

**SCHEDULE A: AMENDED ZONING ORDINANCE
FOR THE**

**TOWN OF ROMULUS
SENECA COUNTY NEW YORK**

DRAFT

Table of Contents

ARTICLE I.	INTRODUCTORY PROVISIONS.....	5
Section 1.	Enacting Clause.....	5
Section 2.	Title.....	5
Section 3.	Purposes of the Zoning Law	5
Section 4.	Prior Existing Local Laws	5
Section 5.	Expenses.....	5
ARTICLE II.	DEFINITIONS	6
ARTICLE III.	ESTABLISHMENT OF ZONING DISTRICTS	17
Section 1.	Types of Zoning Districts.....	17
ARTICLE IV.	REGULATIONS OF ESTABLISHED ZONES ¹	18
Section 1.	Zoning District Uses	18
Section 2.	TABLE C – AREA REGULATIONS.....	22
Section 3.	Special Regulations for Certain Districts.....	23
Section 4.	Prohibited Uses	23
ARTICLE V.	GENERAL STANDARDS FOR ALLOWED USE AREAS/ZONES RELATED TO ENVIRONMENTAL CONCERNS	24
Section 1.	General.....	24
ARTICLE VI.	GENERAL STANDARDS FOR ALL ZONES.....	25
Section 1.	General.....	25
Section 2.	Erosion and Sedimentation Control	25
Section 3.	Corner Lots.....	26
Section 4.	Off-Street Parking	26
Section 5.	Off-Road Loading	26
Section 6.	Outdoor Swimming Pools.....	26
Section 7.	Fences, Walls, and Shrubbery	26
Section 8.	Outdoor Storage.....	27
ARTICLE VII.	SIGNS.....	28
Section 1:	Business and Industrial	28
Section 2:	General Regulations.	28
ARTICLE VIII.	STANDARDS FOR SPECIAL USES	29
Section 1.	General Requirements	29
Section 2.	Conversion of Seasonal Residence	29
Section 3.	Home Business Activities.....	29
Section 4.	Gasoline Stations	29
Section 5.	Motor Vehicle Repair Shops	29
Section 6.	Large-Product Retail	29
Section 7.	Essential Facilities.....	30
Section 8.	Junkyards	30
Section 9.	Restaurants.....	30
Section 10.	Campgrounds/Travel Trailer Parks	31
Section 11.	Communication Transmission Towers and Telecommunications Facilities	31

Section 12:	Wind Energy.....	37
Section 14:	Dog/Cat Breeding Facilities.....	43
ARTICLE IX.	SPECIAL USE REVIEW	48
Section 1.	Authority	48
Section 2.	Objectives.....	48
Section 3.	Special Use Review Standards.....	48
Section 4.	Procedure.....	49
Section 5.	Materials to be submitted by Applicant	51
ARTICLE X.	FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS	52
Section 1.	Required Public Improvements	52
Section 2.	Required Financial Security	52
Section 3.	Review of Proposed Financial Security	52
Section 4.	Schedule of Improvements	52
Section 5.	Staged Refunding of Financial Guarantees	52
Section 6.	Acceptance of Required Public Improvements	53
Section 7.	Required Maintenance Guarantee	53
ARTICLE XI.	NONCONFORMITIES	54
Section 1.	Intent	54
Section 2.	Nonconforming Uses.....	54
Section 3.	Nonconforming Lots of Record	54
Section 4.	Nonconforming Structures	54
ARTICLE XII.	ADMINISTRATION AND ENFORCEMENT	55
Section 1.	Zoning Permits	55
Section 2.	Temporary Zoning Permits.....	55
Section 3.	Application Procedure for Zoning Permits	55
Section 4.	Fees	56
Section 5.	Certificate of Occupancy	56
Section 6.	Unapproved Lots.....	56
Section 7.	Zoning Officer.....	56
Section 8.	Zoning Board of Appeals.....	57
Section 9.	Planning Board.....	57
Section 10.	Violations and Penalties.....	58
Section 11.	Amendments	58
Section 12.	Interpretation and Separability	58
Section 13.	Effective Date	59
ARTICLE XIII.	MOBILE HOMES	60
Section 1.	Title.....	60
Section 2.	Purpose	60
Section 3.	Definitions.....	60
Section 4.	Permit and License Required.....	60
Section 5.	Application for Permit	60

Section 6.	Mobile Home Park Requirements	61
Section 7.	Internal Streets	61
Section 8.	Lighting	62
Section 9.	Water	62
Section 10.	Sewage	62
Section 11.	Electrical System	62
Section 12.	Fuel Supply and Storage	62
Section 13.	Fire Protection	62
Section 14.	Recreation Area	62
Section 15.	Landscaping	62
Section 16.	Skirts	62
Section 17.	Sales	63
Section 18.	Additions to Mobile Homes	63
Section 19.	Accessory Buildings	63
Section 20.	Duties of Licensees	63
Section 21.	Public Information Meetings	63
Section 22.	License for Operation and Maintenance of Mobile Home Park	63
Section 23.	Existing Mobile Home Parks	63
Section 24.	Inspection of Mobile Home Parks	64
Section 25.	Placement of Individual Mobile Homes	64
Section 26.	Revocation of License	64
Section 27.	Procedure for Abatement of Violations	64
Section 28.	Violations and Penalties	64
Section 29.	Validity	64
Section 30.	Appeal by License	65
Section 31.	Effective Date	65
Section 32.	Variances	65
ARTICLE XIV.	PROPERTY MAINTENANCE	66
Section 1.	General Requirements	66
Section 2.	Unsafe Structures and Equipment	66
Section 3.	Definitions	67
Section 4.	Minimum Conditions	68
Section 5.	Investigation and Report	71
TABLE C AREA REGULATIONS ³		74
Attachment A – Town of Romulus Zoning Map		75

ARTICLE I. INTRODUCTORY PROVISIONS

Section 1. Enacting Clause

Pursuant to the authority conferred by Article 16 of the Town Law and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Romulus hereby adopts and enacts as follows:

Section 2. Title

This law shall be known as the Town of Romulus Zoning Law.

Section 3. Purposes of the Zoning Law

The primary purpose of this zoning law is to provide for orderly growth and development of the Town of Romulus, in accordance with the Town of Romulus Comprehensive Plan. This zoning law has been adopted so that the Town of Romulus is developed in a responsible, efficient and successful manner in accordance with the goals set forth in the Comprehensive Plan which include, but are not limited to: the creation of new employment opportunities, that development be accomplished in a fiscally responsible and prudent manner, that wildlife conservation efforts be coordinated, that development be focused on property that offers the greatest potential for success, and that development be undertaken in a manner that ensures sound environmental practices.

This zoning law also has the underlying purposes, which are associated with land use or zoning regulations in general. These purposes include, but are not limited to, the following: to lessen congestion in the roads; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect significant resources; and to promote the health, safety, and general welfare of the public. This zoning law has been made with reasonable consideration, among other things, as to the character of each zoning district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land.

Section 4. Prior Existing Local Laws

This law supersedes the Town of Romulus Land Use Ordinance, adopted 12/20/06 as amended from time to time.

Section 5. Expenses

All administrative expenses, including reasonable costs and expenses of engineers, attorneys, or other consultants, incurred by the Zoning Board of Appeals, Planning Board, Town Board, and/or Zoning Officer, which are reasonably necessary in the review and processing of an application made under this law, shall be charged back to the applicant as a fee related to the application submitted.

ARTICLE II. DEFINITIONS

Except where specifically defined herein, all words used in this law shall carry their customary meanings. Words in the present tense include the future, the singular number includes the plural and the plural the singular; and the word lot includes the word plot. The Zoning Board of Appeals under their powers of interpretation shall clarify doubt as to the precise meaning of any word used in this law.

Accessory Structure:

A subordinate structure located on the same lot with the main structure, occupied by or devoted to an accessory use. Where an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main structure. **Accessory structure** shall include, but not be limited to: garages, storage sheds, satellite dishes, or similar structures 80 square feet or more in size. **Accessory structure** shall not be deemed to include fences.

Accessory Use:

A use incidental and subordinate to the principal use and located on the same lot with such principal use.

Adjacent:

With reference to the location of a parking facility, land located across an alley, easement, road or highway from the building incidental to which such space for vehicle storage or off-road parking facility is required.

Agricultural Structure:

A barn, silo, storage building, roadside stand, equipment shed, or other accessory structure customarily used for agricultural purposes.

Agricultural Support Business:

A commercial enterprise whose primary function is to provide goods and services, which directly support agricultural use. These commercial enterprises include but are not limited to: feed store, farm implement sales, grain storage, and fertilizer distribution.

Agriculture Use:

The raising of crops, animals, or animal products, the selling of such products grown on premises, and any other commonly accepted agricultural operations, including incidental mechanical processing of products, except animals or crops raised for personal consumption or recreational purposes.

Alterations:

As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or by the moving of a building or structure from one location to another.

Animal Hospital:

On premises health care for animals, exclusive of boarding. Boarding is considered a Kennel and is regulated as such elsewhere in this document.

Area (of a Sign):

The entire area within a single, continuous perimeter enclosing all elements, which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign. On signs with more than one face, only that face or faces visible from any one direction at one time will be counted.

Auction, Livestock:

The permanent use of land or buildings for the public sale of livestock to the highest bidder.

Auction Sales:

The permanent use of land or buildings for the public sale of goods to the highest bidder. For the purposes of this law, such use shall not include sales of livestock, and shall not be considered a **retail store**. [See also Auction, Livestock and Auction, Vehicle or Equipment]

Auction, vehicles and equipment:

The permanent use of land or buildings for the public sale of automobiles, trucks, farm equipment and heavy equipment to the highest bidder.

Adult Entertainment:

A business that provides sexual entertainment or services to customers, including: X-rated video shops and bookstores, live or

video peep shows, topless or fully nude dancing, “marital aid” shops, hourly motels, non-medical massage parlors, etc.

Advisory Opinion:

A report by a local administrative body, which does not have the authority to issue permits or adopt laws and regulations, prepared for local body that does.

Amortization of Nonconforming Uses:

Nonconforming uses that are particularly inconsistent with zoning districts within which they exist and not immediately dangerous to the public health or safety may be terminated or amortized within a prescribed number of years.

Awning Sign:

Any visual message incorporated into an awning attached to a building.

Bed and Breakfast:

An owner-occupied dwelling used for renting accommodations to transient, fee-paying guests and providing not more than one (1) meal daily to guests only. Not more than five (5) rooms may be let.

Building:

Shelter having a roof supported by columns or walls and intended for the shelter or enclosure of persons, animals, or property.

Camp/ Seasonal or transient cottage

A structure for shelter and transient recreational occupancy that is not a Dwelling.

Campground/Travel Trailer Park:

The placement or storage on a lot of two (2) or more cabins, travel trailers, tents, shelters, or other accommodation suitable for seasonal or temporary living purposes, excluding mobile homes, for a period exceeding twenty-one (21) days or where a fee is paid in exchange for such placement or storage.

Clearcutting:

The harvesting, in one operation, of seventy-five percent (75%) or more of all trees over six (6) inches diameter at breast height (DBH) in a contiguous area or on a lot and which affects more than one (1) acre of ground surface.

Combustion, Conversion or Disposal Facility

Any commercial or industrial facility capable of processing at least five tons of Waste per day and which produces energy or disposes of waste by combusting a Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or which produces a solid, liquid and/or gaseous fuel or other product through conversion of a Waste.

Common Property:

That portion of land in a clustered subdivision, together with any improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites.

Community Center:

Includes public or private meeting hall, or place of assembly, not operated primarily for profit.

Conference Center/ Retreat

A facility used or intended to be used for: corporate conferences or training sessions; personal fitness/wellness; and recreational/entertainment uses. Includes food service and other accessory uses. Lodging only for event attendees, and the restrictions for Bed & Breakfast, Inn or Hotel also apply

Day Care Center:

A private program or facility not located in a family home enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of children is received, and which is licensed or approved to be used as a child care center under section 390 of the Social Services Law of New York State. (See also Family Day Care Home)

Depot or Depot Lands:

The lands now or formerly part of the Seneca Army Depot, which are located within the boundaries of the Town of Romulus.

Directional Sign:

A sign limited to providing information on the location of an activity, business or event.

Dock:

A structure built or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a boathouse.

Dwelling:

Building or part thereof used as living quarters for one family. The terms dwelling, one-family dwelling, two-family dwelling, or multiple-family dwelling shall not include a motel, hotel, boarding house, tourist home, single-wide mobile home or similar structure, but shall include modular homes and double-wide mobile homes. A dwelling includes a seasonal dwelling, which is not used, or intended for permanent residence and which is not occupied for more than six (6) months in each year.

Dwelling, Multiple-Family:

A building designed for, or occupied by, three (3) or more families living independently of each other.

Dwelling, One-Family:

Detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family:

Building designed for, or occupied by, two (2) families living independently of each other.

Energy Production - Gas or Petroleum– Utility Scale

Electrical energy production from natural gas or petroleum fuel, with a nameplate capacity of 25 kW or larger.

Erosion:

The wearing away of the land surface by action of wind, water, gravity or other natural forces.

Essential Facilities:

Telephone exchange and dial centers or repeater station, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage facilities, and similar facilities operated or maintained by municipal agencies or public utilities.

Family:

One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Family Day Care Home:

A program caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. A family day provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session in accordance with the regulations of the department and the department inspects such home to determine whether the provider can care adequately for seven or eight children. (See also Day Care Center.)

Finance, Insurance, and Real Estate:

Establishment such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, buyers, sellers, agents, and developers of real estate.

Firing Range, Indoor or Outdoor:

The use of land or an indoor facility for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as turkey shoots

Flea Market:

An occasional or periodically-held market in an open area or structure where spaces are rented or provided to groups or individual sellers who offer goods for sale to the public. This does not include individual garage or tag sales.

Free-Standing Sign:

Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon ground. Included are pole signs, pylon signs and masonry wall-type signs.

Garages, Private Parking:

An accessory building not operated for gain and used in conjunction with a principal building, which provides for the storage of motor vehicles and/or other household items.

Garages, Public Parking:

Any garage other than a private garage, operated for gain, available on a rental basis for the storage of four (4) or more motor

vehicles.

Gross Floor Area (GFA):

The total interior floor area of a building multiplied by the number of floors.

Gross Leasable Area (GLA):

The gross size of the floor area of a commercial/retail facility, which is leasable.

Group Home:

A place of residence for individuals undergoing treatment or counseling for mental or physical disorders.

