, shape, lighting or location may visually obstruct or be confused with official traffic signs or signals.
 - (8) Banners. Banners and similar devices shall be prohibited, except those containing a noncommercial message, provided that the period for such display shall not exceed two weeks.
 - (9) Mobile signs.
 - (10) No illuminated sign shall be permitted which will, by reason of design or location, cause intrusive glare on neighboring premises. All bare incandescent light sources and immediately adjacent reflective surfaces shall be shielded from view. No internally illuminated signs shall be permitted.
- E. Signs requiring Planning Board review. Village Planning Board approval is required for the installation of bulletin boards, community poles, murals, shopping center and office building sign plans. [See § 212-25F(8)]. The Building Inspector shall receive and forward all

applications to the Planning Board in accordance with the site plan review procedures set forth in § 212-23.

F. General sign requirements.

(1) Temporary commercial signs.

- (a) An application must be made for each commercial sign of a temporary nature before being displayed, except those specified under § 212-25C, Exemptions to approval requirements.
- (b) Temporary commercial signs shall be permitted for a period not exceeding two weeks prior to the activity or event nor exceeding one week after the activity or event. The approved application shall note the date of the first day a sign may be displayed and the date by which it must be removed.
- (c) If a temporary commercial sign is not removed by the expiration of the time limit noted on the application, the Building Inspector, after 10 days' written notice to the applicant to remove such sign and the failure of the applicant to do so, may cause the sign to be removed pursuant to § 212-25F(3).

(2) Nonconforming signs. Any sign which does not conform to the regulations set forth in this § 212-25 shall not be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law, and except as follows:

- (a) Repair or alteration. Normal maintenance repair and incidental alteration of a nonconforming sign are permitted, provided it does not extend the area, volume of space or illumination occupied by the sign. However, no alteration of a nonconforming sign will be permitted if it results from a change of name or business use at the premises.
- (b) Reconstruction. When a nonconforming sign is destroyed or damaged, or when the owner or tenant of the premises desires to replace the sign for any reason, the Zoning Board of Appeals, after review and recommendation by the Planning Board, may authorize such replacement of a sign by a sign which will be nonconforming if the replacement would not constitute a substantial enlargement of the nonconforming sign and if the replacement of the sign would provide better aesthetics or assist in alleviating existing nonconforming characteristics.
- (3) Abandoned signs. Any sign currently or hereafter existing which no longer advertises a bona fide business or product or services available for purchase by the public on the premises shall be taken

down by the owner, agent or person having beneficial use of the building or structure upon which the sign may be found within 10 days after written notification by the Building Inspector. Upon failure to comply with such notice within the time specified in such order, the Building Inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the premises on which the sign is located. If the charge is not paid, it shall be a lien upon the premises and shall be collected by the Village Treasurer as an assessment upon said premises on the real property tax statements issued by the Village Treasurer on the tax collection date next following as provided by law.

- (4) Residential zoning districts (R-1, R-2, R-3 and H). No illuminated or representational signs shall be permitted in residential districts. No sign or other device for advertising purposes of any kind may be erected or established in any residential district except and provided as follows:
- (a) Any dwelling unit in a detached, attached or townhouse structure may display one nameplate or professional sign not exceeding two square feet in area.
 - (b) Buildings containing dwelling units for five or more families may display nonilluminated signs identifying the premises, having an aggregate total face not exceeding six square feet, and projecting no more than 24 inches beyond the principal building on the lot.
 - (c) One neighborhood identification sign is permitted at the entrance to an apartment building or complex. The sign may be two-sided and shall not exceed an aggregate total face of 12 square feet. If a complex has more than one entrance, identification signs will be permitted at each entrance, unless both signs would be simultaneously visible. Suitable landscaping at each sign will be required.
 - (d) Permitted nonresidential uses and legal nonconforming nonresidential uses, but not including home occupations or nursery schools, may display signs pertaining to the use of property, having an aggregate total face area not exceeding nine square feet, and projecting not more than 24 inches beyond the principal building of such use to which they are attached, except that where such nonresidential uses are set back from property lines, one sign may be erected in the ground, provided that such ground sign shall not exceed five feet in height, shall be parallel to the lot frontage, and shall be no nearer than 10 feet to any property line. If such freestanding sign faces substantially at right angles to the road or displays in more than one direction, it shall have a face area not exceeding four square feet per side, with no more than two sides.

- (5) B-1, B-2, Gateway Business and P-B Zoning Districts. Each business with its own exterior entrance shall be permitted two signs with an aggregate sign area not to exceed 30 square feet. Business or professional establishments which share a common exterior entrance shall be considered a single entity for sign coverage purposes and shall be permitted to have 30 square feet, plus one professional nameplate not to exceed one square foot per each use. Signs may be wall, projecting, window (permanent) or freestanding signs. Except for wall signs, no one sign face shall exceed 15 square feet. The following signs are permitted and count towards the total allowable sign coverage:
- (a) Wall signs (with or without border) as large as one square foot per two linear feet of building frontage or a maximum of 30 square feet, whichever is less.
 - (b) Projecting signs may have a maximum projection of five feet from the building face; minimum clearance from the ground of eight feet and maximum clearance of 12 feet above the ground or not to exceed the highest point of the building line, whichever is more restrictive.
 - (c) Freestanding signs shall be set back a minimum of five feet from the inside edge of the sidewalk or a minimum of 10 feet from the curb if there is no sidewalk. Maximum height to the top of sign shall not exceed 10 feet. No property shall have more than one freestanding sign.
 - (d) Permanent window signs as large as 15% of the total window area of the principal facade. Lettering up to eight inches high.
 - (e) Exceptions for corner lots. Commercial establishments located on corner lots or having building faces fronting on two streets shall be permitted a maximum of three signs with an aggregate sign area not to exceed 45 square feet; provided, however, that no single building face shall be permitted to have signs with an aggregate area in excess of that permitted elsewhere in this Subsection F(5).
- (6) B-3 Highway Business District. A commercial property shall be permitted three signs with an aggregate sign area to be equal to 30 square feet plus 25% of the road frontage (as measured in feet) of the lot upon which the sign is to be erected, but shall not exceed 100 square feet. No one sign face shall exceed 33 1/3 square feet. There shall be no exceptions for corner lots. A property with more than one business shall not exceed an aggregate of 100 square feet of total sign coverage. Signs may be wall, projecting, window (permanent) or freestanding signs. The following signs are permitted and count towards the total allowable signage:
- (a) Wall signs (with or without border) shall not exceed 33 1/3 square feet.

- (b) Projecting signs may project a maximum of six feet from the building face; minimum clearance from the ground of eight feet; maximum clearance of 12 feet above the ground or not to exceed the highest point of the building, whichever is more restrictive.
 - (c) Freestanding signs shall be set back a minimum of five feet from the inside edge of the sidewalk or a minimum of 15 feet from the curb or edge of the road if there is no sidewalk. Maximum height to the top of sign shall not exceed 12 feet above the ground or the highest point of the building, whichever is more restrictive. No property shall have more than one freestanding sign.
 - (d) Permanent window signs as large as 20% of the total window area of the principal facade; lettering up to 12 inches high.
- (7) Requirements applicable in all districts.
- (a) General rules by sign type:
 - [1] Wall signs. The visible edge or border of a wall sign may be mounted up to 12 inches from the face of the building, but may not extend beyond the end walls of the building. The placement of all wall signs must be above the display window and the cornice in a single-story building or between the shop window and the second-story window sill in a multistory building.
 - [2] Window signs. Permanent window signs must be painted on or attached directly and permanently to the window.
 - (b) Illumination:
 - [1] Only white lights may be used to illuminate a sign, except in the case of neon signs.
 - [2] Exposed lighting sources are prohibited. All external sources of illumination (e.g., spots, floods, quartz halogen, fluorescent) must be hidden from view by shrubbery or other means.
- (8) Shopping center and office buildings. Where four or more business establishments are planned which comprise a shopping center or office building, the following sign criteria shall apply:
- (a) One common freestanding sign identifying the name of the shopping center, office building or individual business is permitted. The street number shall appear at the top of the sign in compliance with § 86-28 of the Municipal Code. Size and setback shall conform to the district's requirements for freestanding signs and be included in the total signage permitted.

- (b) Requirement. A sign plan is required of establishments that share a zoning lot or parcel. The sign plan shall create visual unity among the signs within the lot and insures compatibility with surrounding establishments and structures.
 - (c) Process. Before any individual sign permits for the sign plan area are approved, the sign plan must be reviewed and approved by the Planning Board.
- (9) Violations. If any sign, subsequent to an inspection by the Building Inspector, is found to be in violation of the conditions specified in the sign permit, if a permit has been issued, or in violation of this section or any other section of the Municipal Code, the person to whom the permit was issued, if a permit was issued, or the owner of the premises if no permit was issued or the permit holder cannot be located, shall be notified in writing to cure the violation(s). Failure to comply within 30 days of receipt of such written notice shall be cause for revocation of the permit, if applicable, and removal of the sign in accordance with § 212-25F(3) hereof.
- G. Severability. Should any section or provision of this § 212-25 be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§ 212-26. Design of structures. [Amended by L.L. No. 26-1997]

- A. Standards. No structure shall be erected, constructed, placed, altered or enlarged in any residence district, which shall be excessively similar to any neighboring structure, as hereinafter defined, whether said neighboring structure be then in existence, or whether a building permit has been issued or applied for. Said structure shall not be inappropriate to its neighborhood with respect to the elements of exterior design affecting the character of the neighborhood, such as size, height, and materials used in construction, with particular attention to:
 - (1) The appearance and shape of roof lines;
 - (2) Appearance and arrangement of windows and other apertures in front elevation; to door, chimney, porch and garage, in the same elevation; and
 - (3) The type and kind of materials used in said front elevation. Structures between which the only difference in relative location of elements is end to end or side to side reversal of elements, shall be deemed to be like each other.
- B. "Neighboring structure" defined. In relation to the premises with respect to which a structure is sought to be erected, constructed, placed, altered or enlarged, said structure shall be deemed to be a neighboring structure if the lot upon which said structure or any part of

the same, has been, or will be located, shall be on any one of the following lots:

- (1) Any lot on the street upon which the structure would front, which is the first, second or third lot next along said street in either direction, without regard to intervening street lines.
 - (2) Any lot on which any part of the street line frontage lies across the street from said premises, or from a lot referred to in Subsection B(1) above.
 - (3) Any lot which is located directly around the corner from and adjacent to a lot referred to in Subsection B(1) above.
- C. Interpretation and application. The provisions of this section shall be interpreted and administered by the Building Inspector with the aid and advice of the Planning Board. All determinations made pursuant thereto shall be made with a view toward preserving property values in the Village of New Paltz, in the interest of the general welfare of the inhabitants thereof.

§ 212-27. Residential cluster development.

Pursuant to § 7-738 of the Village Law, the Village Planning Board is authorized to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the ecological and scenic qualities of open lands in accordance with the following procedure:

- A. If the owner of a tract of land makes written application for the use of this procedure, it may be followed at the discretion of the Planning Board if, in the Board's discretion, its implementation would benefit the Village. The application shall contain the information specified in § 212-23A hereof and shall be accompanied by the payment of the filing fee as determined in Subsection A(2) thereof.
- B. The procedure shall be applicable only to lands in the R-1, R-2, R-3, H, and P-B Zoning Districts, and its application shall result in a permitted number of dwelling units which shall in no case exceed the number of dwelling units which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size and density requirements of Schedule B, § 212-15 of the Municipal Code, applicable to the zoning district or districts in which such development is situated and conforming to all other applicable requirements. **[Amended 10-9-2002 by L.L. No. 16-2002; 4-23-2003 by L.L. No. 3-2003]**
- C. The dwelling units permitted may be, as set forth below in this section, in detached, semidetached, attached or multifamily structures.

- D. In the event that the implementation of this procedure results in a plan showing lands available for conservation, drainage, recreation or other municipal purposes directly related to the development, then the Planning Board, as a condition of plan approval, may establish such conditions on the ownership, maintenance and use of such lands as it deems necessary to insure the preservation of such lands for their intended purposes. An important potential for the community in cluster zoning lies in the connective quality of the separate open spaces created.
- E. The proposed site plan, including areas within which structures may be located, the height and spacing of buildings, open spaces and their landscaping, off-street open and enclosed parking spaces, and streets, driveways, stormwater-detention facilities and all other physical features as shown on said plan or otherwise described, accompanied by a statement setting forth the nature of such modifications, changes, or supplementations of existing zoning provisions as are not shown on said site plan, shall be subject to review and public hearing by the Planning Board.
- F. The plan shall be filed in the office of the Ulster County Clerk and a copy shall be filed with the Village Clerk.
- G. The provisions of this section shall not be deemed to authorize a change in the permissible use of lands within the zoning district receiving cluster development as provided in those sections of the Municipal Code applicable to such lands.
- H. All residential structures must be served by Village water and sewer systems.
- I. Except for specific areas in the R-3 Zoning District hereinafter identified, the minimum areas needed to initiate the provisions of this section are listed below. In R-3 Districts south of Main Street, the provisions of this section may only be invoked for an entire block frontage. **[Amended 10-9-2002 by L.L. No. 16-2002; 4-23-2003 by L.L. No. 3-2003]**

Zoning District	Minimum Tract Area
	(acres)
R-1	10.0
R-2	5.0
H	4.0
P-B	10.0

- J. Any project receiving approval from the Planning Board under the conditions of this section must comply with § 212-23 of the Municipal Code of the Village of New Paltz. Developments may be phased if so

approved by the Planning Board at the time of plan review. Completion dates may be established by the Planning Board at the time of approval.

K. Additional specifications.

- (1) Single-family detached houses. Single-family detached houses may be placed on lots with minimum areas, widths and front yards as follows:

District	Min. Lot Dimensions		Maximum Lot Coverage	Min. Yard Dimensions		
	Area (square feet)	Width (feet)		Front (feet)	Rear (feet)	Side (feet)
H	10,000	75	25%	20	40	10
R-1	7,500	60	30%	20	40	10
R-2	5,000	50	35%	20	40	10

- (2) Townhouse developments. In R-1 and R-2 Districts, townhouses (attached one-family dwellings) shall be permitted, provided there are no more than eight townhouse units in any contiguous group and no more than four undifferentiated by a variation setback or elevation. The overall maximum density and maximum lot coverage of the zoning district in which these are located shall not be exceeded. Lot dimensions, however, may be reduced as follows:
[Amended 10-9-2002 by L.L. No. 16-2002]

- (a) The minimum lot area shall be not less than 2,000 square feet, with a minimum width of 20 feet; minimum rear yard, front yard, and side yards at the end of the total structure shall be 25 feet. All structures shall be at least 50 feet apart. Townhouses will not be permitted in R-3 and Historic Districts.
- (3) Special design (multifamily) structures. In cases where a developer has designated special groups of dwellings, the Planning Board, after inspecting plans and elevations, may approve minimum lot areas other than those in Subsection J(1), provided that the density does not exceed that permitted within the zoning district in which the land is situated or that the layout is not detrimental to the health and general welfare of the community. Multifamily dwellings shall be considered as a form of special design, subject to all applicable requirements of this section.
- (4) Area to be preserved. After allowing for roads and recreation areas required by the provisions of Chapter 178, Subdivision of Land, of the Municipal Code, the area to be dedicated shall be not less than the difference in lot areas that would have resulted in the application of noncluster lot areas standards set forth in § 212-15. The number of buildable lots that would have resulted in

application of noncluster standards shall be determined by submission of a sketch plat using noncluster standards. Such sketch plat shall also include land set aside for recreation purposes in accordance with § 178-19A(2) of the Municipal Code. The permissible number of lots or dwelling units for the cluster development will be calculated on that basis.