Historic or Cultural Resource:

Any building, memorial or site which has a quality of significance in American history, architecture, archaeology and culture as may be found in a district, site, building, or structure of state and local importance that possesses integrity of location, design, setting, materials, workmanship, feeling and association or that is associated with an event that has made a significant contribution to the broad patterns of our history.

Home Business Activity:

A non-residential activity, conducted within a dwelling unit, which is secondary to the residential use of the dwelling unit and which constitutes either entirely or partly the livelihood of a person living in the dwelling.

Hospital:

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, or other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Illuminated Sign:

Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Indoor Recreation:

A building designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Inn:

A facility that provides lodging on an overnight basis and has at least six, but no more than twelve guest rooms. It may serve meals to guests.

Institutional Care Facility:

Residential Services setting licensed by the County or a specific New York state Organization to provide housing and related services.

Junkyard:

As defined in NYS General Municipal Law § 136: The outdoor storage or deposit of any of the following:

- A) Two (2) or more junk vehicles.
- B) The outdoor storage of junk appliances, including but not limited to: washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.

Laboratory or Research and Development Facility

An establishment where scientific or industrial research and development, or analytic services are performed. Shipping and receiving traffic by truck is nominal. Emissions and noise are low.

Laundromat:

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

Loading Space:

Off-road space used for the temporary location of one licensed motor vehicle, which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road.

Lot:

A parcel of land occupied or designed to be occupied by one (1) principal building and the accessory buildings or uses

customarily incident to it, including such open spaces as are required by this law, which is recorded by deed or survey in the office of the Seneca County Clerk.

Lot Coverage:

The percentage of the lot area covered by all principle or accessory buildings, roads, driveways, sidewalks, parking areas, and structures on the lot.

Lot Frontage:

The distance between the boundaries of a lot measured at their points of intersection with the road right-of-way line, or the shoreline of a stream or waterbody.

Lot Line:

Property lines bounding a lot.

Lot of Record:

Any lot which individually or as a part of a subdivision has been recorded in the County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.

Manufacturing, Light:

The processing, assembly, or fabrication of goods and products in a manner consistent with the light-industrial use performance standards set forth in Article VIII of this law.

Marina:

A building, structure or place, containing docking facilities where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels, lubricants and incidental supplies may be provided.

Mean High Water Mark:

The approximate average high-water level for a given body of water at a given location, determined by reference to the line of vegetation or type of vegetation or hydrological information concerning water levels or other appropriate test.

Mobile Home:

Manufactured housing with or without a foundation, designed with a chassis, and constructed to be towed or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. A **mobile home** shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. The term **mobile home** shall also include modular homes and doublewide homes.

These structures are manufactured in two or more sections off-site and transported individually to the placement site and when assembled has a minimum enclosed horizontal exterior dimension of twenty (20) feet. A modular home is designed to be permanently anchored to a foundation to become a fixed part of the real estate.

Motel/Hotel:

A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities, and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

Motor Vehicle Repair Shop:

A building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles on a fee or contract basis.

Natural Gas and/or Petroleum Extraction:

The digging or drilling of a well for the purposes of exploring for, developing, or producing natural gas, petroleum or other subsurface hydrocarbons.

Nonconformity:

A lot, building, structure, or use of land legally and substantially existing at the time of enactment of this law which does not conform to the regulations of the district in which it is situated.

Nursery/Garden Shop:

A commercial facility, which primarily includes the sale of trees, shrubs, plants, and utensils incidental to gardening. This shall not be interpreted to include the large-product retail sales of farm equipment and implements. (See **Retail, Large-product.**)

Nursing/Convalescent Home:

An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

Off-Premises Sign:

A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Off-Street Parking Facility:

An area for temporary parking of motor vehicles off public road rights-of-way.

Over-Lay Zone:

Overlay districts are overlaid on top of the basic zoning districts, as indicated on the Zoning Map. In such overlay districts, proposed land uses are subject to the requirements set forth in their description, in addition to those requirements and standards ordinarily applicable to the underlying districts.

Person:

An individual person, co-partnership, voluntary association or corporation.

Personal Service:

Includes barber, hairdresser, beauty parlor, shoe repair, shoeshine, photographic studio, and businesses providing similar services.

Portable Sign:

A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign.

Professional Office:

Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, and similar professions.

Projecting Sign:

A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

Public and Semi-Public Facility:

Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use:

- A) Religious Institutions
- B) Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.
- C) Schools
- D) Public Libraries
- E) Group homes
- F) Not-for-profit fire stations, ambulance stations, public safety buildings, and detention facilities

Rear Lot Line:

That lot line, which is opposite and most distant from the front lot line.

Recreation, Outdoor:

Includes golf driving range, golf pitch and putt course, and par three golf course; recreation court or field; ski area; playfield; swimming pool; bike trails; hiking trails; and similar facilities for outdoor recreation.

[Recycling](#)

[Storage, collection, and transportation in connection with the NY State Recycling law, as administered by the Seneca County, NY Recycling Department.](#)

Religious Institution:

Any church, synagogue, temple, mosque or similar structure used for worship or religious instruction including social and administrative rooms accessory thereto.

[Renewable Energy Production](#)

[Energy produced from wind, solar, water power that does not dam or otherwise block an entire flowing body of water, and/or](#)

geothermal heating/cooling systems. Fuels cells, fly wheels, batteries and other energy storage systems that can store electricity or heat produced from renewable sources are included. Energy storage systems are not Renewable Energy Production if they involve storage or combustion of fossil fuels, or any explosive or flammable substance other than up to 100 kg of hydrogen for a fuel cell system. With the exception of fuel cells consuming hydrogen, Renewable Energy Production does not include any uses of combustion or other systems that consume Waste, biogas, biomass, liquid biofuel, or any other fuels and/or produces any combination of solid, liquid, or gaseous wastes or byproducts in the process of producing energy.

Renewable Energy Production – Utility Scale

Utility Scale renewable energy production means Renewable Energy Production facilities with a collective total nameplate generating capacity of 25 kW or larger.

Representational Sign:

A three-dimensional sign built so as to physically represent the object advertised.

Restaurant:

Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar, fast food establishment, or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a **restaurant**.

Retail Business

A commercial activity designed for and primarily characterized by the direct on-premise sale of goods and services to the ultimate consumer, generally involving stock in trade such as are normally associated with shops, department stores, food markets and similar establishments, but also including financial institutions, auctions, business and professional offices and services, including on-premise manufacturing, processing, servicing, preparation and wholesale business transactions customarily associated therewith, but clearly incidental thereto. This term shall not include restaurants or home occupations.

Retail, Large-product:

A commercial facility including sales and service for new and used automobiles, trucks, mobile homes, recreational vehicles, and farm implements, furniture and large appliance sales. This includes an establishment regarded as a dealer under section 78.1(a) of New York Motor Vehicle Dealers and Transporters regulations selling, or offering for sale, more than five motor vehicles, motorcycles or trailers, other than mobile home trailers, in any calendar year, or displaying or permitting the display of three or more motor vehicles, motorcycles or trailers for sale at any one time or within any one calendar month upon premises owned or controlled.

Retail, Small-product:

A commercial activity characterized by the direct on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments. **Small-product retail** shall not include large-product retail.

Reuse Plan:

The plan, for the lands now or formerly part of the Seneca Army Depot located within the municipal boundaries of the Town of Romulus, entitled, Reuse Plan and Implementation Strategy for the Seneca Army Depot, which was first adopted on October 22, 1996, and as amended through the adoption date of this section. Said Plan was prepared for the Seneca Army Depot Local Redevelopment Authority in order to coordinate the closure of the Seneca Army Depot and the redevelopment of such lands by the public and private sectors.

Road:

A public or private way for motor vehicular traffic, which affords the principal, means of access to abutting properties or sites.

Road R.O.W:

A strip of land over which a public road is constructed and dedicated by deed or record. A typical County or Town road is normally a three-rod road (1 rod = 16 ½') or 49 ½' in width. Therefore, a measurement of 24 ¾' from the center line of the road would provide the perimeter of the road.

Roadside Stand:

A stall or booth for the temporary sale of farm or garden products.

Satellite Dish:

A structure attached to the ground or any other structure built or intended for the purpose of the reception of television or radio programming transmitted or relayed from an earth satellite.

School, Commercial:

Instruction of four (4) or more individuals at one time for a fee on a regular basis. Includes commercially operated schools of beauty, business, dancing, driving, music and similar establishments.

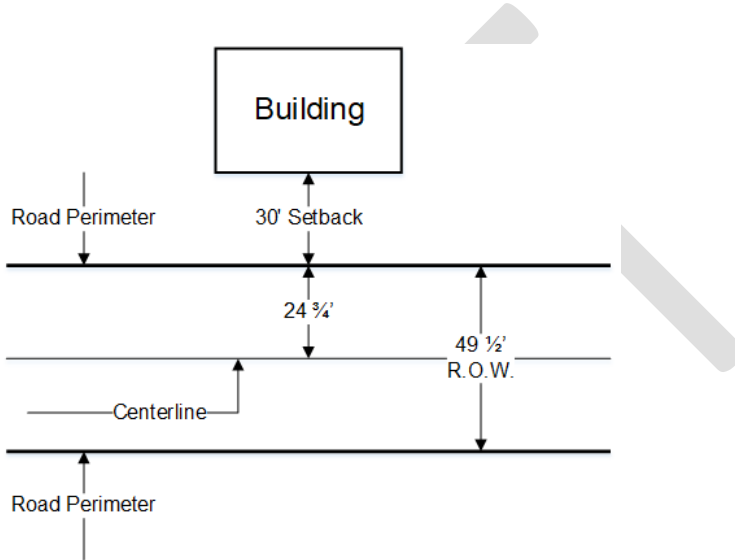
School, Non-Commercial:

Includes parochial, private, public and nursery school, college, university, and accessory uses; and shall exclude commercially operated schools of beauty culture, business, dancing, driving, music and similar establishments.

Setback:

The distance between the road right of way perimeter and a building or structure is measured from the right of way perimeter to the nearest point of the building, structure or use at ground level.

Example:



The **setback** from a stream shall be the distance between the shoreline and a building structure, or use, measured from the shoreline to the nearest point of the building, structure, or use. *The setback from a lake shall be the distance between the 100 Year Flood Boundary, as mapped by the Federal Emergency Management Agency, on the Flood Insurance Rate Maps, and a building structure, or use, measured from the shoreline to the nearest point of the building, structure, or use.*

Shopping Center:

A lot occupied by more than one (1) commercial use unit, attached or detached, providing small product retail and services, large product retail and services, or office and business services in excess of ten-thousand (10,000) square feet gross leasable area.

Shoreline, Stream:

The top of the stream bank, if well defined; or the edge of wetland vegetation, as described in New York State Freshwater Wetlands Act, Section 24-0107(1); along the edge of a stream, whichever point is of greater distance from the waters of the stream.

Side Lot Line:

A lot line that is not a road line or a rear lot line.

Sign:

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

Sign Directory:

A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

Sign Structure:

The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

Site Preparation:

The activities of stripping, excavation, filling and grading, no matter what the purpose of these activities.

Special Permit:

A permit issued by the Planning Board for a special use after review and approval according to the procedures in Article IX of this law.

Stable, Commercial:

A building in which horses are quartered, with remuneration.

Storage

The action or method of keeping material, products, or other items for future use, disposal, and/or other treatment. Storage can be for any period of time (short-term, long-term, or any other period of time).

Stream:

That portion of a continuously- or intermittently-flowing body of water and adjacent areas to the shoreline thereof, not including any tributary thereto unless expressly included in these regulations.

Structure:

Any object constructed, installed, or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, satellite dishes, tanks, and any fixtures, additions, and alterations thereto. Fences shall not be included in the definition of **structure**.

Tavern, Bar, Nightclub:

An establishment whose primary business is to serve alcoholic beverages such as beer, wine, liquor, and mixed drinks for consumption on the premises. May include entertainment and food service. This definition excludes tasting rooms associated with a winery, brewery or distillery.

Temporary Sign:

A sign related to a single activity or event having a duration of no more than thirty (30) days.

Town:

The term **Town** (with capital letter) means the municipal government of the Town of Romulus or its employee or official designated by statute law or this law to function as its agent. The term **town** (without capital letter) means the Town of Romulus as an area of land governed by the **Town**.

Townhouse:

One of a group of two (2) or more attached dwelling units divided from each other by party walls, each unit having a separate entrance from the outside, and each unit being located on a separate lot.

Transloading or Trucking Terminal:

A facility for the process of transferring a shipment from one mode of transportation to another and/or for the receipt, transfer, short-term storage and/or dispatch of goods or Waste. -other than trash.

Use:

The specific purposes, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Principal:

A use not requiring Planning Board review but requiring a zoning permit issued by the Zoning Officer.

Use, Special:

A use in a particular zone designated in Article IV as SP and requiring a special use review prior to the issuance of a special use permit.

Use, Temporary:

An activity conducted for a specified limited period of time. **Temporary Use** includes, but is not limited to, such uses as buildings incidental to new construction, which are removed after the completion of the construction work, and seasonal

produce stands.

Variance:

A **variance** is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. **Variations** run with the land and are not particular to any one landowner.

Wall Sign:

A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Warehousing:

A business whose principal activity is the storage of merchandise or materials for others, and that occupies a total area greater than 1000 square feet. Includes mini-storage businesses and may include terminal facilities for handling freight. [See also [Transloading or Trucking Terminal/Transloading](#)].

Waste

Any of the following, or combination of the following: sewage (including, but not limited to, methane or other emissions from animal or human sewage, and including the water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present); solid or liquid waste, including but not limited to, all putrescible and non-putrescible materials or substances that are discarded, discharged, deposited, injected, dumped, burned, spilled, leaked, or placed into or on any land or water, or otherwise disposed of, or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection; garbage; trash; rubbish; refuse; industrial, commercial and household waste; ash (including, but not limited to, bottom ash, boiler ash, fly ash, incinerator ash); ash and sludge from air or water treatment facilities; sewage sludges; biosolids; contained gaseous material; incinerator residue; offal; construction and demolition debris; disaster debris; industrial waste, hazardous waste as defined by N.Y. Environmental Conservation Law § 27-0901(3); "Waste" as defined by N.Y. Environmental Conservation Law § 27-0901(11); low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-1010(1); source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923); high-level radioactive waste; transuranic waste; regulated medical waste as defined by N.Y. Environmental Conservation Law § 27-1501(1); "Solid Waste" as defined in the Resource Conservation and Recovery Act of 1976 ("RCRA") §1004(27), 42 U.S.C. §6904(27); "solid waste" as defined in 6 NYCRR Part 360.2; "solid waste" as defined in NY ECL §27-0701(1); automobile shredder residue; discarded automobiles; waste tires as defined by N.Y. Environmental Conservation Law § 27-1901(13); pharmaceutical wastes or expired pharmaceuticals; contaminated soil; electronic wastes; the solid residue of any air or water pollution control device; and liquid or solid waste generated by stores, offices, warehouses, institutions, and restaurants. Any material that falls under this definition shall not be considered fuel.