- (a) For each square foot of land gained within a residential subdivision through the reduction of lot size below the required minimum lot area per dwelling unit requirements as set forth in § 212-14, equal amounts of land shall be preserved and maintained as permanent space for as long as these structures shall exist.
- (b) Such land may be held in corporate ownership by the owners of lots within the development or may be deeded to the Village or established within a special zoning district created by the Village. The Village hereby retains the right to refuse to accept such land. If such land is to be held in corporate ownership, the developer shall incorporate into the deeds of all property within the development a clause giving the owners an interest in such open land which shall be used for purposes described above and which shall be subject to approval of the Village Attorney.
- (c) In anticipation of future development, the Planning Board may require the design of a schematic open space network so that when subsequent cluster developments are built within separate tracts of land, respective open spaces will complement each other, thereby creating continuous, functional greenbelts.
- (d) Any residential development proposed under the provisions of this section shall follow all applicable procedures, standards, and requirements governing the subdivision of land within the Village.

§ 212-28. Home occupations.

- A. Permitted in residential districts. Home occupations, as defined in § 212-5, shall be permitted in all residential districts, subject to the requirements of Subsection B of this section. Home occupations shall include dressmaker, seamstress, physician, dentist, lawyer, architect, licensed professional engineer, accountant, teacher, and similar occupations.
- B. Regulations for home occupation uses. All home occupation uses shall satisfy the following requirements:
 - (1) Subordination to principal use. Such home occupation shall be clearly accessory to and incidental to the principal use of the

structure and no more than one such home occupation shall be conducted on the premises.

- (2) Persons permitted to conduct home occupations. Such home occupation shall be conducted solely by the owner or tenant residing on the premises or members of his immediate family residing on the premises. No other person shall be permitted to share, let or sublet space for home occupation use.
- (3) Employees. No more than two nonresident persons may be employed in addition to the owner or tenant of the property.
- (4) Location of home occupations. Such use shall be conducted entirely within the principal structure and there shall not be any exterior storage of equipment or materials.
- (5) Signs. There shall be no external evidence of such home occupation use except for one sign not to exceed two square feet in face area.

§ 212-29. Certain natural gas activities prohibited.³⁸ [Added 2-13-2013 by L.L. No. 1-2013]

It shall be unlawful in or on any zoning district or any property within the boundaries of the Village to operate, conduct, commission, authorize, or permit, or produce natural gas and oil exploration, natural gas and oil extraction, natural gas and/or petroleum extraction, exploration or production wastes natural gas and oil support activities, or storage or disposal of natural gas and oil production byproducts, natural gas and/or petroleum extraction, exploration or production wastes dump. Nothing herein shall be deemed to prohibit soil mining or excavation as defined in this Code, unless such soil mining or excavation otherwise qualifies as a prohibited use under this section.

§ 212-30. Adult entertainment uses. [Amended by L.L. No. 26-1997]

A. Legislative considerations.

- (1) It is recognized that there are some uses, generally described as adult entertainment businesses, which, due to their very nature, have serious objectionable characteristics.
- (2) It is also recognized that the land area of the Village of New Paltz consists of approximately one square mile, excluding the property owned by the State University of New York, which is not subject to the zoning regulations of the Village, and a vacant tract of land of approximately 250 at the northern limit of the Village, which is not readily accessible at this time.

38. Editor's Note: Former § 212-29, Historic District, was repealed 1-5-2005 by L.L. No. 1-2005. See § 9-16B.

- (3) It is also recognized that the Village of New Paltz is divided into several business zoning districts and several residential zoning districts, each of such districts being regulated by provisions of the Zoning Chapter to develop and maintain healthy and viable commercial and residential uses.
- (4) The Board of Trustees is particularly concerned to retain businesses providing essential retail consumer goods and services in the existing central business districts of the Village and to deflect the trend of such consumer-oriented businesses to relocate to shopping centers and other locations away from the central business districts of established communities, caused in part by the preference of consumers to avoid "downtown" business areas characterized by vacant stores and generally deteriorating conditions.
- (5) It is also recognized that as the locale of a college having an enrollment generally greater than the population of the Village, the business areas of the Village-particularly in the core business districts-attract a large number of young persons who congregate in close proximity to business establishments.
- (6) The Board of Trustees is concerned that the operations of certain businesses promoting live adult entertainment or sexual enticement with food and beverage service within any of the business zoning districts will increase the public apprehension of patronizing other businesses in the vicinity and thereby result in business failures and lower property values.
- (7) The Board of Trustees is mindful that the courts of this state and the Supreme Court of the United States have restrained municipalities from enforcing legislation that has been held violative of First Amendment rights of free expression which could effectively inhibit constitutionally protected communicative dancing and theatrical productions. The Board considers the following criteria to be in order:
 - (a) The purpose of this section is not to control the content of the material purveyed but to control the effect of such live adult entertainment businesses in those zoning districts where business uses may otherwise operate.
 - (b) The intent of this section is to protect the economic viability of the established business districts of the Village, which is a legitimate and substantial governmental interest.
 - (c) This section regulates live adult entertainment uses only in connection with food or beverage service and does not seek to restrict the sale of books, periodicals, films, or other merchandise of a sexually oriented nature nor to preclude the showing of motion pictures, films, video tapes, or slide shows.

- (d) While this section prohibits live adult entertainment businesses with food or beverage service anywhere within the incorporated boundaries of the Village, the Board of Trustees is mindful that such uses are apparently permitted and, on the date of enactment of this section, do exist in the adjoining Town of New Paltz, thereby providing a reasonable alternative avenue of expression to those persons wishing to operate and patronize such live adult entertainment businesses.
- B. Uses prohibited. It shall be unlawful for any person, firm, corporation, association, club, or other organization to operate a public or private establishment serving food or beverages in the Village of New Paltz which presents nude or topless dancers, strippers, male or female impersonators, or similar entertainment or which employs nude or topless persons for food or beverage service and which establishment is customarily not open to the public generally but excludes any minor by reason of age.
- C. Enforcement. This section shall be enforced in accordance with the provisions of § 212-65 of this chapter.
- D. Effect of invalidity. If any clause, sentence, phrase, paragraph, or other part of this section shall for any reason be adjudged finally by a court of competent jurisdiction to be invalid or unenforceable, such judgment shall not effect, impair, or invalidate the remainder of this section but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph, or part thereof directly involved in the controversy or action in which such judgment shall have been rendered.

§ 212-31. Gateway District. [Amended by L.L. No. 26-1997]

- A. Establishment. Pursuant to the provisions of § 7-700 of the Village Law, it is hereby declared that, the Village of New Paltz, being bounded on its westerly side by the Wallkill River and Main Street (Route 299) constituting the sole approach from the west into the Village, the general welfare of the community will be enhanced by the establishment of a district with special standards in the vicinity of this approach to be a particular attraction to residents and tourists alike. The regulations enacted also intend to preserve to the extent practicable the unique views of the Shawangunk Mountain range to the west and the natural beauty of the area. Pursuant to these purposes, there is hereby created in the Village of New Paltz a zoning district known as the Gateway District, with boundaries as shown on the Zoning Map.³⁹
- B. Regulation of structures. No structure shall be constructed, moved or demolished nor the exterior of the structure altered in the Gateway District nor any land improved or developed unless such action is approved by the Planning Board in accordance with the provisions of

39. Editor's Note: The Zoning Map is included at the end of this chapter.

§ 212-23 of this chapter and in conformity with the Gateway District Development Standards adopted by the Board of Trustees on September 22, 1997. Essential repairs which do not affect or alter the exterior appearance of the structure are permitted.

ARTICLE VI

**Floodplain District (flood damage prevention)
[Amended 9-9-2009 by L.L. No. 12-2009]****§ 212-32. Statutory authorization and purpose.**

- A. Findings. The Village Board of Trustees of the Village of New Paltz finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of New Paltz and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this article is adopted.
- B. Statement of purpose. It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
 - (4) Control filling, grading, dredging and other development which may increase erosion or flood damages;
 - (5) Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
 - (6) Qualify for and maintain participation in the National Flood Insurance Program.
- C. Objectives. The objectives of this article are to:
- (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Provide that developers are notified that property is in an area of special flood hazard; and,
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 212-33. Definitions.

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

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

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

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

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

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

BUILDING — See "structure."

CELLAR — Has the same meaning as "basement."

CRAWL SPACE — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be

properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

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

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

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

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

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

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

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

FLOOD INSURANCE STUDY — See "flood elevation study."

FLOOD or FLOODING —

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

B. "Flood or flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection A(1) above.

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

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

FLOODWAY — The same meaning as "regulatory floodway."

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

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

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or

- (2) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE — A vehicle which is:

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

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

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 212-35D(2) of this article.

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

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

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

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

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

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

§ 212-34. General provisions.

- A. Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the Village of New Paltz, Ulster County.
- B. Basis for establishing the areas of special flood hazard.
 - (1) The areas of special flood hazard for the Village of New Paltz, Community Number 361544, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
 - (a) Flood Insurance Rate Map Panel Numbers 36111C0615E, 36111C0620E, 36111C0755E, whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.
 - (b) A scientific and engineering report entitled "Flood Insurance Study, Ulster County, New York, All Jurisdictions," dated September 25, 2009.
 - (2) The above documents are hereby adopted and declared to be a part of this article. The Flood Insurance Study and/or maps are on file at: Village Clerk's Office, Village Hall, 25 Plattekill Avenue, New Paltz, New York 12561.
- C. Interpretation and conflict with other laws.
 - (1) This article includes all revisions to the National Flood Insurance Program through October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.
 - (2) In their interpretation and application, the provisions of this article shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this article are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or local laws, the most restrictive, or that imposing the higher standards, shall govern.
- D. Severability. The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof.
- E. Penalties for noncompliance. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this article and any other applicable regulations. Any

infraction of the provisions of this article by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than that set annually by resolution of the Board of Trustees or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of New Paltz from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this article for which the developer and/or owner has not applied for and received an approved variance under § 212-37 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency. **[Amended 10-22-2014 by L.L. No. 13-2014]**

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

§ 212-35. Administration.

- A. Designation of the local administrator. The Building Inspector is hereby appointed local administrator to administer and implement this article by granting or denying floodplain development permits in accordance with its provisions.
- B. The floodplain development permit.
- (1) Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 212-34B, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions and elevations of the

area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

- (2) All applications for a floodplain development permit shall be accompanied by an application fee set annually by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village of New Paltz for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than that set annually by resolution of the Board of Trustees to cover these additional costs. **[Amended 10-22-2014 by L.L. No. 13-2014]**

C. Application for a permit. The applicant shall provide the following information, as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zone A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 212-36B(3), Utilities.
- (4) A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 212-36D, Nonresidential structures.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 212-34B, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
 - (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.
- D. Duties and responsibilities of the local administrator. Duties of the local administrator shall include, but not be limited to the following:
- (1) Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (a) Review all applications for completeness, particularly with the requirements of Subsection C, Application for a permit, and for compliance with the provisions and standards of this article.
 - (b) Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of § 212-36, Construction standards, and, in particular, § 212-36A(1) Subdivision proposals.
 - (c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of § 212-36, Construction standards, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.
 - (d) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
 - (2) Use of other flood data.
 - (a) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's

Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (These areas are designated Zone A or V on the FIRM.) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to Subsection C(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this article.

- (b) When base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) Alteration of watercourses.
- (a) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
 - (b) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (4) Construction stage.
- (a) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
 - (b) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a local administrator for the project unless immediately corrected.

- (5) Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- (6) Stop-work orders.
 - (a) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 212-34E of this article.
 - (b) The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found noncompliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 212-34E of this article.
- (7) Certificate of compliance.
 - (a) In areas of special flood hazard, as determined by documents enumerated in § 212-34B, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this article.
 - (b) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
 - (c) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection D(5), Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.
- (8) Information to be retained. The local administrator shall retain and make available for inspection copies of the following:
 - (a) Floodplain development permits and certificates of compliance;

- (b) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsections D(4)(a) and (b), and whether or not the structures contain a basement;
- (c) Floodproofing certificates, required pursuant to Subsection D(4)(a), and whether or not the structures contain a basement;
- (d) Variances issued pursuant to § 212-37, Variance procedure; and
- (e) Notices required under Subsection D(3), Alteration of watercourses.

§ 212-36. Construction standards.

A. General standards. The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 212-34B.

(1) Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.

(2) Encroachments.

- (a) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

[1] The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or

[2] The Village of New Paltz agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of New Paltz for all fees and other costs in relation to the application. The

applicant must also provide all data, analyses and mapping and reimburse the Village of New Paltz for all costs related to the final map revision.

- (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 212-34B, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - [1] A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
 - [2] The Village of New Paltz agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of New Paltz for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of New Paltz for all costs related to the final map revisions.

B. Standards for all structures.

- (1) Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Construction materials and methods.
 - (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (c) Enclosed areas.
 - [1] For enclosed areas below the lowest floor of a structure within Zone A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- [a] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - [b] The bottom of all such openings are no higher than one foot above the lowest adjacent finished grade.
- [2] Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(3) Utilities.

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Elevation of residential structures. The following standards apply to new and substantially improved residential structures located in areas

of special flood hazard, in addition to the requirements in Subsection A(1), Subdivision proposals, and Subsection A(2), Encroachments, and Subsection B, Standards for all structures.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
 - (2) Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
 - (3) Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 212-34B (at least two feet if no depth number is specified).
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
- D. Nonresidential structures. The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard, in addition to the requirements in Subsection A(1), Subdivision proposals, and Subsection A(2), Encroachments, and Subsection B, Standards for all structures.
- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:
 - (a) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (b) Be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (2) Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the

depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

- (b) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection D(1)(b).
 - (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection D(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
 - (4) Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
 - (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.
- E. Manufactured homes and recreational vehicles. The following standards, in addition to the standards in Subsection A, General standards, and Subsection B, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.
- (1) Recreational vehicles.
 - (a) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - [1] Be on site fewer than 180 consecutive days;
 - [2] Be fully licensed and ready for highway use; or
 - [3] Meet the requirements for manufactured homes in Subsection E(2), (3) and (4).
 - (b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.
 - (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an

adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 212-34B (at least two feet if no depth number is specified).