Wetlands, Regulated:

Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1), are mapped pursuant to 6 NYCRR Part 664, and are filed with the County Clerk or Town Clerk.

Wetlands, Unregulated:

Any lands or water that are defined as wetlands according to the New York State Freshwater Wetlands Act, Section 24-0107(1) and are not mapped pursuant to 6 NYCRR Part 664.

Wholesale:

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This shall include lumber, plywood, and millwork yards unless the primary operation is directly to the general public as opposed to builders and contractors.

Wildlife Refuge/Nature Preserve:

An area maintained in its natural state for the preservation of both animal and plant life.

Window Sign:

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four (4) feet of the window, but not including graphics in connection with customary window display of products.

Yard:

Space on a lot not occupied with a building or structure. Porches, whether enclosed or unenclosed, and roof overhangs, shall be considered as part of the main building and shall not project into a required **yard**.

Yard, Front:

The space within and extending the full width of the lot from the road line to a parallel line through the part of the principal building or accessory structure, which is nearest to such road line. If a lot adjoins two (2) or more roads or highways, it shall be deemed to have a **front yard** on each adjoining road or highway.

Yard, Rear:

The space within and extending the full width of the lot, from the rear lot line to a parallel line through the part of the principal building or accessory structure which is nearest to such lot line.

Yard, Side:

The space within the lot extending the full distance from the front yard to the rear yard and from the side lot line to a parallel line through the part of the principal building or accessory structure which is nearest to such side lot line.

Zoning Officer:

A person appointed by the Town Board to carry out (but not interpret) the regulations of this law, also known as Enforcement Officer or Zoning Enforcement Officer.

DRAFT

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 1. Types of Zoning Districts

A. Zoning Districts.

For the purpose of this law, the Town of Romulus is hereby divided into the following zoning districts:

- A - Agriculture
- C/R - Conservation/Recreation
- HR - Hamlet Residential
- I/W - Industrial/Warehousing
- I/G - Institutional/Governmental
- LR - Lakeshore Residential
- WITE – Warehouse, Industrial, Transportation, Energy

B. Intent of Zoning Districts.

1. The Agricultural District (A) is intended to designate those areas devoted primarily to agricultural production (crops and/or livestock), or viable for such use.
2. The Hamlet Residential (HR) District is intended to designate those areas currently used for clusters of residential housing and areas deemed appropriate for such future development.
3. The Lakeshore Residential (LR) District is intended to protect the delicate ecological balance of Seneca and Cayuga Lakes and their watershed areas while providing adequate opportunities for development that would not be detrimental to the visual character of the shoreline.
4. The Conservation/Recreation (C/R) District is intended to preserve and enhance major open spaces and recreational areas by protecting the natural amenities they possess and by encouraging only that development which respects and is consistent with those amenities. Natural amenities include wildlife habitat, water resources, ecological systems, and scenic areas.
5. The purpose of the Industrial/Warehouse (I/W) District is to delineate areas best suited for Industrial, Office Development, Warehouse and Distribution uses because of location, existing services (i.e., rail), topography, existing facilities, previous use of the property and the relationship to other land uses. It is also the intent of the district to require that such uses be planned in a manner as to minimize degradation of groundwater and surface water quality, and wetlands, minimize disturbance of natural vegetation and harmonize with nearby residential areas
6. The Institutional /Governmental (I/G) District is intended to designate areas utilized by a public or private organization for a purpose providing services the community and state (i.e. school or other educational activity); and those areas under the jurisdiction of either the NY State or Federal government and utilized for activities and purposes of their designation and which are also operated by them with neither local oversight nor any local control whatsoever.
7. The Warehouse, Industrial, Transportation, Energy (WITE) District is intended to promote the development of the central and western portions of the former Seneca Army Depot to accommodate the development of agriculture, energy, industry, commerce, and transportation-oriented businesses.
8. The Environmental Restrictions Overlay is intended to require additional scrutiny of any uses in this area to ensure that they meet all appropriate standards to protect environmental quality and public health, as documented in Records of Decision and other documents.

ARTICLE IV. REGULATIONS OF ESTABLISHED ZONES ¹

Section 1. Zoning District Uses

- NA - Not Allowed/Prohibited
- NPR - No Permit Required
- SP - Special Permit Required
- ZPR - Zoning Permit Required

	Agriculture	Conservation/ Recreation	Hamlet Residential	Industrial Warehouse	Institution/ Government	Lakeshore Residential	Warehouse, Industrial, Transportation, Energy
RESIDENTIAL USES							
Accessory Structure	ZPR	ZPR	ZPR	ZPR	ZPR	ZPR	NA
Multi-family Dwelling	SP	NA	SP	NA	NA	SP	NA
One-family Dwelling ²	ZPR	NA	ZPR	NA	NA	ZPR	NA
Two-family Dwelling	ZPR	NA	ZPR	NA	NA	ZPR	NA
GENERAL USES							
Adult Entertainment	NA	NA	NA	SP	NA	NA	NA
Agricultural Structure	ZPR	SP	ZPR	ZPR	SP	ZPR	ZPR
Agricultural Use	NPR	NA	SP	NA	NA	NPR	NPR
Boat Launches & Commercial Docks	SP	ZPR	SP	NA	NA	SP	NA
Cemetery	SP	NA	SP	NA	SP	NA	SP
Church – building only	SP	NA	SP	NA	SP	NA	SP
Communication Towers	SP	NA	NA	SP	SP	NA	SP
Community Center	SP	SP	SP	NA	NA	SP	NA
Conference Center/ Retreat	NA	NA	NA	NA	NA	NA	SP
Confined Animal Feeding Operation	SP	NA	SP	SP	NA	SP	SP
Correctional Facility	NA	NA	NA	NA	ZPR	NA	SP
County Offices	NA	NA	NA	SP	SP	NA	SP
Day Care Center	SP	NA	SP	SP	SP	SP	NA

	Agriculture	Conservation/ Recreation	Hamlet Residential	Industrial Warehouse	Institution/ Government	Lakeshore Residential	Warehouse, Industrial, Transportation, Energy
Family Day Care Center	NA	SP	NA	NA	SP	NA	NA
Firing Range	NA	SP	NA	NA	SP	NA	NA
Hiking Trails	SP	NPR	NA	NA	NA	NPR	SP
Home Occupation	ZPR	NA	ZPR	NA	NA	ZPR	NA
Hospital	NA	NA	NA	NA	NA	NA	NA
Landfills	NA	NA	NA	NA	NA	NA	NA
Medical and Health Care	NA	NA	ZPR	ZPR	SP	NA	SP
Nature Preserves	SP	ZPR	NA	NA	SP	SP	ZPR
Outdoor Recreation	ZPR	ZPR	ZPR	NA	SP	ZPR	SP
Police Training Academy	NA	ZPR	NA	NA	ZPR	NA	SP
Public/Semi-Public Facility	SP	ZPR	ZPR	SP	ZPR	ZPR	SP
School – Commercial/ Trade	SP	NA	NA	ZPR	ZPR	NA	ZPR
School – Primary and Secondary	SP	NA	ZPR	SP	ZPR	ZPR	SP
Stable - Commercial	SP	NA	NA	SP	NA	NA	SP
Wildlife Refuges	NPR	NPR	NA	NA	SP	NA	NPR
BUSINESS USES							
Agricultural Support Business	SP	NA	NA	SP	SP	NA	SP
Animal Hospital	ZPR	NA	SP	SP	SP	NA	SP
Auction Sales - permanent structure	SP	NA	SP	SP	SP	NA	SP
Bank	NA	NA	ZPR	ZPR	NA	NA	NA
Bed and Breakfast	SP	NA	SP	NA	NA	SP	NA
Campground/Travel Trailer Park	SP	SP	NA	NA	SP	SP	SP
Commercial School	NA	NA	NA	ZPR	NA	NA	SP
Conference Center	NA	SP	NA	ZPR	SP	SP	SP
Eating & Drinking Places -	SP	SP	SP	SP	SP	SP	SP

	Agriculture	Conservation/ Recreation	Hamlet Residential	Industrial Warehouse	Institution/ Government	Lakeshore Residential	Warehouse, Industrial, Transportation, Energy
mobile							
Financial, Insurance & Real Estate	SP	NA	ZPR	ZPR	NA	NA	NA
Flea Market - permanent structure	SP	NA	NA	NA	ZPR	NA	NA
Gas Stations, Garages, & Businesses Selling Gasoline	SP	NA	SP	NA	NA	SP	NA
Golf Courses (including driving range and miniature golf)	SP	SP	SP	SP	SP	SP	NA
Indoor Recreation	ZPR	ZPR	ZPR	ZPR	ZPR	ZPR	NA
Junkyard	NA	NA	NA	SP	NA	NA	NA
Large Product Retail	SP	NA	NA	ZPR	SP	NA	SP
Laundromat	NA	NA	ZPR	ZPR	ZPR	NA	ZPR
Laboratory/R&D Facility	SP	NA	NA	ZPR	NA	NA	SP
Marina	NA	SP	NA	NA	NA	SP	NA
Mortuary or Funeral Parlor	NA	NA	SP	SP	NA	NA	NA
Motel/Hotel	NA	NA	SP	SP	NA	NA	NA
Motor Vehicle Repair Shop	SP	NA	NA	SP	SP	NA	SP
Nursery/Garden Shop	SP	SP	SP	SP	SP	NA	SP
Personal Service Shop	SP	NA	SP	NPR	SP	SP	NA
Professional Office	SP	NA	SP	NPR	SP	SP	SP
Restaurant	SP	NA	SP	SP	SP	SP	SP
Retail Store	SP	NA	SP	NPR	SP	SP	NA
Shopping Center	NA	NA	SP	SP	NA	NA	NA
Small Product Retail	SP	NA	SP	NPR	SP	SP	NA
Sporting Equipment Rental	NA	SP	NA	NA	NA	NA	SP
Tavern, Bar, Nightclub	NA	NA	SP	SP	SP	NA	SP
Theater – indoor	NA	NA	NA	SP	SP	NA	NA

	Agriculture	Conservation/ Recreation	Hamlet Residential	Industrial Warehouse	Institution/ Government	Lakeshore Residential	Warehouse, Industrial, Transportation, Energy
Wholesale Outlet	SP	NA	NA	NPR	NPR	NA	NPR
LIGHT-INDUSTRIAL USES							
Assembly	NA	NA	NA	ZPR	NA	NA	SP
Energy Production – Natural Gas or Petroleum – <u>Utility Scale</u>	<u>SPNA</u>	NA	NA	<u>SPNA</u>	NA	NA	SP
Laboratory/R&D Facility	NA	NA	NA	ZPR	NA	NA	SP
Manufacturing	NA	NA	NA	ZPR	SP	NA	SP
Printing and Publishing	NA	NA	SP	ZPR	NA	NA	SP
Renewable Energy Production (Solar, Wind, Biomass, Geothermal, etc.) – Utility Scale	SP	NA	NA	SP	SP	NA	SP
Truck Terminal	SP	NA	NA	ZPR	NA	NA	SP
Warehousing	NA	NA	NA	ZPR	NA	NA	SP

1 All uses not listed herein are prohibited.

2 One-family dwelling shall include modular homes and double-wide mobile homes. Singlewide mobile homes shall be allowed only in agricultural zones. Reference: residential code of New York State, Division of Code Enforcement and Administration, Manufactured Housing Used as Dwellings, Appendix E adopted Jan. 2003.

Section 2. TABLE C – AREA REGULATIONS

DESCRIPTION	AGRICULTURE	CONSERVATION/ RECREATION	HAMLET RESIDENTIAL	INDUSTRIAL/ WAREHOUSE	INSTITUTIONAL/ GOVERNMENT	LAKESHORE RESIDENTIAL	WAREHOUSE/ INDUSTRIAL/ TRANSPORTATION/ ENERGY ⁴
Minimum Lot Size	2 Acres	1 Acre	1/2 Acre ⁵	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Frontage	200'	100'	100'	100'	100'	100' Lakeshore	100'
Front Yard Setbacks:							
Primary Structure	30'	30'	30'	30'	30'	30'	30'
Roadside Stands & Fences	5'	5'	5'	5'	5'	5'	5'
Accessory Structure	50'	50'	50'	50'	50'	50'	50'
Side Yard Setbacks:							
Structures	15'	15'	15'	15'	15'	15'	15'
Fences	0	0	0	0	0	0	0
Rear Yard Setbacks:							
Structures	50'	50'	30'	50'	50'	30'	50'
Fences	0	0	0	0	0	0	0
Maximum Height:							
Farm Structures ¹	---	---	---	---	---	---	---
Others ³	35'	35'	35'	35' ²	35'	35'	35' ²

¹ Farm structure may be two (2) times the distance to the property line in height.

² A maximum building height of 50 feet may be permitted upon approval by the Planning Board.

³ Essential facilities, private radio and television antennas and towers, and such similar structures shall be set back from all property boundaries at least ten (10) feet more than the height of the structure.

⁴ Lot must have 50' wide access easement. Minimum lot width is 300'. Maximum Building height shall be 35' for Habitable Structures; Non-Habitable Structures may be the distance to the property line in height. Fences shall be set as close to the structures as possible for security of facility and to use setbacks for wildlife habitat. After 2007 facilities will be responsible for maintenance of "perimeter fence" located on their property.