§ 212-37. Variance procedure.

A. Appeals Board.

- (1) The Zoning Board of Appeals as established by the Village of New Paltz shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (4) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;

- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The costs to local governments and the dangers associated with conducting search-and-rescue operations during periods of flooding;
 - (k) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (l) The costs of providing governmental services during and after flood conditions, including search-and-rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (5) Upon consideration of the factors of Subsection A(4) and the purposes of this article, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
- (6) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items Subsection A(4)(a) through (l) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (a) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
 - (b) The variance is the minimum necessary to preserve the historic character and design of the structure.

- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:
 - (a) The criteria of Subsection B(1), (4), (5), and (6) of this section are met; and
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Notice.
 - (a) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
 - [1] The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - [2] Such construction below the base flood level increases risks to life and property.
 - (b) Such notification shall be maintained with the record of all variance actions as required in § 212-35D(8) of this article.

ARTICLE VII

Special Use Permits**[Amended by L.L. Nos. 17-1997; 26-1997; 8-1999; 4-2000; 6-2000]****§ 212-38. Uses defined; continuing jurisdiction; action upon violation; uses as permitted uses. [Amended 4-29-2013 by L.L. No. 5-2013]**

- A. Special permit uses defined. "Special use permit" shall mean an authorization of a particular land use in this chapter which is permitted in a zoning district, subject to requirements imposed by this chapter and the approving board to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood in which it is proposed if such requirements are met.
- B. Continuing jurisdiction. All persons, entities, businesses, properties, or their successors or assigns having received a special use permit remain under the continuing jurisdiction of the Planning Board and, if necessary to determine a violation of the special permit conditions as set forth below, the Zoning Board of Appeals.
- C. Action upon violation. In the event the Building Inspector, either as a result of an inspection requested by the Planning Board or upon information independently known to her/him, notifies the Planning Board that the special permit or the conditions thereof have been violated, the Planning Board may direct the persons, entities, businesses, property owners, proprietors, or their successors or assigns (herein referred to as the "applicant") to appear before the Planning Board to show compliance with the special permit and conditions thereof or to seek a modification of the conditions to bring the use into compliance. Within 45 days of the first appearance of the applicant before the Planning Board for this purpose, the Planning Board shall determine whether there is no violation; there is a violation and the applicant proposes a reasonable remedy within a reasonable time; or there is a violation and no remedy is proposed or the existence of the violation is rejected by the applicant. If there is no determination made by the Planning Board, it shall result in a determination that there has been no violation, without prejudice to the Building Inspector's continuing authority to notice the same or other violations thereafter.
 - (1) If the Planning Board determines that there is no violation, then that determination shall be set forth in a resolution of the Planning Board, and the matter shall be deemed resolved, with prejudice as to that alleged violation or violations addressed in the resolution.
 - (2) If the Planning Board determines that there has been a violation, but the Planning Board is satisfied that the matter has been remedied or that the applicant has proposed a satisfactory remedy, then such satisfaction, including the details of the remedy or proposed remedy, shall be memorialized in a resolution, which shall become part of the special permit approval and conditions.

- (3) If the Planning Board determines that there has been a violation, but the applicant rejects this determination and does not propose to remedy same, then the Planning Board shall refer the matter to the Zoning Board of Appeals for a determination of whether there has been a violation of the special permit or the conditions thereof, and/or whether the conditions thereof are lawful and enforceable as written, based upon facts submitted by the Building Inspector, the applicant, and the public, together with consideration of the special permit conditions in question, in accordance with ordinary Zoning Board of Appeals procedure. If the ZBA determines that there has been no violation or that the special permit or conditions thereof which are in question are for any reason unenforceable as written, it shall make such determination by written resolution, and the resolution shall become part of the special permit. If the Zoning Board of Appeals determines that the special permit or its conditions have been violated, it shall make such determination by written resolution, and the resolution shall become part of the special permit, with which the applicant must comply.
- D. Special permit uses as permitted uses. Uses designated herein as special permit uses may be considered to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth in this article in addition to all other requirements of this chapter.

§ 212-39. Application review procedure.

A. Application.

- (1) Each application for a special use permit shall be made to the Building Inspector for referral within 10 days of receipt of the application to the Planning Board for placement on the next available agenda, and to the County Planning Board, if required by §§ 239-1, 239-m and 239-n of the New York State General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law. **[Amended 4-29-2013 by L.L. No. 5-2013]**
- (2) Except as limited by § 212-38A above, the application for special use permits shall contain the same information as required for site plan review by Subsection A of § 212-23, unless waived by the Planning Board. No application shall be considered as complete until such time as the Building Inspector has received all required information and documentation. **[Amended 4-29-2013 by L.L. No. 5-2013]**
- (3) Each application for a special use permit shall be accompanied by the payment of a filing fee set annually by resolution of the Board of Trustees, which shall include the cost of one hearing notice.

[Amended 6-24-2009 by L.L. No. 10-2009; 10-22-2014 by L.L. No. 13-2014]

- (4) Additional fees shall be paid for consultant review as established by the Board of Trustees and posted in the office of the Building Inspector pursuant to § 212-66 of this chapter.

B. Planning Board action.

- (1) Planning Board jurisdiction. The Planning Board shall have jurisdiction to review and take action on all applications for special use permits.
- (2) Public hearing and decision on special use permits. The Planning Board shall conduct a public hearing within 62 days from the day an application is received on any matter referred to it under this section. **[Amended 8-1-2007 by L.L. No. 5-2007;⁴⁰ 8-25-2010 by L.L. No. 2-2010]**
- (a) Public notice of said hearing shall be printed in a newspaper of general circulation in the Village at least five days prior to the date thereof.
- (b) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, unless 14 days' notice is required by SEQRA, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application applies and to all other owners of real property which lie within 200 feet of such boundaries.
- (c) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the secretary of The Planning Board an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
- (d) Property signage. The Planning Board shall require that, at least 10 days prior to the initial public hearing, the owner or applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such

40. Editor's Note: This local law also repealed former Subsection B(3) and (4) and provided for the renumbering of former Subsection B(5) through (7) as Subsection B(3) through (5), respectively.

road or highway. The size of the sign and text shall be approved by the Village Board or such Village official as the Board may designate. The notice shall include a statement that an application for site plan/special use permit affecting the property has been made and such other information as the Village Board may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this chapter for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Planning Board may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Board shall set forth the basis on which it determined the waiver appropriate.

- (e) The Planning Board shall decide upon the application within 62 days after the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and copies thereof provided to the Building Inspector and mailed to the applicant.
- (3) Conditions and safeguards. The Planning Board shall attach such conditions and safeguards to any approved special use permit and development plan as are, in its opinion, necessary to ensure initial and continual conformance to all applicable standards and requirements. In all cases the Planning Board shall retain continuing jurisdiction. **[Amended 4-29-2013 by L.L. No. 5-2013]**
- (4) Application of standards. No special use permit shall be granted except upon a finding by the Planning Board that the standards and requirements for such use set forth in this article, in addition to all other applicable regulations, have been met. The Planning Board's written decision granting such permit shall set forth such finding. A written decision denying such permit shall set forth findings, in specific terms, as to the standards and requirements which have not been met. **[Amended 8-1-2007 by L.L. No. 5-2007]**
- (5) Expiration. **[Amended 4-29-2013 by L.L. No. 5-2013]**

- (a) Any special use permit not exercised within one year of the date of issuance shall expire without further hearing by the Planning Board.
- (b) A special use permit shall be deemed to authorize only the special use or uses specified in the approval resolution and shall expire if the authorized special use shall cease for more than six months for any reason.
- (6) The decision of the Planning Board shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant. The application should be reviewed and considered concurrently with Village or Zoning Board review of any related application, and, subject to compliance with the State Environmental Quality Review Act, any required approval may be granted without any specific order, except that no approval granted by any board of the Village shall be effective unless and until all such concurrent applications have been granted or deemed not to be required. **[Added 4-29-2013 by L.L. No. 5-2013]**
- (7) Any person aggrieved by any decision of the Planning Board hereunder may, within 30 days of the filing of the decision in the office of the Village Clerk, seek judicial review pursuant to Article 78 of the New York State Civil Practice Law and Rules. **[Added 4-29-2013 by L.L. No. 5-2013]**

§ 212-40. Standards and conditions.

No special use permit shall be granted unless the following conditions are met:

- A. In a residence district, the proposed use will serve a community need or convenience.
- B. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it, are such that it will be in harmony with the appropriate and orderly development of the zoning district in which it is located.
- C. The location, nature, and height of the buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- D. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use not requiring a special permit.

- E. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety.

§ 212-41. Standards for particular uses. [Amended by L.L. No. 26-1997]

- A. ⁴¹Townhouses in R-2 and H Districts. Townhouses in R-2 and H Districts shall conform to the residential cluster development requirements of this chapter.
- B. Nursing homes. Nursing homes shall meet the following requirements:
- (1) Such use shall have frontage on or direct access to a state or county road.
 - (2) Minimum lot size for a nursing home shall be two acres.
 - (3) Such use shall have a minimum of 2,500 square feet of lot area for each patient bed.
 - (4) Building coverage shall not exceed 30% of the lot area, nor shall the sum total of land covered by buildings, parking and access facilities exceed 50% of the lot area.
- C. Funeral homes.
- (1) Minimum lot area shall be 60,000 square feet.
 - (2) Driveway intersections with public rights-of-way shall be approved by the agency having jurisdiction over the right-of-way.
 - (3) There shall be sufficient on-site paved areas to permit the off-street assembling of funeral processions without impeding traffic flow on adjacent streets and roads.
- D. Bars/tavern uses in B-2 Districts. Bar and tavern uses in B-2 Districts shall meet the following requirements:
- (1) Such uses shall not be located within 500 feet of schools or churches.
 - (2) Means of public ingress and egress shall be a minimum of 200 feet from the boundary of any residential district.
- E. Automobile storage and repair uses. Automobile storage and repair uses shall meet the following requirements:
- (1) All major repair activities shall be conducted within a building.

41. Editor's Note: Former Subsection A, Combined residential and commercial uses in B-1, B-2 and Gateway Districts, as amended, was repealed 1-4-2006 by L.L. No.1-2006. This local law also redesignated existing Subsections B through BB as Subsections A through AA, respectively.

- (2) No unenclosed oil drainage pits or hydraulic lifts shall be permitted.
 - (3) Overnight outdoor storage of vehicles shall be prohibited, except for such vehicles appropriately screened, to a maximum number of two vehicles for each vehicle-work bay inside of a building, provided the vehicles are stored in conjunction with the business conducted on the premises.
 - (4) All work materials shall be stored in enclosed spaces and all necessary provision shall be made for the safe storage, use and disposal of potentially dangerous materials.
 - (5) The storage of vehicles for use as scrap or for salvageable parts shall be considered a separate and distinct use specifically prohibited by this chapter.
 - (6) All open areas in which vehicles or parts are stored or repaired shall not be visible from any public road. The Planning Board may require the installation of opaque screening under such circumstances.
- F. Gasoline filling stations. In any district where permitted, a gasoline filling station shall be subject to the following regulations:
- (1) Filling stations shall be permitted only on lots of 40,000 square feet or more, with 100 feet minimum frontage.
 - (2) The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on the required yard area.
 - (3) No fuel pump shall be located closer than 20 feet to any side lot line nor closer than 35 feet to any street line, measured from the outside edge of the fuel island.
 - (4) No access drive shall be within 200 feet of and on the same side of the street as a school, public library, theater, church, or any other public gathering place, park, playground or fire station unless a street 50 feet wide lies between such service station and such building or use.
 - (5) All repair work and storage shall be within a completely enclosed building which has a maximum height of 15 feet. Such repair work shall not include any body repair work or spray painting or car washing which requires mechanical equipment.
- G. Rooming houses. A special permit may be granted only where there is a resident owner or manager authorized to undertake such repairs or maintenance as may be ordered by the Building Inspector. Such manager shall also be specifically authorized by the building owner to receive legal summonses pertaining to the building.

H. Single-family detached dwelling conversion.

- (1) A special use permit may be granted to allow a single-family detached dwelling to be converted by adding one additional apartment unit provided each of the following requirements are met:
 - (a) The dwelling unit is the legal residence of the owner.
 - (b) The lot size shall contain at least 7,260 square feet.
 - (c) The additional apartment unit is self-contained, with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupant.
 - (d) No exterior changes may be made on the building which would alter the existing foundation. No accessory buildings shall be created. All other requirements summarized on Schedule B of § 212-15, the Density Control Schedule, must be adhered to.
 - (e) The dwelling shall have only one exterior front entrance. All other exterior entrances shall be located at the side of rear of the building.
- (2) Application for a special use permit for an additional apartment unit shall be made to the Building Inspector in accordance with the provisions of Article VII of this chapter.
- (3) Within 60 days after completion of the conversion of a single-family detached dwelling to create an additional apartment unit pursuant to a special use permit approved by the Planning Board, the Building Inspector shall inspect the dwelling to determine that all of the applicable provisions of Chapter 127, Housing Standards, of the Municipal Code have been complied with.
- (4) Within 60 days after the transfer of title to premises for which a special use permit had been granted pursuant to this subsection, the Building Inspector shall inspect the premises to determine that the dwelling is owner-occupied.
- (5) If an owner or occupant refuses permission to the Building Inspector to inspect the dwelling and the additional apartment contained therein, or if the Building Inspector determines that all of the applicable provisions of Chapter 129, Housing Standards, of the Municipal Code have not been complied with, the Building Inspector shall serve a written notice upon the owner or occupant setting forth the conditions found to be in violation and allowing a reasonable time for the owner or occupant to comply. If the owner or occupant fails to comply within the time allowed, or if the Building Inspector shall determine that the dwelling is not the actual residence of the owner, the Building Inspector shall revoke the special use permit and direct that the additional apartment unit

created pursuant to this subsection be vacated. The dwelling shall thereafter be used as a single-family detached dwelling.

I. Hotels.

- (1) Provide resident manager as in Subsection H above.
- (2) Provide security, desk clerk, daily maid services, housekeeping services.
- (3) The maximum number of guest rooms shall be limited by the aggregate of residential and nonresidential minimum area requirements. The maximum number of guest rooms shall not exceed 36 rooms per acre.
- (4) Off street parking to be in accordance with § 212-47.
- (5) Landscaping and circulation to meet conditions of site plan review.
- (6) Special use permit subject to yearly renewal in accordance with Article IV of the Housing Code.

J. Outdoor cafe. **[Amended 5-26-1999 by L.L. No. 6-1999; 4-29-2013 by L.L. No. 5-2013]**

- (1) Such use shall conform to zoning district standards for setbacks, lot coverage and off-street parking.
- (2) An outdoor cafe or dining deck may be located in the front of the building and in side or rear yards, provided it is screened from neighboring residential properties.
- (3) Outdoor cafes adjoining residential properties at the rear or side yards shall be closed to patrons at 9:00 p.m. All other outdoor cafes shall be closed to patrons at 11:00 p.m.
- (4) No outdoor cooking of food shall be permitted.
- (5) Operation and maintenance of such use shall be in conformity with applicable regulations of other chapters of the Village of New Paltz Municipal Code regulating health, noise, and licensing.

K. Senior citizen development.

- (1) Purpose and findings. The Village of New Paltz wishes to encourage a variety of housing types to serve the present and future owner-occupied and rental housing needs in the Village, including housing for older persons for the following reasons:
 - (a) Decent and appropriate housing is essential to sustaining the health and dignity of all Americans;
 - (b) While great progress has been made in improving housing conditions, many older persons still cannot find or afford suitable housing;

- (c) Housing for older persons should be integrated with other services in order to maintain their independence; and
 - (d) Many older Americans choose to live together with fellow senior citizens in retirement-type communities and appreciate living in environments tailored to their specific needs.
- (2) Dwelling types permissible:
 - (a) Single-family dwelling.
 - (b) Two-family dwelling.
 - (c) Multiple dwelling.
 - (d) Congregate dwelling.
 - (e) Any combination of the above.
- (3) Special permit authorized. A special use permit may be granted by the Village Planning Board for a senior citizen development in accordance with the procedures of Article VII of this chapter and subject to the provisions of this section. The proposed development must contain at least 24 separate dwelling units to be eligible for consideration under this law. Applicants shall carry the burden of proof to demonstrate compliance with the requirements of this section.
- (4) Regulations and certification.
 - (a) The occupancy for a senior citizen development shall be limited to persons who are 55 years of age or over. Providers of housing for persons who are 55 years of age or over must demonstrate an intent to provide housing for this age group in its marketing to the public and in its internal operations. Providers of housing for older persons shall not allow such housing to discriminate on the basis of race, color, religion, sex, handicap or national origin. Persons under the age of 55 may be accommodated in a senior citizen development under the following circumstances:
 - [1] A spouse or domestic partner under the age of 55 years who is residing with a spouse or domestic partner who is of the age of 55 years or older.
 - [2] A child who is at least 19 years of age, who is residing with his or her parent who is of the age of 55 years or older.
 - [3] An adult under the age of 55 years will be admitted as a permanent resident if it is established that the presence of such persons is essential for the physical care of the eligible older occupant or occupants.

- [4] Employees of the senior citizen development will be admitted as permanent residents provided these employees perform substantial duties directly related to the management or maintenance of the housing.
- [5] Qualified individuals with a disability shall not be subject to the age requirements of this section.
- (b) Certifying documentation of the age requirements of this section shall be filed with the Building Inspector for each apartment or dwelling unit occupied. Where the senior citizen development is subject to the age requirements of the state or federal government, the certifying documentation required to satisfy such governments may be used to satisfy these requirements.
- (c) It shall be the duty of the owner of the senior citizen development to file a certificate of compliance with the Building Inspector within 30 days of occupancy indicating compliance with the requirements relating to the age of the occupants in each dwelling unit. A new certificate shall be filed within 30 days after any change of occupancy.
- (d) The owner of a senior citizen development shall file a report each year with the Building Inspector certifying compliance with these provisions.
- (5) Amenities.
 - (a) Specific amenities designed to meet the physical or social needs of older persons are encouraged and shall be permitted either in a separate building on the premises of the development or in combination with dwelling units. The services shall be subordinate to the residential character of the development, shall be located out of public view with no outside advertising, and shall be available only to residents and employees of the development.
 - (b) Approval of a site development plan for dwelling units in a senior housing development in no way constitutes approval for installation of any type of related facility or service.
 - (c) The following amenities may be approved by the Planning Board, subject to §§ 212-38 through 212-41 of the Village Zoning Law: **[Amended 9-25-2001 by L.L. No. 10-2001]**
 - [1] Central food services.
 - [2] Self-service laundry.
 - [3] Lounge.
 - [4] Game room.

- [5] Recreation room.
 - [6] Outdoor recreational facilities.
 - [7] Exercise or multipurpose room.
 - [8] Workshop.
 - [9] Library.
 - [10] Sauna/spa whirlpool.
 - [11] Doctor's or dentist's office.
 - [12] Personal services.
 - [13] Housekeeping services.
 - [14] Banking services.
 - [15] Convenience store (not more than 1,500 square feet and limited to developments of more than 50 units located more than 1/4 mile from nearest store).
- (d) Maintenance and upkeep of senior citizen developments is an ongoing obligation of the owner. All developments shall employ a resident manager on-site to ensure that care and maintenance is accomplished on a regular basis.
 - (e) The Planning Board shall give special consideration to emergency provisions such as fire alarms and panic buttons for the safety of the residents of the development.
- (6) Grounds and landscaping.
- (a) Landscaping shall be provided in accordance with the requirements of § 212-23 of this chapter. Additional requirements shall include planting of street trees along all streets and/or driveways at a minimum average spacing of 30 feet but no closer than 15 feet to intersections on center.
 - (b) Exterior architectural features shall be of a quality, character, compatibility and appearance that is in harmony with the surrounding neighborhood and the Village of New Paltz and will not adversely affect the general welfare of the inhabitants of the Village of New Paltz. The Planning Board will be responsible for providing a review of such exterior architectural features.
 - (c) Senior citizen developments shall preserve, to the greatest extent possible, mature trees, rock outcrops, significant slopes, wetlands, stream corridors and any other significant natural and/or cultural resources.

- (d) Trees shall have a minimum caliper of 2 1/2 inches at the time of planting. When no lane of parking is provided along streets, trees shall be planted between the sidewalk and the travel lane at a minimum of 2 1/2 feet from the edge of the street. Landscaped areas shall comprise a minimum of 20% of the total parking lot area. Use of native species and low-maintenance plants are encouraged.
 - (e) A minimum of 125 square feet of usable outdoor common area per dwelling unit shall be provided. Outdoor common area shall be well-defined by landscape plantings and shall be linked to the natural open space of the site. Gardening opportunities for residents shall be incorporated into the design of outdoor common areas. Seating accommodations that allow for conversation shall be provided in such common areas.
- (7) Vehicles and parking.
- (a) Senior citizen development site plans shall emphasize pedestrian circulation and shall provide a safe and reasonable system of drives, service access and parking conveniently accessible to all occupants. Two means of vehicular access shall be provided to Village streets. Sidewalks shall link parking lots, transit stops and buildings on-site and with adjacent properties, as appropriate. To ensure safe and reasonable access, the Planning Board may refer the application to the Village Fire Department for their review.
 - (b) On-site facilities for vehicle parking for senior citizen developments (other than for life-care or continuing-care retirement communities) shall be provided for each unit in accordance with the following formula: **[Amended 7-9-2003 by L.L. No. 4-2003]**

Dwelling Unit Type	Bedrooms	Spaces/Unit
Multiple	1	0.65
Multiple	2	0.85
Single-family or two-family	1	1.00
Single-family or two-family	2	1.25
Overflow parking	-	0.25

[1] In addition to the foregoing, two additional spaces shall be provided for resident managers for each such development.

(8) Locale.

- (a) Senior citizen developments shall be located in areas suitable for residential purposes and shall be reasonably free of

objectionable conditions such as industrial odors, noise and dust.

- (b) Senior citizen development sites shall provide residents with reasonable access to such conveniences and facilities as public transportation, hospital and medical services, shopping, religious, cultural and recreational facilities, and personal services. Reasonable access shall mean that such conveniences and facilities are available within 1/4 mile of the development or that the owner of the development has made provision for regularly scheduled shuttle-type transportation service to such facilities.
- (9) Life-care or continuing-care retirement community. **[Added 9-25-2001 by L.L. No. 10-2001; amended 7-9-2003 by L.L. No. 4-2003]**
 - (a) In order to provide continuing care, enriched housing and nursing care facilities are permitted as accessory uses in independent-living senior citizen developments.
 - (b) Home care services, including medication, meals and assistance with activities of daily living such as bathing, dressing and ambulation, may be provided to residents of independent living units.
 - (c) Enriched housing units without kitchens may be included within congregate dwellings in which three meals a day are provided. For determining compliance with density regulations, each enriched housing unit within a congregate dwelling and each nursing care bed shall count as one unit.
 - (d) On-site facilities for vehicle parking for life-care or continuing-care retirement communities shall be provided in accordance with the following formula:

Dwelling Unit Type	Bedrooms	Spaces/Unit
Multiple	1	0.65
Multiple	2	0.85
Single-family or two-family	1	1.00
Single-family or two-family	2	1.25
Enriched housing	n/a	0.50
Nursing unit (bed)	n/a	0.50
Overflow parking	-	0.25

- (e) The combined total of enriched housing units within congregate dwellings and nursing care beds, in any combination thereof, shall not comprise more than 40% of the total units in any senior citizen development.

- (f) Accessory enriched housing and nursing care facilities under this section shall not be considered nursing homes under § 212-41C.
- (g) Life-care or continuing-care retirement communities must comply with New York State licensing regulations under NYCRR Title 10, Chapter VII.

L. Commercial group.

- (1) Lot area. The minimum lot area shall be one acre.
- (2) Maximum commercial floor area. The cumulative gross floor area of all commercial activities in the commercial group shall not exceed the on-site parking capacity of the lot calculated at one parking space per 200 square feet of gross floor area.
- (3) Location of off-street parking. Off-street parking shall be located behind the structure or structures housing the commercial group.
- (4) Protection of adjacent residential buildings. Where residential districts abut, the Planning Board may require additional screening or rear yard setbacks.

M. Essential services.

- (1) Such facility shall be located so as to draw a minimum of vehicular traffic through streets serving residential areas.
- (2) Where adjacent to a residential district, such facility may be required to furnish up to 20 feet in additional setback and screening for the abutting yard(s).

N. Furniture/wall coverings.

- (1) There shall be no modification to the exterior of the residential building.
- (2) The facility shall serve principally as a showroom, although sales of display items are permitted.

O. Grocery store.

- (1) The maximum gross floor area in the B-1 and B-2 Districts shall be as follows:
 - (a) B-1 Districts: 2,500 square feet.
 - (b) B-2 Districts: 2,000 square feet.
- (2) The residential appearance shall be maintained in the B-1 Districts.
- (3) The requirement for an on-site loading dock may be forgiven in B-2 Districts if, in the opinion of the reviewing agency, such omission

will not unreasonably interfere with vehicular and pedestrian circulation.

P. Nonprofit clubs, lodges, and fraternal organizations.

- (1) The residential character of buildings in B-1 Districts shall be maintained. **[Amended 4-29-2013 by L.L. No. 5-2013]**
- (2) The lot area shall be adequate to provide on-site parking at a ratio of one on-site space per 200 square feet of gross floor area of the building. **[Amended 4-29-2013 by L.L. No. 5-2013]**
- (3) Retail sales shall be limited to members and their guests.
- (4) Unenclosed recreational facilities shall be located not less than 50 feet from any property line and shall be effectively screened from adjoining residential uses.

Q. Nursery school. Documentation for site plan approval shall demonstrate adequate provision for health and safety, off-street parking and vehicular access, and approval from state, county, and local agencies having jurisdiction.

R. Offices, general and professional. Such activities and services shall not include the fabrication and/or sale of commodities.

S. Recreational, indoor commercial. Skating rinks, bowling alleys, theaters, dance and music areas, video arcades, and other indoor commercial recreation facilities with a capacity for 20 or more patrons shall comply with all applicable state, county, and local regulations concerning off-street parking and health, building, fire, safety, and environmental standards.

T. Restaurant.

- (1) Restaurants in B-1 Districts shall meet the following standards:
 - (a) The minimum lot area shall be 40,000 square feet.
 - (b) There shall be sufficient lot area to provide one off-street parking space for each four seats plus one additional space for every two employees at peak hours.
 - (c) Parking shall be in the rear yard.
 - (d) Restaurants shall be located only in residential buildings whose exterior residential appearance shall not be altered.
 - (e) If adjacent to an existing residential use, additional setback distances and screening may be required by the Planning Board

- (2) Restaurants in B-2 and Gateway Districts shall meet all applicable standards for height, lot coverage, and off-street parking stated elsewhere in this chapter.
- U. Restaurant, fast food.
- (1) The minimum lot area shall be 60,000 square feet.
 - (2) Access shall be from a state or county road.
 - (3) A traffic plan prepared by a qualified expert shall be included with other site plan review documents. Such plan shall attest to the adequacy of sight distances at entrances and exits, on-site circulation and parking, and the ability of the proposed facility to operate without impeding traffic flow on boundary streets.
 - (4) There shall be a minimum of one off-street parking space per 75 square feet of gross floor area plus one additional off-street parking space per employee at peak hours.
 - (5) Stacking lanes for vehicles using drive-up windows shall have a capacity of 20 vehicles.
- V. Retail business not otherwise mentioned. Such business shall be reviewed for its ability to function without negative impacts, such as traffic and noise, on neighboring properties. Off-street parking and loading requirements will be drawn from the most comparable retail activity for which standards have been established.
- W. Transportation uses (taxi, bus station).
- (1) The minimum lot area shall be 60,000 square feet.
 - (2) The maximum building coverage shall be 15%.
 - (3) A report by a certified traffic expert shall be submitted with other site plan documents certifying the adequacy of on-site circulation and parking and the appropriateness of vehicular entries and exits to maximize sight distances and minimize interference with through traffic.
- X. Warehouse and storage facility adjoining a retail business. The operation of a warehouse and storage facility adjoining a retail business shall meet the following standards:
- (1) The lot size of the premises shall consist of at least 43,560 square feet (one acre).
 - (2) The premises must abut Main Street or North Chestnut Street.
 - (3) The retail business to be conducted at the premises must be a permissible use for the zoning district in which the premises are located.