⁵ Minimum 1/2 acre allowed in area serviced by public water system

Section 3. Special Regulations for Certain Districts

- A. Performance Standards. Standards for the performance of all uses in the Industrial/ Warehouse (I/W) and Warehouse, Industrial, Transportation, Energy (WITE) district shall conform to those set forth below:
1. Smoke and particulate matter. All uses shall meet all requirements of the county, town, state and federal air pollution standards established, now or hereafter, in the district in which the use is located.
 2. Noise. All noise shall be muffled so as not to be objectionable beyond the lot line due to intermittence, beat frequency or shrillness, in accordance with accepted sound- pressure levels as established by the Occupational Safety and Health Administration or similar regulatory agencies of the local, state or federal government or such governmental bodies themselves.
 3. Vibration. No ground vibration shall be produced which is perceptible without instruments beyond the lot line.
 4. Odor. No creation of odors of such intensity and character as to create a nuisance, public or private, or be detrimental to health and welfare, nor emission of odorous gas or other odorous matter in such quantity as to be detectable at any point along a lot line without use of instruments, shall be permitted.
 5. Glare and heat. No direct glare shall be permitted from exterior or interior lights, or sky-reflected glare from high-temperature processes, which shall be visible at a lot line. No emissions of heat of eighty-five degrees Fahrenheit (85°F) or greater shall be discernible by instruments at a lot line.
 6. Radiation. The emission of any radiation, be it either nuclear or radio frequencies in nature, is prohibited without the approval of the town, state, and federal governments or agencies thereof having jurisdiction and the Seneca County Board of Health or its successor, and in no event shall there be any radiation permitted beyond the lot lines in any district.
 7. Dust, fly ash, and liquid particles. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or in sufficient amounts as to produce a public or private nuisance or hazard to health or general welfare of the public beyond a lot line.

Section 4. Prohibited Uses

- ~~A.~~ All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, odor, air pollutants, noise, gas, fumes, glare, vibration, or because of danger to the general public due to hazards of fire or explosion, are prohibited, including, but not limited to, Combustion, Conversion or Disposal Facilities.
- ~~B.~~ The storage, processing, holding, transferring, and/or transloading of Waste of more than 5 tons (10,000 pounds) per day for landfilling, Combustion, Conversion or Disposal Facilities, and/or any other purposes, is prohibited, except for agricultural waste for landfilling generated by agricultural activities and uses conducted according to generally accepted farm management principles, and except for Romulus municipal activities.
- ~~A-C.~~ Truck terminals, garages, warehouses, buildings, transfer stations, covered and uncovered standing and/or parking areas, for the storage, processing, holding, transferring, or transloading of more than 5 tons (10,000 pounds) per day of Waste for landfilling, Combustion, Conversion or Disposal Facilities, and/or any other purposes, is prohibited, except for agricultural waste to be landfilled that was generated from agricultural activities and uses conducted according to generally accepted farm management principles, and except for Romulus municipal activities.
- ~~B-D.~~ Landfilling of Waste is prohibited, except for disposal in accordance with all applicable laws and regulations (i) on site where the waste was generated and/or (ii) of agricultural waste generated from one location by agricultural activities and uses conducted according to generally accepted farm management principles.
- ~~G-E.~~ Agricultural activities and uses conducted according to generally accepted farm management principles which may seasonally or occasionally result in the production or emission of dust, smoke, odor, or noise shall not be considered prohibited uses.

ARTICLE V. GENERAL STANDARDS FOR ALLOWED USE AREAS/ZONES RELATED TO ENVIRONMENTAL CONCERNS

Section 1. General

All property previously a part of SEAD (Seneca Army Depot) may have deed restrictions imposed for environmental concerns. All development activities shall conform to these restrictions. Permit applicants shall provide a copy of the deed or other documentation identifying these restrictions, with the application.

DRAFT

ARTICLE VI. GENERAL STANDARDS FOR ALL ZONES

Section 1. General

Except where noted, the following regulations shall apply to all uses, regardless of the zoning district in which they occur.

Section 2. Erosion and Sedimentation Control

A. Clearcutting.

Where existing, a natural woodland buffer shall be maintained within one hundred (100) feet of any waterbody or watercourse as indicated on the United States Department of the Interior, 7.5 Minute Series (Topographic).

The purpose of this buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrients and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the shoreland. Restrictions are as follows:

1. No clearcutting shall be permitted within one hundred (100) feet of any stream, lake, pond, or wetland.
2. No clearcutting shall be permitted on lands where slope is fifteen percent (15%) or greater.
3. No clearcutting shall be permitted within fifty (50) feet of any lot line.
4. No clearcutting, which affects ten (10) or more acres of ground surface within any lot or any contiguous area, shall be permitted until an erosion and sedimentation control plan has been approved by the Planning Board.

B. With the exception of activities directly related to agricultural uses, no land use activities as listed below shall be carried out until the Planning Board has approved an erosion and sedimentation control plan:

1. Site preparation on lands where slope is fifteen percent (15%) or greater.
2. Site preparation or construction within one hundred (100) feet of any stream, lake, pond, or wetland.
3. Site preparation or construction within any area designated by the Federal Emergency Management Agency as a one hundred (100) year floodplain.
4. Any site preparation or construction on the site of a light-industrial use.

C. Areas of land affected by any of the following activities shall be revegetated during the closest growing season:

1. Excavation, excluding mining, which affects more than one hundred (100) cubic yards of material within any lot or any contiguous area.
2. Stripping which affects more than twenty thousand (20,000) square feet of ground surface within any lot or any contiguous area.
3. Grading which affects more than twenty thousand (20,000) square feet of ground surface within any lot or any contiguous area.
4. Filling which exceeds a total of one hundred (100) cubic yards of material within any lot or any contiguous area.
5. Any areas excavated or stripped, which are located in the Energy/Development Zone, which are outside of fence line shall be revegetated with species previously on the land or with those appropriate for food or shelter of local wildlife species.

D. Erosion and Sedimentation Control Plan. Erosion and sedimentation control plans should contain the following elements:

1. A topographic map of the site at a scale and with contour intervals deemed by the Planning Board to be suitable for review and evaluation of the proposed activity and the related erosion and sedimentation control plan.
2. The anticipated length of time and time of year of site preparation, filling, grading, stripping, excavation, or construction.
3. A narrative description, accompanying an indication on the topographic map of the site, of the erosion and sedimentation control techniques to be employed during and after site preparation, filling, grading, stripping, excavation, or construction.
4. Any other information necessary for the Planning Board to review and evaluate the adequacy of the proposed erosion and sedimentation control plan.

Assistance in preparing an erosion and sedimentation control plan may be available as a service of the local Soils and Water Conservation District or Cooperative Extension office.

Section 3. Corner Lots

In the case of a corner lot, all yards that front on public roads shall be considered front yards and must meet the applicable front yard setback and frontage requirements of this law.

Section 4. Off-Street Parking

- A. Off-street parking shall be required for all new uses permitted by right or special permit after the effective date of this Law.
- B. For commercial and industrial property, each off-street space shall consist of at least two hundred (200) square feet with a minimum width of ten (10) feet. In addition, space necessary for aisles, maneuvering, and drives shall be provided. Any parking lot designed for four (4) cars or more shall be paved with a hard or crushed stone surface material properly drained so as to control surface runoff water. The parking area must be kept free from refuse. Ingress and egress points shall be at least fifteen (15) feet in width for one-way lanes and twenty-four (24) feet in width for two-way lanes.
- C. No parking shall be permitted that will restrict any ingress or egress or access to any loading berth.
- D. Each commercial and industrial parking lot shall be landscaped and contain necessary lighting and traffic control signs.
- E. Multiple Residential Facilities shall provide a minimum of 1.5 parking spaces for residential unit or 1 parking space for bedroom whichever is less

Section 5. Off-Road Loading

For uses other than agriculture, dwelling units, and home occupations, the Planning Board shall determine the required number of off-road loading berths, considering, among other things, the use, traffic generation, and function of a site.

Section 6. Outdoor Swimming Pools

Adequate fencing and/or other barriers shall be provided to prevent accidental entry and unauthorized use of the pool. Such fencing may be erected so as to completely enclose the pool itself, the particular yard in which the pool is situated, or the entire property, except that where the pool is constructed in connection with multi-family housing, the pool itself shall be enclosed. Refer to New York State and Seneca County building codes for swimming pool enclosures, section 3109. Copies are available in the Romulus Town Office.

Section 7. Fences, Walls, and Shrubbery

Fences, walls, and shrubbery shall not be placed so as to cause traffic hazards or limit sight distances along public roads and shall be kept in good condition or structural repair so that they are not a safety hazard.

Section 8. Outdoor Storage

Materials used in the commercial manufacturing, fabricating, or servicing operations may be stored outside the building accommodating such operations, provided such materials shall not be visible from public roads or from adjacent residential properties. Such requirement shall not be deemed to apply to construction materials stored on-site during a period of construction, logs, or agricultural products or materials. The storage of any ~~waste~~Waste materials, except for food processing, ~~or agricultural waste,~~ receptacles used for normal collection of residential and commercial municipal waste (trash cans and dumpsters) and marketable recyclable materials, is prohibited.

DRAFT

ARTICLE VII. SIGNS

Signs may be erected and maintained only when in compliance with the following provisions:

Section 1: Business and Industrial

Business and advertising signs are permitted in business and industrial districts in accordance with the following regulations:

- A. Size of Signs. No sign shall exceed 100 square feet in area.
- B. Projection of Signs. No sign in a nonresidential district shall project more than three (3) feet from the main wall of a building nor shall any sign project into a public way.
- C. Height of Signs. No signs shall be higher than the height limit in the district where such sign is located.
- D. Billboards and Freestanding Advertising Signs.
 - 1. Billboards are not permitted within the Residential District.
 - 2. Signs fronting on a public way shall be no closer to one another than 200 feet.
 - 3. No sign shall be permitted within 100 feet of a public or parochial school, library, church, hospital or similar institutional use.
 - 4. All freestanding signs shall conform to the minimum yard requirements of the district in which they are located.

Section 2: General Regulations.

The following regulations shall apply to all permitted sign uses:

- A. Signs must be constructed of durable materials, maintained in good condition, and not allowed to become dilapidated. The owner when ordered by the Town Board shall remove dilapidated signs.
- B. Signs, other than an official traffic sign, shall not be erected within the right-of-way lines of any street or highway.
- C. Signs shall not project beyond property lines nor over public walk areas.
- D. A permit shall not be required for the erection, alteration, or maintenance of any signs permitted in an R District.
- E. A permit shall be required for the erection, alteration, or reconstruction of any business or advertising sign, whether on or off premises. It is the responsibility of the property owner to ensure that a permit has been obtained before the sign has been placed or construction has begun.
- F. A sign for use on a NYS Highway and/or a designated NYS Scenic Byway must comply with the standards set forth by NYS Department of transportation

It is the responsibility of the property owner to ensure that all temporary signs erected for a special event shall be removed when they are no longer necessary.

ARTICLE VIII. STANDARDS FOR SPECIAL USES

Section 1. General Requirements

All Special Uses shall require Special Use Review as specified in Article IX. The following Special Uses shall also meet the requirements specified in this Article and the requirements specified in Article IX, prior to approval by the Planning Board.

Section 2. Conversion of Seasonal Residence

- A. Prior to converting a seasonal residence to a year-round residence, it shall be demonstrated that there exists a functioning sewage disposal system servicing the residence that has been inspected and shown to have sufficient handling capacity to accommodate the proposed year- round use of the residential unit.
- B. Such inspection shall have occurred not more than one (1) year prior to application for a Special Use Permit to allow such a conversion and shall have been conducted by the Seneca County Department of Health. The Planning Board may accept an inspection report prepared by another agency or inspector, which the Planning Board deems, qualified to perform such an inspection.

Section 3. Home Business Activities

- A. A home business shall be conducted within a dwelling by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling. No one other than a resident of the dwelling shall be employed on a regular full-time basis in the conduct of a home business. A home business shall be permitted in any zoning district, which allows single-family dwellings provided that such accessory use of the residential structure does not:
 - 1. Generate traffic or parking, --- Pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the immediate neighborhood. Not more than one truck of not more than three-fourths ton capacity and no semi-trailers incidental to a home business shall be kept on the site.
 - 2. Create a hazard to person or property, results in electrical interference, or has a potential of becoming a nuisance. No noise, odor, liquid, or solid waste shall be emitted.
 - 3. Involve the permanent outside storage or display of any items except signs allowed under Article VII of this law.
- B. Prior to initiating a home occupation, it shall be demonstrated that there exists a functioning sewage disposal system servicing the residence that has been inspected and shown to have sufficient handling capacity to accommodate the combined demands of the residence and the home business.
- C. Such inspection shall have occurred not more than one (1) year prior to application for a Special Use Permit to allow such a home occupation and shall have been conducted by the County Health Department. The Planning Board may accept an inspection report prepared by another agency or inspector, which the Planning Board deems, qualified to perform such an inspection.

Section 4. Gasoline Stations

- A. Setbacks. No fuel pumps or fuel storage tanks shall be located less than fifty (50) feet from any side or rear lot line, less than thirty-five (35) feet from any public or private road right-of-way, or less than three hundred (300) feet from any stream, lake, pond, or regulated wetland.
- B. Screening. Such operation shall be screened from adjacent residential properties by fences, hedges, or other plantings, or other structures so as not to be visible from adjacent residential properties.

Section 5. Motor Vehicle Repair Shops

- A. Setback. All motor vehicle repair shops shall be so arranged as to restrict all servicing on the premises to not less than fifty (50) feet from any lot line.
- B. Storage of Waste Materials. Until disposed of, all junk wastes, discarded parts, fluids, etc., which result from the servicing of motor vehicles and equipment, shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent residential properties. No such waste materials may be disposed of on the lot.

Section 6. Large-Product Retail

- A. Setback. No large-product retail sales, rental, or storage operation shall be located less than one hundred (100) feet from any side or rear lot line.
- B. Screening. Such operation shall be screened from adjacent residential properties by fences, hedges, or other plantings, or other structures so as not to be visible from the adjacent residential properties.
- C. Servicing Facilities. Such operation that also have servicing facilities for the same and shall meet the requirements of Motor Vehicle Repair Shops set forth in Section 5 of this Article.

Section 7. Essential Facilities

- A. Location. The proposed installation of an essential facility in a specific location must be demonstrated to be necessary for efficient provision of the essential service or for the satisfactory and convenient provision of service to the area in which the particular facility is located.
- B. Buildings. The design of any building or structure in connection with such essential facility shall conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the vicinity of such proposed essential facility.
- C. Landscaping. Adequate landscaping shall be provided to create visual and sound buffers between such facilities and adjacent residential properties.
- D. Fencing. A fence, if above ground, shall secure all major electrical transformer facilities or substations. No transformer or associated switches shall be located less than one hundred (100) feet from any lot line.

Section 8. Junkyards

- A. No junkyard items shall be located so as to be visible from public roads or adjoining residential properties.
- B. No junk storage areas shall be located within:
 - 1. Three hundred (300) feet of any public park, church, educational facility, nursing home, public building, or other place of public gathering;
 - 2. Three hundred (300) feet of any stream, lake, pond, wetland, or other body of water;
 - 3. One hundred (100) feet of any well used as a drinking water source;
 - 4. One hundred (100) feet of the right-of-way of any state, county, or town road; or
 - 5. Fifteen (15) feet of any fence or screening.