- (4) The goods, wares, and merchandise stored in the warehouse or storage facility must be of the same nature as the goods, wares, and merchandise offered for sale in the adjoining retail sales area.
 - (5) The cumulative gross floor area of all structures devoted to warehouse or storage purposes shall not exceed an amount equal to five times the combined cumulative gross floor area devoted to retail sales and office uses.
 - (6) The structures used for warehouse or storage purposes shall not be used for or in proximity to potentially hazardous or noxious uses.
 - (7) In the event of several principal buildings, all buildings shall be owned or rented under single ownership.
 - (8) The use of the premises shall conform to all applicable provisions of the Village Density Control Schedule (§ 212-15) relating to setbacks, lot coverage, and building height.
 - (9) All applicable off-street parking and loading requirements set forth in Article VIII of this chapter shall be met. No on-road deliveries shall be permitted. At least one loading berth shall be required of sufficient size to handle expected delivery vehicles.
 - (10) The Planning Board may require additional screening or side-yard setbacks for portions of the premises adjoining any residential zoning districts.
 - (11) The Planning Board may require a traffic plan prepared by a qualified expert to attest to the adequacy of the site distances at entrances and exits, on-site circulation and parking for retail consumers and delivery vehicles, and the ability of the proposed facility to operate without impeding traffic flow on boundary streets and the impact of vehicular ingress and egress on neighboring properties.
 - (12) Outdoor storage of commercial vehicles shall be limited to two motor vehicles per loading berth provided the vehicles are stored in conjunction with the business conducted on the premises.
 - (13) No repair work, other than of an emergency nature, shall be performed upon commercial vehicles at the premises.
 - (14) Final approval by the Planning Board is contingent upon the applicant obtaining a permit issued by the Fire Code Enforcement Officer for the storage of any goods, wares, or merchandise described in Subsection D of § 113-5 of the Municipal Code and shall be subject to the conditions and limitations, if any, upon which such permit is issued.
- Y. Houses of worship. Houses of worship located in the P-B Zoning District shall adhere to the following requirements: **[Amended 2-15-2006 by L.L. No. 5-2006]**

- (1) Each lot shall contain a single building to be used for the primary purpose of worship and religious instruction.
 - (2) No building shall be used to conduct a retail, mail order, publishing, or warehouse business.
 - (3) No portion of the premises shall be used as a residence.
 - (4) The use of the premises must comply with the Ulster County Department of Health requirements for water supply and sanitary sewer systems. The building must be connected, at the expense of the property owner, to the water distribution and sanitary sewerage systems of the Village within 60 days after water and sewer mains are installed in the roads adjoining the premises.
 - (5) A buffer zone, consisting of trees, shrubs, and other screening or fencing, may be required by the Planning Board to mitigate possible nuisance to adjoining properties due to lights, noise, or activities generated on the site.
- Z. Shared space usage. Businesses and offices shall meet the following requirements to be eligible for consideration of shared space usage approval: **[Added 3-12-1997 by L.L. No. 4-1997]**
- (1) Each business or office use shall occupy a minimum of 300 square feet of gross floor space.
 - (2) The area of each business or office use shall be set aside by walls, partitions or other structures which clearly define the space occupied by that use and separate it from adjacent uses.
 - (3) The aggregate area of the shared space shall meet all existing building and fire codes.
 - (4) The aggregate of the signs of all shared space uses at the property shall not exceed the limitations specified in Subsection C or D of § 212-25 of this chapter.
- AA. Hostel. The following are applicable standards for hostel uses:
- (1) The length of stay by a guest shall not exceed two weeks.
 - (2) A minimum of 40 square feet per bed is required in each sleeping room.
 - (3) There shall be continuous staff supervision at the premises.
 - (4) All hostel uses within the H Historic Zoning District must be contained within existing structures.

ARTICLE VIII
Off-Street Parking and Loading

§ 212-42. Application.

In all zoning districts, in connection with every use, there shall be provided, at the time any building or structure is erected, enlarged, or changed in use, off-street parking spaces and loading and unloading areas in accordance with the requirements set forth in this article. Such standards shall apply only where parking areas containing four or more spaces are required. Required facilities shall be available for use prior to the issuance of a certificate of occupancy.

§ 212-43. Design standards for off-street parking areas.

- A. Dimensions of parking spaces. Every such space provided shall measure at least nine feet in width and 18 feet in length, exclusive of access drives and aisles.
- B. Access, aisles and driveways. Every parking space shall have direct access to a street or alley and maneuvering area between spaces in accordance with the following:
 - (1) Driveways. Driveways shall have a minimum width of 12 feet for one-way traffic and 25 feet for two-way traffic.
 - (2) Aisles. Aisles from which cars directly enter or leave parking spaces shall not be less than the following:
 - (a) Parallel curb parking: 12 feet wide for one-way traffic and 24 feet wide for two-way traffic.
 - (b) Thirty-degree parking: 13 feet wide for one-way traffic and 26 feet wide for two-way traffic.
 - (c) Forty-five-degree parking: 16 feet wide for one-way traffic and 26 feet wide for two-way traffic.
 - (d) Sixty-degree parking: 21 feet wide for one-way parking and 26 feet wide for two-way parking.
 - (e) Perpendicular parking: 26 feet wide for one-way and two-way traffic.
- C. Sidewalks and curbing. Any parking area for a commercial use containing more than 20 spaces shall provide separate pedestrian ways, curbing and lanes for customer loading. Such pedestrian ways shall take the form of sidewalks at least three feet wide, raised six inches above the parking area except where crossing streets or driveways, and curbed as a protection for pedestrians. Such sidewalks shall be installed wherever pedestrian traffic occurs. The design of parking areas and sidewalks must prevent cars from overhanging or extending over sidewalks.

D. General standards for parking areas.

- (1) Design. Parking areas for four or more vehicles and access to this parking shall be designed and planned in accordance with accepted engineering and parking design principles such as contained in the Eno Foundation manual, Parking.
- (2) Review. All plans shall be reviewed by the Planning Board under § 212-23, Site Plan Review.
- (3) Paving and drainage. Where parking areas are paved with asphalt, they shall be paved and drained in accordance with good engineering and construction practices such as defined in the Asphalt Institute Handbook. Where other surfacing materials are used, standard practice yielding corresponding performance standards shall be followed.
- (4) Markings and access. Parking spaces, driveways and aisles shall be clearly marked and delineated. For safety and fire-fighting purposes, unobstructed access between adjacent parking areas shall be provided.

E. Joint facilities. Any two or more nonresidential establishments shall, where practicable, collectively join in providing required off-street parking spaces. The Planning Board may also require an applicant to construct a site layout which facilitates joint access to neighboring properties in anticipation of future development. A legal agreement ensuring that the facility will be available to all participants shall be approved by the Planning Board attorney before approval is granted to such joint facilities.

F. Residential driveways. Residential properties, not including apartment complexes, are permitted to have one driveway which shall not exceed a width of 18 feet and shall not cover more than 30% of the lot frontage. Driveways on lots having a frontage in excess of 90 feet shall not encroach on side yard setbacks. **[Added 2-13-2002 by L.L. No. 4-2002]**

G. Location of parking facilities. **[Amended by L.L. No. 26-1997; 2-13-2002 by L.L. No. 4-2002]**

- (1) Residential districts. Required parking spaces in residential districts shall be provided on a buildable portion of the same lot as the use such parking spaces serve. No parking is permitted on any required yard or open spaces, except that parking is allowed in established driveways.
- (2) Business districts.
 - (a) Nonresidential uses. Required parking spaces for nonresidential uses in business districts shall be provided on the same lots as the use to be served or within 400 feet. No

parking facility shall encroach on any required front yard or open spaces. In B-1 and B-2 Districts required parking spaces shall not be located between the building line and the frontage street unless inadequate space is available behind the building. Unenclosed parking spaces may encroach on a required side yard to within three feet of the property line.

- (b) Residential uses. Required parking spaces for residential uses in business districts shall be located on the same lot as the use to be served. No such parking spaces shall encroach on any required yard or open spaces.
- (3) Intersections. No entrance or exit drive connecting a parking area to a public street shall be permitted within 25 feet of an intersection of two public streets.
- (4) Parking adjacent to a residence district. Where a nonresidential district abuts a residence district, no parking space and no driveway shall be located within 10 feet of the residence district line. Additional space may be required by the Planning Board under the provisions of Article III of this chapter.
- H. Responsibilities of owners. It shall be the responsibility of the owner of the property to maintain all off-street parking, loading and unloading areas, driveways, aisles and accessways in good condition, free of sagging conditions, potholes, cracked pavement and other defects. All lighting, bumpers, marking, signs, drainage and landscaping shall be similarly kept in workable, safe and good condition. If the owner fails to undertake repairs, after proper notification by the Building Inspector, the Board of Trustees may authorize repairs to be made at the owner's expense if, in the Board of Trustees' opinion, conditions constitute a hazard to the safety and welfare of the Village residents and visitors. **[Amended by L.L. No. 26-1997; 2-13-2002 by L.L. No. 4-2002]**

§ 212-44. Planning Board determination of required spaces.
[Amended 7-24-2013 by L.L. No. 1-2014]

- A. Minimum off-street parking guidelines schedule. The number of off-street parking spaces required for any use shall be determined by reference to Schedule C, the guidelines for off-street parking schedule.
 - (1) Unscheduled uses. Off-street parking requirements for uses not listed in Schedule C shall be established by the Planning Board using as a guide the requirements for uses enumerated therein.
 - (2) Combined uses. In the case of a combination of uses, the off-street parking guidelines shall consist of the sum of the spaces recommended for each individual nonresidential use unless it can be demonstrated that staggered hours of use would permit modification.

§ 212-45. Required off-street loading facilities.

- A. Dimensions of loading berths. Required off-street loading berths shall be a minimum of 35 feet long, 12 feet wide, and 14 feet high. Berths for funeral homes shall be a minimum of 20 feet long, 10 feet wide, and 10 feet high.
- B. Location of loading berths. All loading berths shall be on the same lot as the use which is to be served. Such areas shall not encroach on any required front yard, side yard, required open space, accessway or off-street parking area.
 - (1) Exception in B Districts. Required off-street loading areas in B Districts may utilize space assigned for required off-street parking provided that such loading uses shall not occur for more than three hours of the served use's daily business hours.
- C. Access. All required off-street loading areas shall provide sufficient turning spaces and access in accordance with the standards set for off-street parking facilities.
- D. Calculation of required spaces. The number of off-street loading berths required for any use shall be determined by application of the standards set forth in Schedule D, the minimum off-street loading space requirements schedule.

§ 212-46. Landscaping.

All parking and loading areas adjoining residential areas shall be separated by a strip of land at least 10 feet wide landscaped with a dense planting of evergreens or shrubs which in the judgment of the Building Inspector are suitable to shield such facilities from the view of adjacent residential properties. Such landscaping shall be maintained in sightly and well-kept condition.

§ 212-47. Off-street parking and loading guidelines. [Amended by L.L. No. 8-2000; 4-29-2013 by L.L. No. 5-2013; 7-24-2013 by L.L. No. 1-2014]

The following Schedules C and D establish guidelines in determining the number of off-street parking and loading spaces required.

SCHEDULE C**OFF-STREET PARKING GUIDELINES**

Use	Number of Spaces
Public and semipublic	
Places of public assembly, including assembly halls, auditoriums, churches, theaters and concert halls	1 space for each 6 seats of auditorium or stadium capacity

SCHEDULE C
OFF-STREET PARKING GUIDELINES

Use	Number of Spaces
Nursery school (day nursery)	1 space for each employee on the maximum shift plus 2 spaces for each classroom
Educational facility	
Elementary school	2 spaces for each classroom
High school	5 spaces for each classroom
College	5 spaces for each classroom
Cultural facility such as library, museum, art gallery, institution or philanthropic use	1 space for each 800 feet of gross floor area
Nursing home	1 space for each bed
Nonprofit club	1 space for each 200 square feet of gross floor area
Recreation	
Golf course	4 spaces for each tee
Riding academy	1 space for each animal stall
Tennis courts	4 spaces per court
Indoor commercial recreation	
Billiards	4 spaces per table
Bowling alley	4 spaces per alley
Dance hall/discotheque	1 space for each 25 square feet of dance floor area
Racquet sports	4 spaces per court
Skating rink	1 space for each 250 square feet of skating area
Business and retail commercial	
Office, general or professional	1 space for each 300 square feet of gross floor area
Office, home occupation	1 space for each 50 square feet of office and reception area
Automobile storage and/or gasoline filling station	3 spaces for each service bay repair; plus 1 space for each service vehicle
Bank or post office	1 space for each 200 square feet of customer floor area
Bar, nightclub	1 space for each 50 square feet of gross floor area
Barber shop, beauty parlor	2 spaces per seat devoted to service

SCHEDULE C
OFF-STREET PARKING GUIDELINES

Use	Number of Spaces
Car washing station	1 space for each employee on the minimum shift plus two spaces for each washing bay
Funeral home, mortuary	10 spaces plus one additional space for each 50 square feet of chapel area
Hostel	One space for every three beds plus one space for staff
Instructional facility	3 spaces for each classroom
Mixed-use building	The aggregate number of spaces for each use in the building
Motel, hotel	One space per bedroom plus 3 spaces for staff for every 20 rooms. Where facilities such as restaurants, health clubs, conference rooms, and similar facilities open to the general public are provided, the Planning Board shall, in the course of site plan review, determine the additional number of on-site parking spaces required based on standards for comparable activities elsewhere in this section.
Motorized equipment or motor vehicle sales/rental	1 space for each 250 square feet of enclosed display area plus 1 space for each 1,500 square feet of area devoted to outdoor storage or display
Outdoor cafe/restaurant	1 space for each 3 seats devoted to service
Restaurant	1 space for each 3 seats devoted to service
Restaurant, takeout	1 space for each 3 seats devoted to service plus 1 additional space for each 300 square feet of gross floor area
Self-service laundry	1 space for every 2 washing machines
Any commercial use	1 space for each company vehicle
Retail business or service not specifically mentioned herein	1 space for each 200 square feet of gross floor area

SCHEDULE C
OFF-STREET PARKING GUIDELINES

Use	Number of Spaces
Light industrial and general commercial	
Light industrial uses, including laundry or dry-cleaning plant, printing plant	1 space for each 400 square feet of gross floor area
Research laboratory	1 space for each employee on the maximum shift plus 10% of total
Storage, enclosed building	1 space for each 2,000 square feet of area devoted to storage
Storage, outdoor	1 space for each 3,000 square feet of area devoted to storage
Any light industrial or general commercial use	1 additional space for each company vehicle
Any use not otherwise mentioned	To be decided by Planning Board subsequent to site review per Chapter 272, Laws of 1976 ⁴²

SCHEDULE D
OFF-STREET LOADING FACILITY GUIDELINES

Use	Number of Spaces
All nonresidential	1 berth for floor area between 5,000 and 26,000 square feet and 1 berth for each additional 26,000 square feet of floor area. Berths to be designated in accordance with requirements of § 212-45A.

§ 212-47.1. Minimum residential off-street parking requirements.
[Added 7-24-2013 by L.L. No. 1-2014]

The following Schedule E establishes minimum off-street parking requirements for residential uses, and for residential portion of mixed-use development.

42. Editor's Note: See now Village Law § 7-725-a, Site plan review.

SCHEDULE E**MINIMUM RESIDENTIAL OFF-STREET PARKING REQUIREMENTS**

Use	Minimum Number of Required Spaces
Residential	
Detached single-family and two-family structures	3 spaces per dwelling unit containing a maximum of 3 bedrooms plus 1 space for each additional bedroom per unit
Multifamily structures and townhouses	2 spaces per dwelling unit containing a maximum of 2 bedrooms plus 1 space for each additional bedroom per unit
Fraternity/sorority house	1 space per bedroom

ARTICLE IX
Performance Standards

§ 212-48. General application.