Screening. Where a junkyard is or would be visible from a public highway or from neighboring properties, an eight (8) foot high opaque fence shall be provided to totally screen the junkyard from view. As an alternative, the Town Board may permit screening of the junkyard by adequate planting of evergreen trees or shrubs. The Planning Board may waive the requirement of screening where the site cannot be effectively screened due to topography or where the existing topography of the site would effectively screen junk storage areas.

- C. Burning. No materials shall be burned in a junkyard except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR Part 215.)
- D. Burying. No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR Part 360.)

Section 9. Restaurants

- A. General
 - 1. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

2. Landscaping and/or fencing shall be provided to minimize any potential conflicts with adjacent uses.
- B. The minimum distance between any driveway and side lot line shall be thirty (30) feet. Where on-site parking is required or provided, the parking lot shall be set back at least thirty (30) feet from the road line and at least fifteen (15) feet from any rear or side lot line.

Section 10. Campgrounds/Travel Trailer Parks

A. Park Location and Site Access

1. Each campground/travel trailer park shall have adequate access to a public highway. All camp/travel trailer sites shall be serviced from interior roadways.
2. Mobile homes shall not be parked, either permanently or temporarily, in any campground/travel trailer park, except as the residence of the owner/operator.

B. Camp/Travel Trailer Sites

1. Camps/travel trailer sites shall be located on generally level terrain which does not exceed eight percent (8%) slope, is well-drained, is free of flood hazard, and is clear of dense brush.
2. The corners of each camp/travel trailer site shall be clearly and permanently marked, and each lot shall be numbered for identification.

C. Minimum Site Area. Each overnight camp/travel trailer site shall have an area of at least one thousand five hundred (1,500) square feet.

D. Setbacks and Spacing. All buildings and camp/travel trailer sites shall have a setback of one hundred fifty (150) feet from the road line of all public roads with the setback area being substantially wooded and adequately landscaped to provide screening from all public roads.

E. Sewer, Water, and Public Facilities. Sewer and water facilities and other utilities shall be provided in accordance with the requirements of Chapter 1, Subpart 7-1, of the New YORK State Sanitary Code, which is adopted herein by reference, and shall be subject to any other applicable Town requirements.

F. Recreation. A minimum of ten percent (10%) of the total area of the campground/travel trailer park, excluding the required setback, shall be provided for recreation purposes and shall be fully maintained by the park owner. Such recreation area shall not be located within the required setback area.

G. Responsibilities of Park Owner. The owner or manager of a campground/travel trailer park shall maintain an office in the immediate vicinity of the park and shall maintain accurate records, including: names and home addresses of park residents; make description, year, and license or identification number of the trailer. These records shall be available for review by any law enforcement official or the Zoning Officer.

Section 11. Communication Transmission Towers and Telecommunications Facilities

A. Purpose

The purpose of this section is to recognize the increased demand for wireless communications transmission facilities and for the services they provide. Often these facilities require the construction of a communications tower. The intent of this section is to protect the Town's interest in siting towers in ways consistent with sound land-use planning by minimizing visual and environmental effects of towers through careful design, siting, and vegetative screening; avoiding potential damage to adjacent properties from tower failure or falling debris through engineering and careful siting of tower structures and facilities; and maximizing use of any new or existing tower and encouraging the use of existing buildings and/or structures in order to reduce the number of towers needed while also allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

B. Exemptions

For the purpose of this Article, any telecommunications facility that (1) is less than 75 feet in height and is set back from any lot line a distance equal to its height plus ten (10) feet, and (2) does not require use of guy wires to stabilize the antenna

structure, and (3) does not have an antennae or dish that extends more than ten (10) feet horizontally from the tower structure nor have more than 7 square feet of surface area, is exempt from the requirements of this Article.

C. Definitions

For the purpose of this Article the following definitions shall apply:

1. Accessory structure
An accessory facility or structure serving or being used in conjunction with a telecommunications facility or tower and located on the same lot as the telecommunications facility or tower. Examples of such structures include utility or transmission equipment, storage sheds or cabinets.
2. Antenna
A system of electrical conductors that transmit or receive radio frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging, personal communications services and microwave communications.
3. Co-located antennas
Telecommunications facilities that utilize existing towers, buildings or other structures for placement of antenna(s) and which do not require construction of a new tower.
4. Height
Height includes height of structure and any attachments on the principal structure.
5. Telecommunications Facilities
Towers and/or antennas and accessory structures used in connection with the provision of cellular telephone service, personal communications services, radio and television broadcast services and similar broadcast services.
6. Tower
A structure designed to support antennas. Towers may include freestanding towers, guyed towers, monopoles and similar structures that employ camouflage technology.

D. Standards

The following requirements related to project and site dimensions shall be adhered to:

1. Height
The tower shall be less than one hundred (100) feet in height unless a different height above that the applicant as being necessary demonstrates limit, and proof as to coverage needs is fully proven for additional height.
2. Lot
A fall zone around any tower constructed as part of a telecommunications facility must have a radius at least equal to the height of the tower and any attached antennae. The entire fall zone may not include public roads and must be located on property either owned or leased by the applicant or for which the applicant has obtained an easement, and may not, except as set forth below, contain any structure other than those associated with the telecommunications facility. If the facility is attached to an existing structure, relief may be granted by specific permission of the Planning Board, on a case-by-case basis, if it is determined by such Board after submission of competent evidence that the waiver of this requirement will not endanger the life, health, welfare or property of any person. In granting any such waiver, the Board may impose any conditions reasonably necessary to protect the public or adjacent property from potential injury.
3. Aesthetics and Environmental Considerations
Telecommunications facilities shall be located and buffered to the maximum extent that is practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences the Planning Board may impose reasonable conditions on the applicant, including the following:
 - a. The Planning Board may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and accessory structures to the maximum extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
 - b. The Planning Board may require that the tower be designed and sited so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and painting requirements, it being generally understood that towers should not be artificially lighted except as required by the FAA.

- c. The tower shall be of galvanized finish or painted matte gray, unless otherwise required by the FAA, and accessory facilities should maximize use of building materials, colors and textures designed to blend with the natural surroundings.
- d. No tower, accessory facility, or fencing shall contain any signs not mandated by the Federal Communications Commission (FCC).
- e. Towers shall be designed to minimize the impact on migratory birds and other wildlife.

4. Access and Parking

A road turnaround and two (2) parking spaces shall be provided to assure adequate emergency and public access. Maximum use of existing roads, public or private, shall be made. Road construction and public utility services at the site shall at all times minimize ground disturbance and vegetation cutting, and road grades shall closely follow natural contours to assure minimal visual disturbance and reduce the potential for soil erosion.

5. Safety and Security

All towers and guy anchors, if applicable, shall be enclosed by a fence not less than six (6) feet in height or otherwise sufficiently secured to protect them from trespassing or vandalism. The applicant must comply with all applicable state and federal regulations including, but not limited to, FAA and FCC regulations. Every five years the owner shall provide a certification from a qualified, licensed engineer certifying that the tower or telecommunications facility meets applicable structural safety standards.

6. Shared Use of Towers

In the interest of minimizing the number of towers, the Planning Board may require, as a condition of either site plan or tower permit approval, that the applicant indicate in writing a commitment to collocation of telecommunications facilities and to provide to the Planning Board's satisfaction the same.

E. Filing Application

The applicant will submit a written application for such a permit with the Code Enforcement Officer. The applicant will submit such information and documents as the Code Enforcement Officer or any other officer or Town agency having jurisdiction may require. Included in these documents must be a development plan and copies of all documents submitted by the applicant to the Federal Communications Commission or any other governmental agency having jurisdiction. Furthermore, the applicant shall submit an Environmental Assessment Form (Long Form) with Visual Addendum and an analysis demonstrating that the location of the telecommunications facility as proposed is necessary to meet the frequency, reuse and spacing needs of the applicant's telecommunications system and to provide adequate service and coverage to the intended area. In addition, each applicant shall submit to the Planning Board a site plan, prepared to scale and in sufficient detail and accuracy and including at the minimum the following materials:

1. Site Plan

The applicant shall submit to the Planning Board the following materials:

- a. exact location of the proposed telecommunications facility and/or tower, including geographic coordinates, together with any guy wires and guy anchors, if applicable;
- b. the maximum height of the proposed telecommunications facility and/or tower, to include all appurtenances;
- c. the details of tower type, to include engineering drawings from tower manufacturer (monopole, guyed, freestanding or other);
- d. location, type and intensity of any lighting on the tower;
- e. property boundaries and names of adjacent landowners;
- f. proof of the landowner's consent to abide by the ordinance if the applicant does not own the property;
- g. location of all other structures on the property and all structures on any adjacent property within 100 feet of the property lines, together with the distance of those structures from any proposed tower;
- h. location, nature and extent of any proposed fencing, landscaping and/or screening; and

- i. location and nature of proposed utility easements and access road, if applicable. For the area within construction area, the applicant shall show:
- j. topographical layout in ten (10) foot increments;
- k. all bodies of water and streams;
- l. existing and proposed drainage;
- m. proposed grading plans;
- n. location of all trees over eight (8) inches in diameter B.H.; and
- o. construction plans and elevation drawings of the proposed project.

At the time the applicant is notified of the Public Hearing date, he or she will be required to obtain signage provided by the Planning Board by way of the Code Enforcement Officer to be posted at the site by the applicant in such a manner as to be readily visible to the public from the nearest adjacent public road at least ten (10) days prior to the Public Hearing.

2. Application

The applicant shall submit to the Planning Board the following materials:

- A. A report from a professional engineer, which shall:
 - 1. describe the tower and the technical, economic and other reasons for the tower design;
 - 2. demonstrate that the tower is structurally sound;
 - 3. describe how many and what kind of antennas are proposed;
 - 4. describe how many and what kind of antennas are possible on the tower;
 - 5. demonstrate that the site can contain on-site substantially all ice fall or debris from tower failure;
 - 6. demonstrate that the proposed electromagnetic radiation will not exceed the levels for the environment recommended by the Federal Communications Commission in FCC 96-326, Table 1, "Limits for Maximum Permissible Exposure," and including current limits set by the FCC at time of application, at the following locations:
 - i. base of the tower or point near the tower with the highest radiation levels,
 - ii. the nearest point on the property line, and
 - iii. the nearest habitable space regularly occupied by people.
- B. A copy of the applicant's FCC license, including any requirements from the FAA.
- C. A copy of the certificate of need issued by the Public Service Commission.
- D. A letter of intent committing the tower owner applicant and/or landowner to negotiate in good faith for shared use by third parties. This letter, which shall be filed with the Building Inspector prior to the issuance of a building permit (assuming the telecommunications tower is approved), shall commit the tower owner and his or her successors in interest to:
 - 1. respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant;
 - 2. negotiate in good faith for shared use by third parties;
 - 3. allow shared use if an applicant agrees in writing to pay charges; and
 - 4. make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project

administration, land costs, site design, construction and maintenance, financing, return on equity and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit electromagnetic radiation in excess of levels described above.

- E. Evidence that existing facilities or structures, within the technically feasible area, do not have space on which planned equipment can be placed so as to function effectively. This shall include the following:
 - 1. the applicant shall contact the owners of all existing or approved towers within a ten (10) mile radius of a proposed site;
 - 2. the applicant shall provide each contacted owner with the engineer's report required above; and
 - 3. the applicant shall request each contacted owner to assess the following:
 - a. whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference;
 - b. if the antenna cannot be accommodated, assess whether the existing tower whether the existing tower could be structurally strengthened or whether the antennas and related equipment could be protected from interference;
 - c. whether the owner is willing to make space available; and
 - d. the projected cost of shared use.
- F. Visual Environmental Assessment Form (EAF) addendum to the full EAF.
 - 1. The applicant shall indicate how the structure can be blended with the view shed, including any attempts at camouflage;
 - 2. The Planning Board may require submittal of a more detailed analysis based on the results of the Visual Environmental Assessment Form addendum.
- G. Application fee as established by Town Board Resolution.
- H. Application shall provide a five (5) year plan for build-out with propagation studies.
- I. Analysis of alternative sites that includes a preliminary view shed analysis.
- J. Names, addresses, and phone numbers of the applicant, landowner, engineering consultant, and service provider.

The Code Enforcement Officer will not be required to proceed under this law until an application is complete and the Town Board pays application fee as set.

F. Planning Board Procedure

After the applicant has filed all documents and supplied all the information required by the Code Enforcement Officer, but not later than 30 days from the date a completed application is filed, the Code Enforcement Officer shall file such application and all other documents with the chair of the Planning Board, who shall place the application on the agenda of the next meeting of the Planning Board.

The application shall be reviewed at such meeting and the chair shall set a date for a public hearing, notice of which shall be (a) posted and (b) published at least once in the official newspaper, the first publication of which shall be at least ten (10) days prior to the date set for the public hearing and (c) mailed to owners of property lying within one thousand (1,000) feet of the proposed site and to such other owners of property in the vicinity of the proposed site as the chair of the Planning Board shall determine, at the applicant's cost. It shall be sufficient if the determination of the ownership is based on the current assessment roll and the assessment map, but the failure to notify all such owners shall not render defective any action of the Planning Board.

The date of said public hearing shall be within the requirements set forth in Town Law and the State Environmental Quality Review Act from the date on which the completed application was filed with the chair of the Planning Board.

The Planning Board may at any stage of the proceedings require additional information, documents or testimony, and may adjourn final consideration of its recommendation for a reasonable period for the foregoing purpose and for further study and review, but no more than 60 days after the first date set for the public hearing.

If the Planning Board requires the assistance of a consultant to evaluate the application, the applicant thereof shall pay the cost, not to exceed five (5) percent of the total cost of the project.

The special permit may be granted, denied, or granted with conditions by the Planning Board.

A. Planning Board Criteria

The Planning Board, before rendering its decision, shall consider the following standards and matters:

1. The proposed structure is necessary to meet current or reasonably expected demands for services in the community.
2. The application significantly demonstrates that alternative sites were evaluated.
3. The application conforms to all federal and state laws and all applicable rules or regulations promulgated by the FCC, the FAA and other federal agencies having jurisdiction.
4. The proposed structure is considered a public utility in the State of New York.
5. The proposed structure is sited, designed and constructed in a manner which minimizes:
 - a. visual impact to the extent practical; and
 - b. adverse impact upon migratory birds and other birds and wildlife.
6. The application complies with all other requirements of this Ordinance, unless expressly superseded herein.
7. The site is the most appropriate choice among the sites available within the technically feasible area for the location of a telecommunications facility.
8. In considering construction of a new tower, such tower is designed to accommodate future shared use by at least two (2) other telecommunication service providers. Any subsequent location of telecommunication equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified special permit if there would be no increase in the height of the tower and if the tower's original design was adequate to accommodate the proposed additional equipment. However, the proposed structure will require a site plan review and issuance of a building permit before construction occurs. At the discretion of the Code Enforcement Officer there may be required, before issuance of a building permit, an engineer's certificate or report to the effect that with the proposed additional equipment the existing tower continues to be safe and meets all then currently applicable design and construction criteria in accordance with generally accepted good engineering practices and generally accepted industry standards.
9. The size of the site chosen for the proposed use. The tower must be located on an unoccupied parcel having an area of sufficient size that no part of the tower will fall on a neighboring property should the structure collapse.

G. Building Permits

No building permit shall be issued until final approval has been granted to the applicant by any county, state and federal agency having jurisdiction in the matter and any and all other permits which may be required have been issued to the applicant.

H. Limited Permit

Any permit granted under this section shall be valid only for the dimensions and number of antennas or towers in the original application. A new application must be submitted to the Planning Board for any changes.

I. Removal Provisions

1. At the time of submittal of the application for a special permit for a telecommunications facility, the applicant shall submit an agreement to remove all antennas, driveways, structures, buildings, equipment sheds, lighting utilities,

fencing, gates, accessory equipment or structures, as well as any tower(s) designated solely for use within a telecommunications facility if such facility becomes technologically obsolete or ceases to perform its original intended function for more than twelve (12) consecutive months. Upon removal of said facility, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soils.

2. At the time of obtaining a building permit, the applicant must provide a financial security bond for removal of the telecommunications facility and restoration of the property, with the municipality as the assignee, in an amount approved by the Planning Board, but not less than fifty thousand dollars (\$50,000).
3. In instances of modification of the special permit, the Planning Board may adjust the required amount of the financial security bond to adequately cover increases in the cost of the removal of the telecommunications facility and the restoration of the property.

Section 12: Wind Energy

A. Intent and purposes

The intent of this section is to provide guidelines for placement, size, use, maintenance, transference and decommissioning of Wind Energy-Deriving Towers in the Town. This section makes the distinction among residential, commercial and industrial Wind Energy-Deriving Towers based on output capacity. Furthermore, these regulations strive to promote the health, safety and general welfare of the citizens of the Town by maintaining the character of the area as outlined in the Comprehensive Plan of the Town.

In particular, the purpose of this section (ARTICLE VIII, Section 12) is to regulate the development of residential, commercial, and industrial Wind Energy-Deriving Towers in the Town. In addition, these regulations provide for the necessary infrastructure for commercial and industrial wind-powered electricity generation facilities restricted to an overlay zone within the former Seneca Army Depot that is compatible with the need to address the visual, aesthetic and land use compatibility aspects of Wind Energy-Deriving Towers.

The goal of this section (ARTICLE VIII, Section 12) is to minimize any adverse impacts on the community by encouraging the co-location or shared use of proposed and existing Wind Energy-Deriving Tower(s) sites.

B. Definitions:

1. **Wind Energy-Deriving Tower/Wind Turbine:**
Any tower, pole or other structure, whether attached to a building, guyed or freestanding, designed to be used for the support of a rotor that consists of blades and hub, as well as a nacelle and generator.
2. **Wind Energy-Deriving Tower/Wind Turbine Accessory Facilities or Equipment:**
Any structure other than a wind turbine, related to the use and purpose of deriving energy from such towers, located at the tower facility.
3. **Windmill (or Wind Energy Conversion System):**
A device that converts the kinetic energy of the wind, by use of a set of rotating blades and is usually elevated from ground level on a tower, into electrical or mechanical power.
4. **Windmill, Residential:**
A windmill that provides electrical or mechanical power to an individual residence and can be either the primary or a secondary source of energy. Sale or credit of excess electricity to the utility grid is permitted as a tertiary use.
5. **Windmill, Commercial:**
A windmill that provides electrical or mechanical power to an individual home occupation, farm or other single commercial enterprise and can be either the primary or a secondary source of energy. Sale or credit of excess electricity to the utility grid is permitted as a tertiary use.
6. **Windmill, Industrial:**
A windmill, or series of windmills in a facility, whose purpose is to generate electricity that is fed into a power grid for sale.
7. **Windmill Height:**
The total height of the structure including blades.

8. Nacelle:
The portion of the wind turbine that connects the rotor to the support tower, and houses the generator, gearbox, drive train and braking system.
9. Right of Way:
A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses.
10. Siting Agency:
Any person or persons who are applying to site a Wind Energy-Deriving Tower facility.
11. Tower Facility:
A site where one or more Wind Energy-Deriving Tower(s) will be located, including all accessory facilities or equipment.
12. Planning Board:
For the purposes of this Local Law, shall mean the Town of Romulus Planning Board.
13. Public Hearing:
Meetings announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

C. Authority Procedure:

1. Authority
 - a. The Town Planning board is hereby authorized to approve, approve with conditions, or disapprove Wind Energy Deriving Tower siting applications in accordance with these regulations. The Planning Board may hire a professional Engineer or consultant to assist in the review of an application at the applicant's expense.
2. Procedure
 - a. Completed applications for siting Wind Energy-Deriving Towers shall be submitted to the Town Clerk at least ten (10) days prior to the regular meeting of the Town Planning Board. Applications may be made by the owner of the property or his/her duly authorized representative, who shall attend the meeting of the Planning Board to discuss the application.
 - b. Within sixty-two (62) days after the Town Planning Board meeting where the complete application is submitted, a public hearing shall be held. Notice of such public hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the date thereof. The applicant shall give notice in writing by certified mail to all property owners of the land immediately adjacent to the proposed parcel where site is proposed. The applicant shall mail these notices at least ten (10) days in advance of the hearing and furnish the Planning Board with Post Office receipts as proof of notification.
 - c. Within sixty-two (62) days of the public hearing, the Town Planning Board may approve, conditionally approve, or disapprove the application. The time in which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board. The decision of the Planning Board on the application shall be filed in the office of the Town clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.

D. Application Requirements:

An applicant for use under special conditions for a Wind Energy Conversion System shall submit a site plan. In addition, the following information shall be submitted and prepared by a professional Engineer registered to practice in New York State.

1. A site plan drawn in sufficient detail to show the following:
 - a) Location of the tower(s) on the site and the tower height, including blades, rotor diameter and ground clearance.
 - b) Utility lines, both above and below ground, within a radius equal to the proposed tower height, including blades.
 - c) Property lot lines and location and dimensions of all existing structures and uses on site within five hundred (500) feet of system.

- d) Surrounding land use and all structures within one thousand (1000) feet of the Wind Energy Conversion System location.
 - e) Dimensional representation of the various structural components of the tower construction, including base and footing.
 - f) Design data indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instruction
 - g) Certification by a registered professional Engineer or manufacturer's certification that the towers' design is sufficient to withstand wind-load requirements for structures as established by New York State Uniform Fire Prevention and Building Code.
 - h) Evidence from a "qualified source" (i.e., a NYSERDA- Certified provider) that the site is feasible for a Wind Energy Conversion System.
2. Name of the project, boundary lines of parcel that project will be located on, a location map showing proposed site's location, date, north arrow and scale of the plan.
 3. Name and address of the owner of the parcel where development is proposed, developer and seal of the engineer, architect, or surveyor preparing the plan.
 4. Name and address of all owners of record of abutting parcels and those within one thousand (1000) feet of the property lines where development is proposed.
 5. A map showing all existing lot lines, easements and right of ways, and a sketch plan showing proposed road access including provisions for paving, if any, proposed transmission lines and accessory facilities, and location of all existing and proposed utility systems to the facility.
 6. A survey of the land to be leased, if applicable.
 7. A map showing existing and proposed topography at five (5) foot contour intervals.
 8. A landscape plan showing all existing natural features, trees, forest cover and all proposed changes to these features including size and type of plant material and erosion control measures.
 9. New York State Environmental Quality Review Act (SEQRA) Environmental Assessment Form (EAF) and a visual EAF addendum.
 10. Photography assessing the visibility from key viewpoints, existing tree lines, and proposed elevations. Pictures shall be digitally enhanced to simulate the appearance of the as built above ground site facilities as they would appear from distances within a three (3) mile radius of such wind turbines. Pictures from specific locations may be required by the Planning Board and all pictures shall be no smaller than 5" X 7". Each view should include three (3) copies.
 11. Documentation of the proposed intent and capacity of energy generation as well as a justification for the height of any Wind Energy-Deriving Tower and any justification for any clearing required.
 12. Preliminary report prepared by the wind turbine siting agency describing:
 - a) Surrounding topography in relation to the capabilities for generation of electricity by wind
 - b) Required improvements for construction activities, including those within the public's right of way or land controlled by the Town of Romulus,
 - c) Proposed mitigation measures for visual impacts of tower facility,
 - d) Proposed safety measures to mitigate Wind Energy-deriving tower failure.
 13. Elevation map showing the Wind Energy-Deriving Tower's height and design including across-section of the structure and components of the nacelle; the Wind Energy Deriving Tower's compliance with applicable structural standards; and the Wind Energy-Deriving Tower's abilities in terms of producing energy.
 14. Demonstration of the need for the proposed Wind Energy-Deriving Tower facility.
 15. A description of the general geographic areas that would be acceptable for wind projects within the Town of Romulus; furthermore, demonstration that the proposed site is the most appropriate site within the immediate area for the location of the Wind Energy- Deriving Tower facility.

16. Digital elevation model-based project visibility map showing the impact of visibility of the project from other locations to a distance of three (3) miles from the center of the project. The base map used shall be a published topographic map showing natural and structural or built features.
17. Report showing soil logs, soil profile analysis and storm water run-off calculations for the area being disturbed.
18. Plans to prevent the pollution of surface groundwater, erosion of soil both during and after construction, excessive run-off, and flooding of other properties, as applicable. There should be pre-construction and post-construction drainage calculations for the site done by a certified engineer. From this the engineer must show how there will be no increase in run-off from the site.
19. If any license, approval, permit, certification or any other type of registration or similar type of endorsement is required from any other agency, the Planning Board shall coordinate the review as deemed appropriate.
20. The Planning Board, upon request in writing by the applicant, may waive specific requirements of this section when in its opinion such information is not necessary for the Planning Board to take into account when considering an application. Any such waiver will not have the effect of nullifying the spirit and intent of these application requirements, the Comprehensive Plan, or any other regulations or ordinance, if such exist.

E. Standards

The development of Wind Energy-Deriving Towers and related structures shall be permitted with approval by the Town Planning Board. Wind Energy-Deriving Towers and facilities shall be subject to the following requirements:

1. Location:
Applicants for Wind Energy-Deriving Towers shall locate, erect and site towers in accordance with the following requirements:
 - a) (microwave communication) No individual tower facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the links operation.
 - b) (broadcast antenna) No individual tower facility shall be installed in any location where its proximity with existing fixed broadcast or reception antenna (including residential reception antenna) for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
 - c) (migratory flight paths) No individual tower facility shall be installed in any location where there is a recognized migratory flight path for birds or at a location where birds commonly congregate, unless applicant can demonstrate that the operation of the Wind-Energy-Deriving tower will not have a significant impact on either migratory or resident birds. Protocols established by The Audubon Society and New York DEC would be suitable references for this process.
 - d) (setbacks) All wind turbine towers shall be set back from adjacent property lines and any pre-existing structures by a distance at least equal to its fall zone as certified by a New York State Licensed Professional Engineer plus an additional fifty percent (50%) of its fall zone. Additional setbacks may be required by the Planning Board in order to provide for the public safety, health and welfare. The Planning Board may waive set back requirements from adjacent properties if such adjacent properties will also be participating in the wind project.
 - e) (noise) The level of noise produced during wind tower operation shall not exceed forty-five (45) decibels (dBA) measured at a distance of one-thousand (1000) feet from the base of the Wind Energy-Deriving Tower or from the nearest residential structure.
 - f) No wind turbines (ground or roof mounted) shall be permitted within a hamlet or lakeshore residential areas.

F. Emergency Shutdown / Safety

1. Applicant shall post an emergency telephone number on both the gate and the wind turbine so that the appropriate people may be contacted should any Wind Energy-Deriving Tower need immediate attention.
2. No wind turbine shall be permitted to lack an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the tower structure, rotor blades, and turbine

components or nacelle.

3. **Lighting**
Wind Energy-Deriving Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration (FAA).
4. **Utility Service**
All power transmission lines from the wind generation facilities to on-site substations shall be underground.
5. **Height**
 - a. The minimum distance between the ground and any part of the rotor blade shall be thirty (30) feet.
 - b. The height of any Wind Energy-Deriving Tower shall be limited to the minimum required to provide needed energy by demonstrated demand.
 - c. Residential Wind Energy Deriving-Towers shall not exceed a total height of fifty (50) feet unless the parcel on which the tower is located is ten (10) acres or larger, in which case the maximum height of the tower, including the turbines and blades, shall be one hundred (100) feet.
 - d. Commercial Wind Energy Deriving-Towers shall not exceed a total height of three hundred (300) feet.
 - e. Industrial Wind Energy-Deriving Towers shall not exceed a total height of four hundred (400) feet.
6. **Flicker**
Wind turbines shall be located in such a way as to minimize the potential for light flicker.
7. **Ice Throw**
Wind turbines shall be located in such a way as to minimize the potential for ice throws.
8. **Access Roads**
Existing roadways shall be used for access to the site whenever possible. In the case of constructing roadways, they shall be constructed in a way that they are not conspicuous to the surrounding environment. Landscaping is recommended.
9. **Accessory Structures / Facilities**
Transmission facilities and or buildings shall be located behind ridges or vegetation to screen from visibility.
10. **Security Provisions**
No climbing device of any kind shall be attached to the wind turbine closer than fifteen (15) feet from the ground and shall be added to the outside.
11. **Fencing**
Access to the tower shall be limited either by means of a fence at least a minimum of six (6) feet high around the tower base with a locking gate.
12. **Compliance with National Electrical Code**
 - a. Building permit applications shall be accompanied by a one-line drawing identifying the electrical components of the wind system to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms to good engineering practices and complies with the National Electric Code. The manufacturer normally supplies this certification. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
 - b. Where the electrical components of an installation vary from the manufacturer's standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with requirements of the National Electrical Code and good engineering practices.
13. **Liability Insurance**
Prior to issuance of a Building Permit, the applicant shall provide the Town proof in the form of a duplicate insurance

policy.