- A. As a condition of approval and the continuance of any use, occupancy of any structure, and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure, process, or equipment will conform fully with all of the applicable performance standards. As evidence of compliance the Planning Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific types of equipment, machinery, or devices be installed, or that specific operating procedures or methods be followed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable law, codes, rules and regulations and other provisions of this Municipal Code.
- B. For use variances which must meet these performance standards the Zoning Board of Appeals shall not issue a permit for any use, structure, process or equipment until it receives a report or recommendation from the Planning Board regarding compliance with the performance standards established herein.

§ 212-49. Conditional permit.

In the event a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this article, the Planning Board may issue or may recommend issuance of a conditional permit. The conditional permit shall be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation. Within 30 days after a temporary certificate of occupancy is granted a final permit shall be applied for and satisfactory evidence submitted that all standards established by this article have been met.

§ 212-50. Continued compliance.

Continued compliance with the performance standards stated herein shall be a requirement for the continued occupancy of any structure or the operation of any process or equipment.

§ 212-51. Standards to be enforced.

No activity or use shall be permitted, established, maintained, or conducted in any zoning district unless such activity or use complies with the following standards.

- A. Air pollution. No excessive smoke, fumes, gas, dust, odor or any other atmospheric pollutant shall be permitted beyond the boundaries of the lot whereon the use is located. Excessive smoke shall be all smoke of a shade or appearance darker than No. 2 on the Ringlemann Scale for grading the density of smoke, published by the U.S. Bureau of Mines.
- B. Water pollution.
 - (1) Open discharge. No pollution by the discharge of any waste material whatsoever into any watercourse, open ditch or land surface shall be permitted.
 - (2) Sewerage discharges. No waste material whatsoever shall be discharged into any sanitary disposal system or sewerage system except as permitted by relevant public health authorities and public sewerage control bodies. Any chemical or industrial waste which, in the determination of the Village Engineer, places undue loads on the municipal sewerage system, shall not be discharged into such system and must be treated by the use generating such wastes.
- C. Safety hazards. No activity shall create a physical hazard by reason of fire, explosion, radiation or other such cause, to persons or property in the same or adjacent district.
- D. Nuisances. No objectionable vibration, odor or glare shall be perceptible at or beyond the property line. Noises shall be regulated in conformity with the standards established by Chapter 143, Noise, of the Village of New Paltz.
- E. Storage. No equipment or material shall be stored in such a manner that facilitates the breeding of vermin or endangers health in any way.

§ 212-52. Enforcement of performance standards.

These standards shall be enforced in accordance with the provisions of § 212-62 et seq. of this chapter.

ARTICLE X
Nonconforming Uses and Structures

§ 212-53. Continuation of use.

A use, building or structure, lawfully in existence at the effective date of this chapter, which shall be made nonconforming at the passage of this chapter or any applicable amendment hereto may be continued except as follows:

- A. Signs. Any sign which becomes nonconforming at the passage of this chapter or any applicable amendment shall be removed or altered so as to be in conformity within three years of the date of such passage.
- B. Undeveloped subdivision lots. Any two or more adjoining undeveloped lots held by the same owner on the effective date of this chapter and whose area and/or width and/or depth are less than the specified minimum lot requirements and average density requirements of this chapter shall be resubdivided, if possible, to conform with the specified minimum requirements before a building permit may be granted.

§ 212-54. Regulation of nonconforming uses.

No existing building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed, substituted or structurally altered except when changed to a conforming use, or when required to do so by law, and except as follows:

- A. Restoration and reconstruction. Any nonconforming use or structure damaged by fire, casualty or act of God may be repaired and used as before, provided that the floor area of such use, building or structure shall not exceed the floor area or building volume which existed prior to such damage. All repairs shall be completed within one year after damages occur or such use shall not be rebuilt except as a conforming use. In the event total destruction occurs or the Building Inspector orders said use or structure rebuilt, then the provisions of § 212-56 shall apply.
- B. Repairs. Normal maintenance repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability. No structural alterations shall be made which would increase the number of dwelling units.
- C. Construction started prior to adoption of this chapter. Any building or structure, the construction of which has begun, pursuant to a valid building permit, prior to the effective date of this chapter or any applicable amendment thereto, may be completed and used in accordance with the approved plans and specifications for such building or structure.

- D. Reconstruction. When a nonconforming use or structure is destroyed or damaged for a loss of 80% or more of its value, or when the owner or tenant of said use or structure desires to rebuild for any reason, the Zoning Board of Appeals, after review and recommendation by the Planning Board, may authorize such rebuilding if the rebuilding would not constitute a substantial enlargement of the use and if the rebuilding would provide better aesthetics, higher setbacks or assist in alleviating existing nuisance characteristics.

§ 212-55. Termination of nonconforming uses.

A nonconforming use shall be considered abandoned and the revival of such use shall not be permitted under the following circumstances:

- A. Discontinuance of use. If such nonconforming use shall be discontinued for more than 180 consecutive days; or
- B. Change to permitted use. If such nonconforming use be changed to a permitted use; or
- C. Change to more conforming use. If such nonconforming use be changed to a use more nearly in conformity with the regulations for the zoning district in which it is located.

§ 212-56. Nonconforming lots.

- A. Existing undersized lots.
 - (1) Any lot held in single and separate ownership prior to the adoption of this chapter and whose area and/or width and/or depth are less than the specified minimum lot requirements in this chapter for that zoning district, may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:
 - (a) Such lot does not adjoin any other lot or lots held by the same owner whose aggregate area is equal to or greater than the minimum lot area required for that district;
 - (b) Such lot has an area of at least 5,000 square feet and a minimum width of at least 50 feet at the required setback line if it is to be used for residential purposes;
 - (c) The following minimum yard dimensions are maintained for residences:
 - [1] Side yards: 8 feet;
 - [2] Front and rear yards: 25 feet; and
 - (d) All other bulk requirements for that district are complied with.

- (2) In any zoning district where residences are permitted, such undersized nonconforming lots may be used for not more than one single-family dwelling.
 - (3) A lot of nonconforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.
- B. Reduction in lot area. No lot shall be so reduced in area as to create a nonconforming bulk or use in violation of any of the regulations contained in this chapter.

ARTICLE XI
Zoning Board of Appeals

§ 212-57. Creation; membership; organization.

- A. Creation. A Zoning Board of Appeals, hereafter referred to as the Board of Appeals, is continued as established by the Board of Trustees pursuant to § 7-712 of the Village Law.
- B. Membership. The Board of Appeals shall consist of five members. Each member shall be appointed for a term of five years as provided in § 7-712 of the Village Law. Vacancies shall be filled by appointment for the unexpired term of the member whose place has become vacant.
- C. Organization.
 - (1) Chairman and Deputy Chairman. The Chairman and a Deputy Chairman shall be appointed as provided in Village Law § 7-712.
 - (2) Secretary. The Mayor may authorize the Board of Appeals to appoint a secretary to perform the duties assigned to such secretary by this chapter and by the Village Law.
 - (3) Rules of procedure. The Board of Appeals shall, consistent with Village Law, prescribe its own rules, form and procedure, and all its deliberations, resolutions and orders shall be in accordance therewith.
 - (4) Meetings. The Board of Appeals shall meet at the call of the Chairman and at such other times as the Board of Appeals may determine.
- D. Alternate members. **[Added 11-7-2007 by L.L. No. 11-2007]**
 - (1) The Village Mayor may appoint not more than two alternate members of the Board of Appeals, subject to the approval of the Board of Trustees, for terms established by the Village Board of Trustees. Each such alternate member shall attend meetings of the Board of Appeals and participate in its deliberations but shall vote only in the event that a member of the Board of Appeals is absent or otherwise unable to act with respect to a particular matter. When acting pursuant to the Board of Appeals authority provided hereby, such alternate member shall have all of the rights and privileges of a member of the Board of Appeals. The term of appointment of said alternates shall be as authorized by the Village Board under a duly adopted resolution.
 - (2) The Chairperson of the Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities

of such member of the Board. Such designation shall be entered into the minutes of the initial Board of Appeals meeting at which the substitution is made.

- (3) All provisions of the Village Code relating to Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members.

§ 212-58. Powers and duties of Board of Appeals.

The Board of Appeals shall have all the powers and duties prescribed or permitted by law and the provisions of this chapter, which are more particularly specified below; provided, however, that none of the following provisions shall be deemed to limit any power conferred upon the Board of Appeals by law or by other provisions of this chapter.

- A. Action of the Board of Appeals. In exercising its powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as in its judgment ought to be made in accordance with the provisions of this chapter and pursuant to law.
- B. Interpretation. The Board of Appeals shall, upon appeal from any decision, order or requirement, by an administrative official or body, or upon the request of any official or Board of the Village, decide any question involving the interpretation of any provision of this chapter, including determination of the exact location of any zoning district boundaries if there is uncertainty with respect thereto.
- C. Appeals. The Board of Appeals shall hear and decide appeals where it is alleged that error or misinterpretation in any order, requirement, decision, grant or refusal was made by the Building Inspector or other administrative official in the carrying out or enforcement of the provisions of this chapter or any rule or regulation pursuant thereto.
- D. Variances. The Board of Appeals may, subject to the procedures required by Village Law and by § 212-59 of this chapter and in accordance with the criteria established in § 212-60, vary or modify the application of any of the requirements of this chapter as provided in Subdivision 2 of § 7-712 of the Village Law.

§ 212-59. Procedure.

- A. General procedure. The Board of Appeals shall act in strict accordance with the procedures established by law and by this chapter.
 - (1) Written submission required. All appeals and applications shall be made by the Board of Appeals in writing, on forms prescribed by the Board of Appeals. Such submissions shall be filed with the Building Inspector and the Secretary of the Board of Appeals.

- (2) Contents of submission. Each appeal or application shall refer to the specific provision of this chapter involved, and shall exactly set forth the interpretation that is claimed, or the details of the variance that is sought and the grounds on which it is claimed.
- (3) Filing fees. **[Amended 1-24-2001 by L.L. No. 1-2001]**
 - (a) The filing of an application or appeal shall be accompanied by the payment of a filing fee by the applicant or appellant determined as follows:
 - [1] Area variance: **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [a] One section of Zoning Chapter: set annually by resolution of the Board of Trustees.
 - [b] Each additional section of Zoning Chapter: set annually by resolution of the Board of Trustees.
 - [2] Use variance: set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [3] Interpretation: set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [4] Appeal of Building Inspector's decision: set annually by resolution of the Board of Trustees. **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [5] Preliminary discussion: set annually by resolution of the Board of Trustees. (This fee shall be applied to the variance application.) **[Amended 10-22-2014 by L.L. No. 13-2014]**
 - [6] In addition to the fees specified in Subsection A(3)(a)[1] through [5] above, the applicant shall be responsible for the cost of services rendered to the Zoning Board of Appeals by the Zoning Board attorney, Village engineers, consultants and agencies for the analysis and review of the plans and specifications of the applicant and for advice concerning all legal, engineering and administrative issues presented by the application pursuant to § 212-66 herein. **[Amended 12-15-2010 by L.L. No. 1-2011]**
 - (b) Upon payment of such fee, the Building Inspector shall transmit to the Board of Appeals all papers constituting the record in the case.

- (4) Planning Board referral.⁴³ On such matters as have not previously been reviewed by the Planning Board, the Board of Appeals shall, at least 30 days before the required public hearing of any appeal or application, transmit a copy of such appeal or application to the Planning Board, together with a copy of the notice of such hearing so that the Planning Board may review and submit a report of its opinion prior to the date of such hearing. Planning Board failure to submit such report shall be considered an approving opinion in the application or appeal.
- (5) Public hearing and notice. The Board of Appeals shall set a date for public hearing upon receipt of an application or appeal, such public hearing to occur not more than 60 days after receipt of such application or appeal. Personal notice of such hearing shall be given to all parties entitled by law to such notice at least 10 days prior to the public hearing. **[Amended 8-25-2010 by L.L. No. 6-2010]**
- (a) Public notice by means of advertisement in a newspaper of general circulation shall also be given at least 10 days prior to such hearing.
- (b) Mailing to adjoining property owners. The applicant shall mail notice of the hearing, at least 10 days prior to the date of the public hearing, to the owners of all neighboring real property. Such neighboring property shall be defined as those lots having boundaries contiguous with the boundaries of the plot, piece or parcel of land to which the application or appeal applies and to all other owners of real property which lie within 200 feet of such boundaries.
- (c) Mailing by applicant. Such notice shall be mailed by the applicant, at his or her sole cost and expense, by depositing a true copy of such notice in a post-paid, properly addressed envelope, in a post office or other official depository under the exclusive care and custody of the United States Postal Service within the State of New York. The applicant shall, at or prior to the date of the public hearing, file with the secretary of the board an affidavit of mailing, as proof of compliance with the foregoing notification procedure.
- (d) Property signage. The Planning Board shall require that, at least 10 days prior to the initial public hearing, the owner or applicant post a sign giving notice of the public hearing within 25 feet of each property line having frontage on a road or highway, including the road or highway providing access to the property, so that it is clearly visible to the public from such road or highway. The size of the sign and text shall be approved

43. See also General Municipal Law §§ 239-1 and 239-m; certain matters must also be referred to the County Planning Board.

by the Village Board or such Village official as the Board may designate. The notice shall include a statement that an application for a variance affecting the property has been made and such other information as the Village Board may require. The applicant shall submit a photograph and affidavit, or other satisfactory evidence, at the public hearing that the required signage was duly erected and maintained in good condition until the hearing, and shall ensure that the sign is maintained until after the hearing is closed or the application is withdrawn, whichever occurs first. It shall be a violation of this chapter for any person, except the applicant or duly authorized Village official, to remove, deface or tamper with duly erected signage during the period it is required by this section to be maintained. The Board of Appeals may waive the requirement that signage be erected when it finds that the benefit of such notice would be disproportionate to the cost imposed on the applicant. In such case, a waiver shall be granted by a favorable vote of a majority of its members, and the Board shall set forth the basis on which it determined the waiver appropriate.

- (6) Adjournment of public hearing. Upon the day for hearing any application or appeal, the Board of Appeals may adjourn such hearing for a reasonable period for the following purposes:
 - (a) Additional notice. To cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.
 - (b) Additional information. To obtain such additional information as it decides may be necessary to make the findings required by law and this chapter as a basis for its final decision. The Board of Appeals may instruct the applicant or appellant or the Planning Board to submit such additional information.
 - (7) Representation of parties. The applicant or appellant shall appear personally at the public hearing, or by agent, or by attorney.
- B. Procedure for appeals. In addition to the procedural rules set forth in Subsection A of this section, the following rules shall apply in all appeals:
- (1) Time of appeal. Notice of appeal shall be filed with the Building Inspector and the secretary of the Board of Appeals within 30 days of the date of the action appealed from, specifying the grounds thereof.
 - (2) Effect of appeal. An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in

which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Building Inspector and due cause shown.

C. Decisions.

- (1) Time. The Board of Appeals shall render its decision within 62 days of the conclusion of the public hearing on the application or appeal, such decision to be filed within seven days in the office of the Village Clerk.
- (2) Form of decision. Every decision of the Board of Appeals shall be by resolution, such resolution shall contain a full record of the findings of the Board in the particular case. The vote of each member shall be recorded by name.
- (3) Scope of decision. In its decision, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. If the action by the Board of Appeals is to reverse the action of the Building Inspector in whole, the filing fee shall be refunded to the appellant. However, if the relief sought by the petitioner is a variance, the filing fee shall not be refunded regardless of the decision of the Board of Appeals. In granting a variance, the Board of Appeals may prescribe any conditions it deems to be necessary or desirable so that the intent and spirit of this chapter shall be observed.

§ 212-60. Variances.

- A. Criteria for variances. The Board of Appeals shall grant no variance in the application of any provision of this chapter unless it makes the following findings:
- (1) That there are special circumstances or conditions applying to such land or buildings and not applying generally to land or buildings in the vicinity and under identical district classification, and that said circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings or of privileges enjoyed by other properties in the vicinity and under identical district classification.
 - (2) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.

- (3) That the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the vicinity or otherwise detrimental to the public welfare.
 - (4) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.
- B. Expiration of variances. Any variance not exercised within one year of its being granted by the Board of Appeals shall terminate without further hearing.

§ 212-61. Relief from decisions.

Any person or persons jointly or severally aggrieved by any decision of the Board of Appeals may, within 30 days of the date on which the Board's decision is filed in the office of the Village Clerk, apply to the Supreme Court for relief as provided by the Village Law and under Article 78 of the Civil Practice Law and Rules.

ARTICLE XII
Administration and Enforcement

§ 212-62. Enforcement officer.

The Building Inspector, appointed pursuant to Chapter 86, Building Construction, is hereby given the duty, power and authority to enforce the provisions of this chapter. He shall be responsible for the examination of all applications for permits and the issuance of permits for the construction, alteration, enlargement and occupancy of structures and all nonconforming uses existing at the time of passage of this chapter. The Building Inspector shall be responsible for the recording and filing of all applications for permits with accompanying plans and documents, and to make such reports to the Board of Appeals, Board of Trustees and the Planning Board as may be required.

§ 212-63. Building permits.⁴⁴

- A. Purposes. To insure compliance with the provisions of this chapter, no person shall erect, alter or convert any structure or building, or part thereof, nor alter the use of land, subsequent to the adoption of this chapter, until the proper permit has been issued by the Building Inspector.
- B. Application for permits. All applications for building permits shall be made to the Building Inspector in a form prescribed by § 86-9 of Chapter 86, Building Construction.
- C. Issuance of permits. It shall be the duty of the Building Inspector to issue the proper permits provided he is satisfied that the structure, building, sign, parking area, and the proposed use conform with all requirements of this chapter, the State Building Construction Code, and all other applicable provisions of the Village of New Paltz Municipal Code that may apply, and that all other required reviews and actions, if any, have been complied with and all necessary approvals secured therefor.⁴⁵ All permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected and protected from weather whenever construction work is being performed thereon. No owner, contractor, workman or other persons shall perform any construction operations of any kind, including excavation, unless a permit covering such operation has been displayed as required by this chapter, nor shall construction operations of any kind be performed after notification of the revocation of said permit.
- D. Referral of applications. Applications for building permits in the Historic District, for a development or use requiring a special use permit in accordance with Article III or for which site plan review is

44.Editor's Note: See also Article III of Chapter 86, Building Construction.

45.Editor's Note: See also § 86-10.

required by § 212-23 shall be referred to the Planning Board as provided in §§ 212-23 and 212-39.

- E. Denial of building permits. When the Building Inspector is not satisfied that the applicant's proposal will meet the requirements of this chapter, he shall refuse to issue a building permit and shall notify the applicant as provided in § 86-10D of Chapter 86, Building Construction. The applicant may appeal to the Board of Appeals for a modification or reversal of the Building Inspector's decision or may apply for a variance to the Board of Appeals, as provided in § 212-59.
- F. Revocation of building permits. Building permits may be revoked as provided in § 86-13 of Chapter 86, Building Construction. After the building permit has been revoked the Building Inspector may, in his discretion, before issuing a new building permit, require the applicant to file an indemnity bond in favor of the Village of New Paltz with sufficient surety conditioned for compliance with this chapter and all laws and regulations then in force and in a sum sufficient to cover the cost of removing the building structure if it does not so comply.
- G. Expiration of building permits. If a building permit has not been acted upon by the commencement of construction within one year from the date of issuance, such building permit and all rights created thereby shall expire.

§ 212-64. Certificate of occupancy.⁴⁶

- A. New uses. No building, structure or land shall be occupied or used until such time as a certificate of occupancy is issued by the Building Inspector pursuant to § 86-18 of Chapter 86, Building Construction. A temporary certificate of occupancy may be issued for any structure or use for which site plan approval has been secured but not all conditions of approval have been complied with in accordance with § 86-19 of this Municipal Code. The Planning Board shall approve the issuance and terms where site plan approval is required before issuance by the Building Inspector.
- B. Existing uses.
 - (1) At the time of passage of this chapter. Upon written request from the owner, tenant, occupant, or purchaser under contract, the Building Inspector, after inspection, shall issue a certificate of occupancy for a use legally existing at the time this chapter is made effective, certifying the extent and kind of use and whether any such existing use conforms with the provisions of this chapter.
 - (2) Nonconforming uses. No change or extension of use, and no alterations shall be made in a nonconforming structure, use or premises without a certificate of occupancy having first been

46. Editor's Note: See also Article IV of Chapter 86, Building Construction.

issued by the Building Inspector stating that such change, extension or alteration is in conformity with the provisions of this chapter, or that same has been permitted by action of the Board of Appeals.

- C. Change of use. Whenever there occurs a change in the use of a building, structure or land, a new certificate of occupancy shall be applied for to ensure compliance with all applicable laws and regulations.
- D. Scope of certificate of occupancy. The certificate of occupancy shall contain sufficient information as to the extent and kind of use or uses, such that any future investigation of the premises would disclose the extent to which a use was altered. It shall also indicate whether such use is a permitted or nonconforming use and the extent to which the use does not conform to the provisions of this chapter.

§ 212-65. Violations and penalties.

- A. Authority. In case any building or structure is erected, constructed, reconstructed, altered, converted, located or maintained, or any building, structure, land or premises is used in violation of this chapter or any regulation or requirement made pursuant thereto, or under authority conferred thereby, in addition to other lawful remedies, the Board of Trustees or, with their approval, the Building Inspector may, pursuant to § 7-714 of the Village Law, institute any appropriate action or proceedings to prevent such unlawful erection, construction, alteration, repair, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such buildings, land or premises or to prevent any illegal act, conduct, business or use in or about such premises.
- B. Discovery of violations. The Building Inspector shall determine the existence of violations of the provisions of this chapter through such investigations as he shall conduct pursuant to the issuance of building permits and certificates of occupancy and through the prompt investigation of such written complaints as are filed with him by persons having reason to believe that such violations exist. The Building Inspector may also determine the existence of such violations by means of investigations conducted at his own initiative.
- C. Procedure for abatement of violations.
 - (1) Notice of violation. Upon finding violations of the provisions of this chapter the Building Inspector shall serve written notice, either by personal service or certified mail, addressed to the premises of such violations, on the person committing or permitting such violation or on the owner of the property. Such notice shall specify the nature of such violations as exist and specify a reasonable time limit, of not less than five days, in which compliance shall be achieved.

- (2) Legal action. The Municipal Code Enforcement Officer shall, upon failure of the responsible party to comply with a violation order within the specified time, issue and serve appearance tickets with respect to any such violation of this chapter when he has reasonable cause to believe that such violation or offense has been committed. In the alternative, he may refer the matter to the Board of Trustees so that the Board of Trustees may, by resolution, direct the Village Attorney to undertake legal action against such party.

D. Penalty on violation.

- (1) Any person or corporation whether as owner, lessee, architect, or builder or the agent or employee of any of them who violates or is accessory to the violation of any provision of this chapter or any regulation made under the authority conferred by this chapter or who shall erect, construct, alter, enlarge, convert or move any building or structure without a building permit or in violation of any statement or plans submitted and approved under the provisions of this chapter, or who shall use any building, structure or land in violation of this chapter or any regulation made under authority conferred by this chapter or in violation of the provisions of any building permit or certificate of occupancy or without a building permit or certificate of occupancy where one is required by this chapter shall be deemed to have committed a Class A misdemeanor, as defined in the Penal Law, and shall be liable in the case of any one violation to a penalty not exceeding that which is set annually by resolution of the Board of Trustees or imprisonment not exceeding one year, or by both such fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (2) Any person violating this chapter shall also be subject to a civil penalty enforceable and collectable by the Village in the amount set annually by resolution of the Board of Trustees for each week such offense shall continue. Such penalty shall be recovered by and in the name of the Village for each week that such violation shall continue together with costs and disbursements of the action. **[Amended 10-22-2014 by L.L. No. 13-2014]**
- (3) In addition to the above provided penalties and punishment, the Board of Trustees may also 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 injunction the violation of this chapter.

§ 212-66. Fees and escrow deposits. [Amended 12-15-2010 by L.L. No. 1-2011]

- A. Fees. Those fees not specified in this chapter shall be in accordance with a list maintained by the Building Inspector and posted conspicuously in his office.
- B. Escrow deposits.
 - (1) In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Village of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The reviewing board may also consider the Village's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.
 - (2) Use of funds.
 - (a) Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. The reviews governed by this section shall include all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQRA).
 - (b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the New Paltz Village Code. Monies deposited by applicant pursuant to this section shall not be used to offset the Village's general expenses for professional services for the several boards of the Village or the Village's general administrative expenses.
 - (c) Fees charged strictly as a result of a SEQR review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQR regulations by the lead agency.
- C. Upon receipt of monies requested for an escrow account, the Village Treasurer shall cause such monies to be placed in a custodial non-interest bearing account in the name of the Village and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.
- D. Upon receipt and approval by the chair of the respective board of itemized vouchers from consultants for services rendered on behalf of the Village regarding a particular application, the Village Clerk shall forward the approved vouchers to the Village Board of Trustees for

audit and approval. Upon approval by the Village Board of Trustees, the Village Treasurer shall cause such vouchers to be paid out of the monies so deposited, and shall charge the separate record of such account accordingly. Upon request, the consultant shall make copies of such vouchers available to the applicant at the same time the vouchers are submitted to the Village.

- E. The Village Board of Trustees shall review and audit all such vouchers and the chair of the respective board and Village Board of Trustees shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Village in connection with the review and consideration of applications. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of a similar application. In auditing the vouchers, the board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the 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, and to protect public or private property from damage.
- F. In no event shall an applicant make direct payment to any Village consultant.
- G. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board shall cause the applicant to deposit additional sums as the board deems necessary or advisable in order to meet such expenses or anticipated expenses.
- H. In the event the applicant fails to deposit the requested review fees into an escrow account, any applicant review, approval, permit or certificates of occupancy shall be withheld or suspended by the reviewing board, officer or employee of the Village until such monies are deposited.
- I. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.
- J. Consistent with the terms of this section, each board may from time to time set the appropriate escrow deposit for particular types of applications. A schedule of such required escrow deposits shall be kept

on file in the Building Department and in the offices of the Village Clerk and secretary of the appropriate board. If no such escrow deposit is set in advance by the respective board, the Building Inspector or secretary shall consult with the chair of the respective board to determine the appropriate escrow deposit. Such escrow deposit shall be collected at the time the application is filed, and no application shall be deemed administratively complete until such escrow deposit has been received.

ARTICLE XIII
Interpretation, Application, and Amendment

§ 212-67. Interpretation.

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or local laws, provided that where this chapter imposes greater restrictions upon use of buildings or premises, or upon the height or bulk of a building, or requires higher performance standards, the provisions of this chapter shall apply.⁴⁷

§ 212-68. Validity.

If any section, subsection, paragraph, clause or phrase of this chapter or the location of any district boundary shown on the Zoning Map that forms a part hereof is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or Zoning Map.

§ 212-69. Amendment.⁴⁸

The Board of Trustees may, from time to time, on its own motion, or on petition, or on the recommendation of the Planning Board, amend the regulations and districts under this chapter provided that requirements for Planning Board review, notice, and public hearing are observed.

A. Planning Board referral.⁴⁹ Every proposed amendment not initiated by the Planning Board shall be referred to the Planning Board for an advisory report prior to public hearing.

(1) Time. The Planning Board advisory report shall be submitted within 45 days of the date of referral or within such longer time as may be agreed to. Upon a failure to submit such report within the required time the Board of Trustees may act without such report.

(2) Scope. The Planning Board report shall contain its written recommendations supported by a full statement of the reasons for such recommendations.

(3) Effect. The Board of Trustees shall not take action contrary to a Planning Board report which recommends disapproval or modification of the proposed amendment except by the adoption of a resolution setting forth the reasons for such contrary action.

B. Petition.

47.Editor's Note: See Village Law § 7-716.

48.Editor's Note: See Village Law § 7-708.

49.Editor's Note: For required referral to County Planning Agency, see General Municipal Law §§ 239-l and 239-m.

- (1) Any person may apply to the Board of Trustees to amend the provisions of this chapter in a form and manner prescribed by the Board of Trustees.
 - (2) The applicant will be responsible for payment of the expenses incurred by the Village in rendering a determination on the application. These expenses shall include the cost of services rendered to the Board of Trustees by the Village Attorney, Village engineers, and other persons, consultants, and agencies for the analysis and review of the application; for advice and preparation of material and reports concerning all legal, engineering, and administrative issues presented by the application; the fees required under § 105-6 of the Municipal Code for environmental quality reviews; and for all disbursements incurred by or on behalf of the Village for postage, filing fees, inspection fees, publication of notices, preparation of reports, and miscellaneous services and disbursements.
 - (3) The payment, deposit, use, replenishment and refund of funds to cover expenses required by this section shall be governed by § 212-66 herein. **[Amended 12-15-2010 by L.L. No. 1-2011⁵⁰]**
- C. Public notice and hearing. The Board of Trustees, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
- (1) By publishing a notice of the proposed amendment and the time and place of the public hearing in the official paper of the Village not less than 15 days prior to the date of public hearing.
 - (2) By giving written notice of hearing to any required municipal, county, regional, metropolitan, state or federal agency in the manner prescribed by law.⁵¹
- D. Protest by owners. If a protest against a proposed amendment is presented to the Board of Trustees, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed amendment, or by the owners of 20% or more of the area of land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be effective except by the favorable vote of at least 3/4 of the members of the Board of Trustees.⁵²
- E. Publication and posting. Every amendment to the Zoning Law, including any map incorporated therein, adopted in accordance with the Village

50. Editor's Note: This local law also provided for the repeal of former Subsection B(4) through B(6), which immediately followed this subsection.