14. Ownership Changes

If the ownership of a windmill operating under a special use permit changes, the special use permit shall remain in force. All conditions of the special use permit, including bonding, letters of credit or continuing certification requirements of the original owner will continue to be obligations of succeeding owners. However, the change in ownership shall be registered with the Town Clerk, within ten (10) business days.

15. Modifications

Any and all modifications, additions, deletions or changes to Wind Energy-Deriving Towers that operate under a special use permit, whether structural or not, shall be made by special use permit, except that such special use permit shall not be required for repairs which become necessary in the normal course of use of such wind turbines or become necessary as a result of natural forces, such as wind or ice.

16. Lightning Strike / Grounding

The applicant shall show that all applicable manufacturers, New York State and U.S. standards for the construction, operation and maintenance of the proposed Wind energy- Deriving tower facility have been or are being complied with.

17. Environmental Contamination By Oil

A performance bond will be required to deal with this situation. The owner of a Wind Energy-Deriving Tower, after such application has been approved and before a building permit is issued, shall submit the maximum amount letter of credit or acceptable surety necessary to ensure the cleanup of any contamination according to DEC requirements. The Town Engineer and the Town Attorney shall judge the letter of credit or other surety adequate and satisfactory before a building permit is issued.

18. Abatement

- a. If any Wind Energy-Deriving Tower remains non-functional or inoperative for a continuous period of one (1) year, the Permitted shall remove the Wind Energy- Deriving Tower at their expense. Removal of the system shall include the removal of the entire structure, including foundations, transmission equipment and fencing from the property.
- b. Bond / Security- The use upon special condition shall require a Permitted to execute and file with the Town Clerk a bond or other form of security acceptable to the Town Board and Town Attorney as to the form, content and manner of execution, in an amount sufficient to ensure faithful performance of the removal of the tower and the restoration of the site subsequent to its removal.

19. Decommissioning

The applicant shall submit to the Planning Board a letter of intent committing the tower owner, and his/her successor(s) in interest, to notify the Code Enforcement Officer within sixty (60) days of the discontinuance of the Wind Energy-Deriving Towers. This letter shall be filed with the Code Enforcement Officer prior to the issuance of a building permit. The owner shall remove the obsolete or unused wind turbines and accessory structures from any site and restore the site to pre-construction conditions within one hundred twenty (120) days of such notification. Failure to notify and/or remove the obsolete or unused tower in accordance with these regulations shall be a violation of this Local Law and the cost of removing the Wind Energy-Deriving Towers and accessory structures shall be placed as a lien on the property owners' tax bill.

20. Post-Installation

- a. A post-installation field reports identifying the facilities generation of electricity, and impacts (if any) upon the environment shall be submitted to the Town within thirty (30) days
- b. The Planning Board may approve the application, deny the application or grant the application within written stated conditions.
- c. Action on the application shall be by written decision based upon substantial evidence submitted to the Planning Board.

G. Superseding of prior laws:

These regulations supersede any previous regulations on this subject. Severability Clause: If any section, paragraph,

subdivision or provision of these regulations shall be held invalid, such invalidity shall apply only to the section, paragraph, subdivision or provision adjudged invalid, and the rest of these regulations shall remain valid and effective.

H. Effective Date:

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Section 14: Dog/Cat Breeding Facilities

A. Intent and Purpose:

The purpose of this law is to protect and preserve the general health, safety and welfare of dogs and cats found in breeding facilities and dealers in the Town of Romulus by establishing regulations regarding the location, use and operation of said facilities and dealers in order to avoid and prevent detrimental effects on companion animals and the increase of dogs and cats found in the animal shelters and rescue organizations due to their poor conditions to becoming companion animals. It is further the intent of this local law to provide for local public health, safety and welfare and the rights of consumers by preventing or alleviating unsafe or unsanitary conditions for companion animals which might impact the residents of the Town of Romulus.

B. Definitions: ~~Local law to be amended by adding the following definitions to Articles II. - for the purposes of this Article the following definitions shall apply:~~

1. Commercial Dog/Cat Breeding Facility:

Any building or lot upon which a person (or persons) breeds two or more litters of dogs/puppies in a calendar year and the facility is licensed by the USDA (United States Department of Agriculture) or

Sells or transfers any dog to a dealer or pet shop kennel; or

Sells or transfers more than 50 dogs per calendar year

2. Dealer:

A person who

a) Publicly or privately sells or offers for sale any dog belonging to another person for consideration, a fee or a commission or percentage of the sale price;

b) Transfers dogs at wholesale for resale to another; or

c) Offers or maintains dogs at wholesale for resale to another

3. Private Breeding Facility:

Any building or lot upon which a person does not meet the definition of "commercial dog/cat breeding facility" where dogs/cats are bred by the owner, for the purpose of hunting, tracking and exhibiting in dog/cat shows, performance events or field and obedience trials.

4. Rescue Organizations:

Any facility where homeless, stray, abandoned, rescued or unwanted animals are received, harbored, maintained or made available for adoption to the general public and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of the cruelty to animals or other nonprofit or tax-exempt organization devoted to the welfare, protection or humane treatment of animals.

5. Rescue Organizations networks (fostering):

a. Any person or persons who houses animals at the request of a duly incorporated humane society, animal welfare society, society for the prevention of the cruelty to animals or other nonprofit or tax-exempt organization devoted to the welfare, protection or humane treatment of animals who accepts companion animals for the purpose of finding permanent adoptive homes for animals and does not maintain a central facility for keeping animals, but rather uses a system of fostering in private homes or boarding or keeping pets in animal shelters.

b. May foster or board up to 20 animals at a time per year.

6. Dog: A live *Canis lupus familiaris* or any dog hybrid

7. Cat: A live *Felis catus* or any cat hybrid

C. Standards: Local Law to be amended by adding the following chart to Article IV. Regulations of Established Zones, Section 1.

1. Regulations for Dog and/or Cat Breeding Facilities and Dealers:

	AGRICULTURE	CONSERVATION/ RECREATION	HAMLET RESIDENTIAL	INDUSTRIAL WAREHOUSE	INSTITUTION/ GOVERNMENTAL	LAKESHORE RESIDENTIAL	E/D WAREHOUSE/ INDUSTRIAL/ TRANSPORTATION/ ENERGY
Commercial Dog Breeding Facility	NA	NA	NA	SP	NA	NA	NA
Dealers	NA	NA	NA	NA	NA	NA	NA
Private Pet Breeding Facility	NPR	NA	NPR	NA	NA	NPR	NA
Rescue Organizations	NPR	NA	NPR	NA	NA	NPR	NA
Rescue Organization Networks	NPR	NA	NPR	NA	NA	NPR	NA

NA --- Not Allowed/Prohibited
 NPR --- No Permit Required
 SP --- Special Permit Required
 ZPR --- Zoning Permit Required

D. Standards:

1. A commercial dog/cat breeder and/or dealer will be permitted in the Town of Romulus in its designated district only under the following conditions:
 - a. All animals shall be kept in clean and sanitary premises, structures or enclosures.
 - b. The ambient temperature shall be consistent with the requirements of the specific companion animals. Heating shall be deemed necessary when the inside ambient temperature of the facility falls below fifty (50) degrees Fahrenheit for a period of four (4) consecutive hours and cooling shall be required when the temperature of the facility rises above eighty-five (85) degrees Fahrenheit.
 - c. All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to the outside of the building.
 - d. Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspection and facilitate routine cleaning and the proper care and maintenance of the animals. Lighting shall be so arranged as to protect each animal from excessive illumination.
 - e. One inside pen shall be provided for each dog or cat boarded or kept.
 - f. For dogs, any inside pen shall have a minimum measurement of three (3) feet wide by four (4) feet in length for all dogs except those 100 lbs or over which will have a minimum of three (3) feet by five (5) feet in area size. Any pen shall be of sufficient height for the dog to stand fully erect on all four legs with at least (6) inches of headroom

- g. For cats, any inside pen shall have a minimum measurement of two (2) feet wide by two (2) feet in length for all cats. Any pen shall be of sufficient height for the cat to stand fully erect on all four legs with at least (3) inches of headroom.
 - h. For every three (3) dog pens there shall be a minimum of one (1) outside run.
 - i. There shall be a minimum of one (1) outside run per three (3) dogs boarded or kept, and there shall be no more than one (1) dog per run at any one time.
 - j. Each outside run shall:
 - Have a concrete base;
 - Be enclosed by a minimum six (6) foot high chain link fence with shelter and with secure gates;
 - The size of the run shall be (3) feet in width and ten (10) feet in length except for dogs of the size of 100 lbs. or more. For dogs 100 lbs. or more, the run shall be four (4) feet width and ten (10) feet length.
 - k. Sewage and waste shall be disposed of by connection of drains to a sanitary sewer or a state, county or locally approved sewage disposal system. Drainage systems shall be provided with back flow prevention devices on submersible inlets and hair traps, if required by law, on all plumbing lines in animal areas where hoses may be attached for cleaning of the facility.
 - l. A facility can only be established on at least five (5) acres of property located at least one hundred (100) yards from any adjoining property lines. A facility cannot be established within a one-mile radius of the property boundary of any existing commercial breeding facility.
2. Inspection Requirement:
- a. As heretofore provided, a person may operate a commercial breeding facility in the Town of Romulus only with a special use permit.
 - b. Prior to the commencement of any use or upon any transfer of ownership or control of a facility the premises must be inspected by the Zoning officer, together with the local dog control officer found to be in compliance with all laws, ordinances, rules and regulations applicable to the use and occupancy for a commercial dog/cat breeding facility an/or dealers and in compliance with the Romulus Town Code, the New York State Agriculture and Markets Law, the New York State General Business Law and the Uniform Fire Prevention and Building Code.
 - c. All zoning officers shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of the inspection of the premises by such officials.
 - d. Any owner and/or operator, employee of the owner and/or operator, or agent of the owner and/or operator, shall permit representatives of the Town Zoning Officer, the Town Dog Control Officer, the Seneca County Health Department, the Seneca County Sheriff's Department, the New York State Police, and the State Health Department, or any other Town, county or state department or agency that has permitting authority regarding the use of the premises to inspect the premises of the commercial dog/cat breeding facility and/or Dealer the purpose of ensuring compliance with this article at any time it is occupied or open for business.
3. The duration of any special use permit shall be for a maximum period of one year. Any special use permit for uses under this Article shall expire on December 31 of each year unless stated. The special use permit shall run for the calendar year if so renewed by the Planning Board for the Town of Romulus. An application for renewal of any permit must be made no more than ninety (90) and no less than sixty (60) calendar days prior to expiration of such permit.
4. If, upon inspection as described above, it shall be found that the operator has violated any provisions of this chapter, the Planning Board shall have the power to revoke or suspend the permit and order the animals removed or Commercial dog/cat breeding facilities and/or dealers closed after notice and an opportunity for the owner/operator to be heard.
5. In addition to the other provisions of the Town Code, it shall be deemed a violation of Town Zoning Code if the owner and/or operator, an employee of the owner and/or operator or an agent of the owner and/or operator:
- a. Has violated or is not in compliance with any section of the Town Code, the New York State Agriculture and

Markets Law, the New York State General Business Law and/or any section of the New York Penal Law relating to mistreatment of animals; or

- b. Has refused to allow any inspection of the Commercial Breeding Facility or Dealer Facility as authorized by this article; or
- c. Operates with an expired special use permit.

E. Substantive Requirements: Pre-Existing Commercial Dog/Cat Breeding Facilities and/or Dealers

Pre-Existing facilities shall be considered non-conforming structures and must follow the terms under Article XI of the Town's Zoning Laws and be required to obtain a special use permit.
Refer to Article IX for the Special Use Review.

Non-conformities shall be allowed no modification and/or expansion without a Variance except for expanding the size of kennel runs to meet requirements in section D. of standards. The facility may not increase the number of dogs bred within the facility.

Non-conformities must meet the standards set for all commercial dog/cat breeders and dealers in the Town of Romulus (see Sec. D: Standards above).

Such pre-existing commercial dog/cat breeding facilities and dealers shall be subject to the same regulations as specified in this local law with an annual renewal required which will include an annual inspection by the Code Enforcement Officer and the Animal Control Officer.

Pre-Existing facilities shall have 90 days after the date that the law has been passed to apply for their special use permit.

F. Authority:

1. Refer to Article XIV, Section 5.
2. The Code Enforcement Officer has the authority to examine the premises and locations of any buildings or structures in the Town of Romulus and shall determine whether or not they comply with the existing zoning laws. The Animal Control Officer has authority to inspect the premises and buildings and assess the conditions of the dogs/cats within the buildings and structures in the Town of Romulus. The Code Enforcement Officer shall keep a permanent record of all violations of this article, whether reported by private citizens or by any board agency; officer or employee of the Town and such record shall show the disposition of all such violations.

G. Penalties:

1. Courtesy Notice of Violation as seen in Article XII, Section 5 (Investigation and Report).
2. A violation shall be an offense, punishable by a fine not to exceed \$350 or imprisonment for a period not to exceed 15 days, or both, for a conviction for a first offense; a fine not to be less than \$350 nor more than \$700 or imprisonment for a period not to exceed 15 days, or both, for a conviction for a second offense within a period of five years from the date of the commission of the first offense; a fine not to be less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed 15 days, or both, for a conviction for a third or subsequent offense within a period of five years from the date of the commission of the first offense. Each day's continued violation shall constitute a separate additional violation.
3. In addition, any person who violates any provision of this code or who shall omit, neglect or refuse to do any act required thereby shall be subject to a civil penalty of not less than \$500.00 nor no more than \$3000.00 recoverable by the Town of Romulus in an action in the small claims court, part of the Town of Romulus justice court.
4. Whenever a suspected violation of the code occurs, any person may file a signed written complaint reporting such violation to the Code Enforcement Officer. The Code Enforcement Officer may also investigate any oral complaint made to his/her office. He/she may direct the Animal Control Officer to accompany or investigate alone in his/her place. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Code Enforcement Officer and a local animal control officer.

Section 15. — Transloading/ truck terminals

~~The storage, processing or transloading of any waste or Solid Fuels materials, except for food processing or agricultural waste and marketable recyclable materials, is prohibited.~~

DRAFT

ARTICLE IX. SPECIAL USE REVIEW

Section 1. Authority

Pursuant to the powers granted in Section 274-a of Town Law, the Town Board of the Town of Romulus hereby authorizes the Planning Board to review and approve, approve with modifications, or disapprove Special Uses within the town as designated in accordance with the procedures and standards set forth in this law. All Special Uses must receive a Special Use Permit approved by the Planning Board.