51. Editor's Note: See Village Law § 7-706.

52. Editor's Note: See Village Law § 7-708, Subdivision 1.

Law shall become effective after publication and posting as provided by § 7-706, Subdivision 2, of the Village Law.

§ 212-70. Referral to County Planning Board.

In those instances where a proposed amendment to this Zoning Chapter in accordance with Article XIII or a contemplated variance or special permit in accordance with Article XI affects land within 500 feet of the municipal boundary, the requirements of § 239-m of the General Municipal Law concerning referral to the County Planning Board and subsequent action by the municipal agency responsible for such amendment, variance or special permit shall be observed.

§ 212-71. Repealer.

The Zoning Ordinance of the Village of New Paltz adopted by the Board of Trustees on June 7, 1968, which became effective on June 23, 1968, together with the amendments thereto, is hereby repealed.

§ 212-72. Effective date.

This chapter shall become effective on the ninth day of January, 1978.

Disposition List**Chapter DL****DISPOSITION LIST****§ DL-1. Disposition of legislation.**

Local Law Number	Adoption Date	Subject	Disposition
4-2004	8-18-2004	Vehicles and traffic amendment	Ch. 198
5-2004	8-18-2004	Vehicles and traffic amendment	Ch. 198
6-2004	9-1-2004	Trapping	Ch. 70, Art. IV
7-2004	9-1-2004	Shade Tree Commission amendment	Ch. 9, Art. II
8-2004	9-15-2004	Vehicles and traffic amendment	Ch. 198
9-2004	10-20-2004	Zoning Map amendment	NCM
10-2004	11-3-2004	Housing code amendment	Ch. 129
1-2005	1-5-2005	Commission for Historic Preservation amendment; zoning amendment	Ch. 9, Art. III; Ch. 212
2-2005	1-5-2005	Adoption of renumbered 2004 Code	Ch 1, Art. II
3-2005	2-2-2005	Residency requirements amendment	Ch. 31, Art. I
4-2005	6-15-2005	Sewers amendment	Ch. 163
5-2005	6-15-2005	Vehicles and traffic amendment	Ch. 198
6-2005	8-17-2002	Zoning amendment	Invalid; see L.L. No. 1-2006
7-2005	8-17-2005	Zoning amendment	Invalid; see L.L. No. 2-2006
8-2005	11-16-2005	Zoning amendment	Invalid; see L.L. No. 3-2006
9-2005	11-16-2005	Grass, rubbish and trash amendment	Ch. 124
10-2005	12-7-2005	Vehicles and traffic amendment	Ch. 198
11-2005	12-14-2005	Zoning amendment	Invalid; see L.L. No. 4-2006
1-2006	1-4-2006	Zoning amendment	Ch. 212
2-2006	1-4-2006	Zoning amendment	Ch. 212
3-2006	1-4-2006	Zoning amendment	Ch. 212

Local Law Number	Adoption Date	Subject	Disposition
4-2006	1-18-2006	Zoning amendment	Ch. 212
5-2006	2-15-2006	Zoning amendment	Ch. 212
6-2006	3-15-2005	Vehicles and traffic amendment	Ch. 198
7-2006	4-19-2006	Moratorium on certain commercial construction	NCM
8-2006	5-3-2006	Subdivision of land amendment	Ch. 178
9-2006	5-3-2006	Water amendment	Ch. 207
10-2006	5-17-2006	Affordable housing	Repealed by L.L. No. 5-2015
11-2006	7-5-2006	Affordable housing amendment	Repealed by L.L. No. 5-2015
12-2006	7-5-2006	Subdivision of land amendment	Ch. 178
13-2006	8-23-2006	Zoning amendment	Ch. 212
14-2006	8-23-2006	Sewers amendment; water amendment	Ch. 163; Ch. 207
15-2006	12-6-2007	Moratorium on certain commercial construction	NCM
1-2007	2-7-2007	Vehicles and traffic amendment	Ch. 198
2-2007	3-7-2007	Grass, rubbish and trash amendment	Ch. 124
3-2007	3-7-2007	Commission for Historic Preservation amendment	Ch. 9, Art. III
4-2007	4-11-2007	Housing standards amendment	Ch. 129
5-2007	8-1-2007	Zoning amendment	Ch. 212
6-2007	8-1-2007	Zoning amendment	Ch. 212
7-2007	8-22-2007	Water amendment	Ch. 207
8-2007	8-22-2007	Sewers amendment	Ch. 163
9-2007	9-9-2007	Personnel policies amendment; vehicles and traffic amendment	Repealed by L.L. No. 15-2014; Ch. 198
10-2007	11-7-2007	Officers and employees: meeting attendance amendment	Ch. 31, Art. II
11-2007	11-7-2007	Zoning amendment	Ch. 212
12-2007	11-7-2007	Vehicles and traffic amendment	Ch. 198
13-2007	11-7-2007	Vehicles and traffic amendment	Ch. 198
14-2007	11-7-2007	Vehicles and traffic amendment	Ch. 198

Local Law Number	Adoption Date	Subject	Disposition
15-2007	11-14-2007	Vehicles and traffic amendment	Ch. 198
16-2007	11-14-2007	Vehicles and traffic amendment	Ch. 198
1-2008	1-2-2008	Vehicles and traffic amendment	Ch. 198
2-2008	4-9-2008	Vehicles and traffic amendment	Ch. 198
3-2008	5-21-2008	Water amendment	Ch. 207
4-2008	7-9-2008	Vehicles and traffic amendment	Ch. 198
5-2008	7-23-2008	Streets and public places amendment	Ch. 175
6-2008	8-27-2008	Building construction amendment	Ch. 86
7-2008	8-27-2008	Streets and public places amendment	Ch. 175
8-2008	10-8-2008	Vehicles and traffic amendment	Ch. 198
9-2008	10-22-2008	Commission for Historic Preservation amendment	Ch. 9, Art. III
10-2008	10-22-2008	Blasting and explosives amendment	Ch. 82
11-2008	11-12-2008	Zoning amendment	Ch. 212
12-2008	11-12-2008	Zoning amendment	Ch. 212
13-2008	11-12-2008	Housing standards amendment	Ch. 129
14-2008	12-10-2008	Streets and public places amendment	Ch. 175
15-2008	12-10-2008	Trees amendment	Ch. 191
1-2009	1-14-2009	Commission for the Conservation of the Environment amendment	Ch. 9, Art. I
2-2009	1-14-2009	Vehicles and traffic amendment	Ch. 198
3-2009	1-14-2009	Building construction amendment	Ch. 86
4-2009	1-28-2009	Commission for Historic Preservation amendment	Ch. 9, Art. III
5-2009	6-10-2009	Zoning amendment	Ch. 212
6-2009	6-10-2009	Zoning amendment	Ch. 212
7-2009	6-10-2009	Zoning amendment	Ch. 212
8-2009	6-10-2009	Vehicles and traffic amendment	Ch. 198
9-2009	6-24-2009	Zoning amendment	Ch. 212
10-2009	6-24-2009	Zoning amendment	Ch. 212

Local Law Number	Adoption Date	Subject	Disposition
11-2009	7-22-2009	Vehicles and traffic amendment	Ch. 198
12-2009	9-9-2009	Zoning amendment	Ch. 212
1-2010	6-23-2010	Vehicles and traffic amendment	Ch. 198
2-2010	8-25-2010	Zoning amendment	Ch. 212
3-2010	8-25-2010	Zoning amendment	Ch. 212
4-2010	8-25-2010	Subdivision of land amendment	Ch. 178
5-2010	8-25-2010	Subdivision of land amendment	Ch. 178
6-2010	8-25-2010	Zoning amendment	Ch. 212
7-2010	8-25-2010	Building construction amendment	Ch. 86
8-2010	8-25-2010	Fire prevention amendment	Ch. 113
9-2010	8-25-2010	Commission for Historic Preservation amendment	Ch. 9, Art. III
1-2011	12-15-2010	Zoning amendment	Ch. 212
2-2011	3-4-2011	Vehicles and traffic amendment	Ch. 198
1-2012	1-25-2012	Landlord-Tenant Relations Council amendment	Ch. 9, Art. IV
2-2012	2-8-2012	Tax levy limit override 2012	NCM
3-2012	5-23-2012	Collection of solid waste amendment	Repealed by L.L. No. 3-2018
4-2012	5-23-2012	Officers and employees: meeting attendance amendment	Ch. 31, Art. II
5-2012	7-11-2012	Zoning amendment	Ch. 212
6-2012	7-11-2012	Zoning amendment	Ch. 212
7-2012	8-8-2012	Vehicles and traffic amendment	Ch. 198
8-2012	8-22-2012	Animals amendment	Ch. 70
9-2012	10-10-2012	Water amendment	Ch. 207
10-2012	10-10-2012	Water rents	NCM
11-2012	10-10-2012	Sewers amendment	Ch. 163
12-2012	10-10-2012	Moratorium on certain gas and/or petroleum exploration and extraction	NCM
13-2012	11-28-2012	General provisions: adoption of 1978 Code amendment; sewers amendment	Ch. 1, Art I; Ch. 163

Local Law Number	Adoption Date	Subject	Disposition
14-2012	11-28-2012	General provisions: adoption of 1978 Code amendment; environmental protection	Ch. 1, Art I; Ch. 106
1-2013	2-13-2013	General provisions: adoption of 1978 Code amendment; zoning amendment	Ch. 1, Art. I; Ch. 212
2-2013	2-27-2013	Moratorium	NCM
3-2013	2-27-2013	Tax levy limit override 2013	NCM
4-2013	4-17-2013	Vehicles and traffic amendment	Ch. 198
5-2013	4-29-2013	Building construction amendment; zoning amendment	Ch. 86; Ch. 212
6-2013	6-27-2013	Code of Ethics amendment	Ch. 24
7-2013	7-8-2013	Zoning amendment	Ch. 212
8-2013	8-15-2013	Vehicles and traffic amendment	Ch. 198
9-2013	9-12-2013	Vehicles and traffic amendment	Ch. 198
10-2013	9-12-2013	Zoning amendment	Ch. 198
1-2014	7-24-2013	Zoning amendment	Ch. 212
2-2014	11-20-2013	Commission for Historic Preservation amendment	Ch. 9, Art. III
3-2014	12-11-2013	Zoning amendment	Ch. 212
4-2014	10-9-2013	Environmental Policy Commission amendment	Ch. 9, Art. I
5-2014	1-8-2014	Trees amendment	Ch. 191
6-2014	1-8-2014	Vehicles and traffic amendment	Ch. 198
7-2014	1-22-2014	Vehicles and traffic amendment	Ch. 198
8-2014	2-12-2014	2014 tax levy limit override	NCM
9-2014	4-23-2014	Vehicles and traffic amendment	Ch. 198
10-2014	6-11-2014	Building construction amendment	Ch. 86
11-2014	6-25-2014	Building construction amendment	Ch. 86
12-2014	10-22-2014	Animals amendment	Ch. 70

Local Law Number	Adoption Date	Subject	Disposition
13-2014	10-22-2014	Penalties, fees and fines amendment	Ch. 1, Art. I; Ch. 9, Art. III; Ch. 60; Ch. 63; Ch. 70; Ch. 74; Ch. 79; Ch. 82; Ch. 86; Ch. 90; Ch. 98; Ch. 106; Ch. 110; Ch. 113; Ch. 116; Ch. 124; Ch. 129; Ch. 135; Ch. 138; Ch. 143; Ch. 152; Ch. 155; Ch. 163; Ch. 166; Ch. 171; Ch. 175; Ch. 178; Ch. 182, Art. I; Ch. 182, Art. II; Ch. 191; Ch. 195; Ch. 198; Ch. 207; Ch. 212
14-2014	10-22-2014	Retail checkout bags	Ch. 160
1-2015	12-10-2014	Personnel policies repealer	Ch. 35, reference only
2-2015	1-14-2015	Housing standards amendment	Ch. 129
3-2015	1-14-2015	Zoning amendment	Ch. 212
4-2015	1-28-2015	2015-2016 tax levy limit override	NCM
5-2015	2-25-2015	Affordable housing	Ch. 132
6-2015	3-11-2015	Vehicles and traffic amendment	Ch. 198
7-2015	4-22-2015	Vehicles and traffic amendment	Ch. 198
8-2015	7-8-2015	Moratorium on establishment or enlargement of all uses within the North Chestnut Street Gateway District	NCM
9-2015	10-8-2015	Moratorium on establishment or enlargement of all uses within the North Chestnut Street Gateway District amendment	NCM
10-2015	10-28-2015	Zoning amendment	Ch. 212

Local Law Number	Adoption Date	Subject	Disposition
1-2016	3-23-2016	2016-2017 tax levy limit override	NCM
2-2016	3-23-2016	Zoning amendment	Ch. 212
3-2016	7-16-2016	Subdivision of land amendment; zoning amendment	Ch. 178; Ch. 212
4-2016	7-27-2016	Environmental Policy Board amendment	Ch. 9, Art. I
5-2016	8-24-2016	Vehicles and traffic amendment	Ch. 198
6-2016	10-19-2016	Zoning amendment	Ch. 212
1-2017	1-25-2017	Noise	Ch. 143
2-2017	2-22-2017	2017-2018 tax levy limit override	NCM
3-2017	2-22-2017	Moratorium on establishment or enlargement of all uses in Neighborhood Business Residential Mixed-Use District	NCM
4-2017	3-22-2017	Best value pricing	Ch. 77
5-2017	6-14-2017	Zoning amendment	Ch. 212
6-2017	7-26-2017	Trees amendment	Ch. 191
1-2018	12-6-2017	Storm sewers and stormwater management	Ch. 165
2-2018	3-14-2018	Housing Standards Amendment	Ch. 129
3-2018	5-16-2018	Solid Waste, Collection of Amendment	Ch. 171
4-2018	5-16-2018	Subdivision of Land Amendment; Zoning Amendment	Ch. 178; Ch. 212
5-2018	6-13-2018	Subdivision of Land Amendment; Zoning Amendment	Ch. 178; Ch. 212
6-2018	6-27-2018	Taxation Amendment	Ch. 182
7-2018	7-11-2018	Taxation Amendment	Ch. 182
8-2018	7-11-2018	Alarms, False Amendment	Ch. 63
9-2018	7-11-2018	Vehicles and Traffic Amendment	Ch. 198
10-2018	7-25-2018	Vehicles and Traffic Amendment	Ch. 198

Local Law Number	Adoption Date	Subject	Disposition
11-2018	8-8-2018	Vehicles and Traffic Amendment	Ch. 198
12-2018	8-22-2018	Solid Waste, Collection of Amendment	Ch. 171
13-2018	9-26-2018	Building Construction Amendment	Ch. 86
14-2018	10-23-2018	Buildings, Unsafe Amendment	Ch. 90
15-2018	10-23-2018	Code Enforcement Amendment	Ch. 95
16-2018	10-23-2018	Housing Standards Amendment	Ch. 129
17-2018	12-12-2018	Zoning Amendment	Ch. 212