Section 2. Objectives

In considering and acting on Special Uses, the Planning Board shall consider the public health, safety, and general welfare. The Planning Board shall also consider potential environmental impacts and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Planning Board may prescribe such appropriate conditions and safeguards as may be necessary in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

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

Section 3. Special Use Review Standards

- A. **General.** In review and approval of Special Uses, the Planning Board shall follow the standards set forth in this Article, in addition to all applicable specific standards set forth elsewhere in this law. For guidance in applying said standards, the Planning Board shall also follow the policies and goals set forth in the Reuse Plan.
- B. **Landscaping and Screening.**
 - 1. Plant materials shall be selected according to hardiness and ability to withstand highway salt conditions.
 - 2. Areas that will receive continued pedestrian movement shall have paved or gravel surfaces.
 - 3. Where required, landscape plans shall be as built plans of the completed project.
- C. **Drainage**
 - 1. To the maximum extent practicable, all development shall conform to the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed or shall be improved.
 - 2. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - a. The retention results from a technique, practice, or device deliberately installed as part of an approved erosion and sedimentation control plan or storm water management plan; or

- b. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- 3. No surface water may be channeled or directed into a sanitary sewer.
- 4. Vegetated roadside swales shall be allowed where practicable, as opposed to underground, piped storm sewers.
- 5. Storm water retention or detention facilities shall be utilized to assure that peak flows after construction does not exceed peak flows prior to construction. Such facilities shall be sized for a twenty-five-year, twenty-four-hour storm.
- 6. All drainage system structures, including but not limited to culverts, detention ponds, and retention ponds, shall be sized for a twenty-five-year, twenty-four-hour storm.
- 7. Wherever practicable, the drainage system of a development shall be coordinated with the drainage systems or drainage ways on surrounding properties or streets.
- 8. Proposed construction specifications for drainage swales, curbs and gutters, and storm drains shall be reviewed and approved by the Town Highway Superintendent or by a qualified reviewer selected by the Planning Board.
- 9. All developments shall be constructed and maintained such that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.

Section 4. Procedure

- A. Application for Special Use Permit. An application for a Special Use Permit shall be filed with the Town Clerk together with the appropriate fee. Applications for Special Use Permits shall be made in writing to the Town Clerk on forms prescribed by the Planning Board and provided by the Town Clerk. All Special Permit applications shall be accompanied by a site plan, which shall be considered part of the Application. The completed application and site plan, shall include the following:
 - 1. Names and addresses of all applicants and owners;
 - 2. Names, addresses, and qualifications of the preparers of any drawings submitted;
 - 3. Date, north point, written and graphic scale;
 - 4. Boundaries of the area, drawn to scale and including distances and areas;
 - 5. Location, ownership, and use of all adjacent lands;
 - 6. Location, name, and existing width of all adjacent public or private roads;
 - 7. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use within or adjoining the property;
 - 8. Complete outline of existing and proposed deed restrictions or covenants applying to the property;
 - 9. Existing hydrologic features, together with grading and drainage plan, showing existing and proposed contours at intervals of not less than ten (10) feet;
 - 10. Location, proposed use, height and exterior dimensions of all existing and proposed buildings and structures on the property;
 - 11. Location, design, construction materials of all parking and truck loading areas with ingress and egress drives thereto;
 - 12. Provision for pedestrian access, including public and private sidewalks;
 - 13. Location of outdoor storage areas;
 - 14. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, stone walls, and fences;

15. Description of the method of sewage disposal and the location, design, and construction materials of such facilities;
 16. Description of the method of securing potable water and the location, design, and construction materials of such facilities;
 17. Location of fire lanes and other emergency zones, including the locations of fire hydrants;
 18. Location, design, and construction materials of all energy distribution facilities, including electrical, gas, and solar energy;
 19. Location, size, design, and construction materials of all proposed signs;
 20. Location and proposed development of all buffer area, including indication of existing and proposed vegetative cover;
 21. Location and design of outdoor lighting facilities;
 22. Designation of the amount of gross floor area and gross leasable area proposed for retail sales and services, office, and other similar commercial or light-industrial activities;
 23. Number and distribution, by type, of all proposed dwelling units;
 24. General landscaping plan and planting schedule;
 25. An Environmental Assessment Form (EAF), with Part 1 completed by the applicant, pursuant to SEQRA regulations;
 26. Identification of all federal, state, or county approvals, permits or licenses required for execution of the project; and
 27. Information concerning other elements that the Planning Board deems integral to the proposed use and necessary for the Planning Board to adequately review and evaluate the proposed use.
- B. Planning Board Review of Proposed Special Use. The Planning Board shall consider the proposed Special Use and its net effect on the community. Such consideration shall include, but not be limited to, the following: compatibility with the Plan; economic, social, physical, environmental, and visual compatibility aspects of the proposal; and such other matters as may be determined pertinent.
- C. County Planning Board Review. The Town of Romulus Planning Board shall refer for review and recommendation all Special Use Review matters that fall within those areas specified under General Municipal Law, Article 12-B, Section 239-m to the Seneca County Planning Board prior to taking final action. If the Seneca County Planning Board recommends disapproval of the application, the Romulus Planning Board can override such recommendation by a majority plus one vote of the Romulus Planning Board. If the Seneca County Planning Board does not respond within thirty (30) days from the time it received a full statement on the referral matter, the Town of Romulus Planning Board may act without such report or recommendation. Within seven (7) days after taking final action, the Town of Romulus Planning Board shall file a report of the final action with the Seneca County Planning Board. Said report shall indicate the reason(s) for not following the Seneca County Planning Boards recommendation.
- D. Environmental Impact Statement. The Planning Board shall, where required, be responsible for causing the completion of draft and final environmental impact statements for proposed development projects, together with a statement of findings, as required under the State Environmental Quality Review Act (SEQRA) regulations.
- E. Public Hearing. The Planning Board shall conduct a public hearing on the Proposed Special Use. Such public hearing shall be conducted within sixty-two (62) days of the receipt of a complete application for a Special Use Permit and shall be advertised at least five (5) days before the hearing in the town's official newspaper.
- F. Planning Board Action on Proposed Special Use. Within sixty-two (62) days of the close of such public hearing, the Planning Board shall act on the Special Use request. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) days of the date the decision was rendered, and copies thereof mailed to the applicant and to the Zoning Officer.

The statement shall contain the reasons for such decision. In such a case, the Planning Board may recommend to the applicant further study of the special use and resubmission after it has been revised or redesigned. Upon Planning Board approval of the Special Use and payment by the applicant of all fees and reimbursable costs due the town, the Planning Board shall endorse its approval on a copy of the application and the site plan, both of which shall be kept on file in the

Town Clerks office.

Section 5. Materials to be submitted by Applicant

The Planning Board, in its discretion, may require the applicant to submit additional maps and materials in conjunction with the special permit application and site plan where such additional materials are warranted due to the nature of the proposed use and/or the proposed site. Such maps or materials may include the following:

- A. Vicinity Map. This map, at a scale of not less than 1" = 2,000', shall show the relationship of the proposal to existing community facilities that may affect or serve it such as roads, shopping areas, schools, and employment centers. It shall show all properties, subdivisions, roads, and easements within three hundred (300) feet of the proposal.
- B. Topographic Map. This shall be drawn at a scale of not less than 1" = 100' and shall show existing topography at contour intervals of not more than ten (10) feet. This map shall also show the location of pertinent natural features that may influence the design of the proposed use, such as lakes, ponds, streams, wetlands, rock outcrops, wooded areas, and areas subject to flooding.

If the Planning Board finds that a topographic map at the above-mentioned scale provides insufficient detail to adequately review and evaluate the potential impact of the proposed use, the Planning Board may require the submission of a topographic map at a scale, which it deems adequate to perform such review and evaluation.

- C. Development Plan. This map of the site of the proposed Special Use shall be drawn at a scale of not less than 1" = 100' and shall show the location of:
 - 1. All buildings and structures
 - 2. All automobile parking and all parking for commercial vehicles while loading and unloading;
 - 3. The location and width of all driveways, exits, and entrances;
 - 4. The location of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
 - 5. A narrative description and indication on the site plan of the location of sewage disposal facilities, water facilities;
 - 6. The location and size of all existing and proposed signs;
 - 7. The location of proposed buffer areas; and
 - 8. The design of lighting facilities, and such other facilities as indicated in Section 3.A. of this Article.
- D. Elevations and/or Sections. If deemed necessary by the Planning Board, the site plan shall be accompanied by elevations and/or sections at the same or greater scale as required for the site plan. Such drawings shall be of sufficient detail to clearly delineate the bulk, height, and style of all buildings and other permanent structures included in the proposal.
- E. Engineering Plans. If deemed necessary by the Planning Board, the site plan shall be accompanied by engineering plans including road improvements, drainage system, and public or private utility systems, and other such supporting data.

ARTICLE X. FINANCIAL GUARANTEES FOR PUBLIC IMPROVEMENTS

Section 1. Required Public Improvements

- A. All public improvements required pursuant to the approval of subdivision plats or special uses shall be constructed and completed to the standards set forth in all applicable state and local laws, ordinances, rules, and regulations.
- B. The construction or installation of any improvements or facilities, other than roads, for which a financial guarantee has been made pursuant to this Article, shall be completed within one (1) year from the date of the approval of the subdivision plat or special use. Road improvements shall be completed within two (2) years from the date of approval of the subdivision plat or special use.
- C. The applicant may request from the Planning Board an extension of time to perform required public improvements if reasonable cause can be demonstrated for the inability to construct and install said improvements within the required time. An approved extension of time shall not exceed six (6) months. At the end of such extension of time, if the required public improvements are not completed and accepted by the Town, the Town may use as much of the financial security required pursuant to this Article to construct and install, maintain, or perfect the improvements as necessary to meet the standards set forth in all applicable state and local laws, ordinances, rules, and regulations.
- D. At least five (5) days prior to commencing construction of required public improvements, the applicant shall pay to the Town Clerk the required inspection fee and shall in writing notify the Town Board or an official designated by the Town Board of the time when the construction of such improvements is to commence. The Town Board shall cause inspections to be made to assure that all applicable specifications and requirements shall be met in the construction of such improvements, and to assure the satisfactory completion of all public improvements required by the Planning Board.

Section 2. Required Financial Security

Applicants for subdivision plat or special use approvals shall provide the Town with acceptable financial security in an amount sufficient to guarantee the installation of basic public improvements or shall have completed to the satisfaction of the Town Engineer the installation of basic public improvements prior to final approval. Such public improvements may include public water supply, sewage disposal systems, storm drains and sewers, roads, pavement markings, traffic signs and signals, sidewalks, and other public improvements commonly required of applicants for subdivision plat or special use approvals. Acceptable financial security shall be provided to the Town in one of the following ways:

- A. The applicant shall furnish a bond executed by a surety company in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
- B. The applicant shall present to the Town Clerk a certified check in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.
- C. The applicant shall present to the Town Clerk an irrevocable letter of credit drawn in favor of the Town in an amount equal to the cost of construction of the public improvements required by the Planning Board pursuant to this law.

Section 3. Review of Proposed Financial Security

For each of the above options, the required public improvements shall be shown on subdivision plats or special use site plans, and the total amount of the required financial security shall be based thereon. A licensed professional engineer shall certify such estimates. Such proposed financial guarantee shall be reviewed by the Town Board for financial adequacy as a guarantee of construction and of reasonable performance during a warrantee period. The Town Board and the Town Attorney shall jointly review the guarantee agreement for sufficiency of form and execution and for the soundness of the financial guarantee offered by the applicant.

Section 4. Schedule of Improvements

When a guarantee agreement has been approved by the Town Board and the required surety bond, certified check, or letter of credit has been received by the Town Clerk, the Town and the applicant shall enter into a written agreement itemizing the required public improvements, establishing a schedule for the construction and installation of such improvement, and itemizing the cost of construction and installation for each improvement. Whenever feasible, costs shall be organized by logical phases of work completion in order to facilitate the partial release of funds held as a financial guarantee by the municipality to the applicant as work is satisfactorily completed.

Section 5. Staged Refunding of Financial Guarantees

At such times as the applicant wishes to have guarantee funds released in consideration of work performed and accepted, the applicant shall cause to be prepared an accurate statement of the work performed and accepted as of a given date. This statement shall use the same item structure as was employed in the written agreement itemizing the required public improvements. The applicant shall submit such statement to the Town Board for review, approval, and signature by the appropriate municipal inspectors, and by the Town fiscal officer. If, after approval by the appropriate municipal inspectors, the statement is approved by the Town fiscal officer, the statement shall be forwarded promptly to the Town Clerk, together with a recommendation that the amount approved on said statement be released from the financial guarantee provided by the applicant. Where the financial guarantee provided by the applicant makes staged refunding possible, the Town Clerk shall then in writing direct the surety company or financial institution having custody of the guarantee funds to release to the applicant the approved amount of those funds.

Section 6. Acceptance of Required Public Improvements

When the project inspector, following final inspection of the project, certifies to the Planning Board and the Town Board that all required public improvements have been completed in accordance with all applicable requirements, the Town Board may act by resolution to accept the public improvements.

Section 7. Required Maintenance Guarantee

Upon acceptance of the required public improvements, a maintenance guarantee shall be established. All such guarantees shall be for ten percent (10%) of the financial guarantee originally required of the applicant. The applicant may provide a maintenance guarantee by one of the methods provided for in Section 2 of this Article, but no maintenance guarantee shall be for a face value of less than five thousand dollars (\$5,000.00). All maintenance guarantees required by this section shall commence immediately upon acceptance of the required public improvements by the municipality and shall extend for two (2) years there from.

DRAFT

ARTICLE XI. NONCONFORMITIES

Section 1. Intent

The intent of this Article is to recognize certain uses, lots of record, and structures which legally existed at the time of enactment of amendment of this law and which would be prohibited or unreasonably restricted by the provisions, regulations, or standards herein. All rights of nonconformity shall continue regardless of the transfer of ownership of nonconforming uses, lots, or structures.

Section 2. Nonconforming Uses

Any use of land or use of a structure which, by the enactment or amendment of this law, is made nonconforming may be continued on the premises to the extent existing at the time of such enactment or amendment provided that:

- A. No nonconforming use shall be expanded, extended, or otherwise increased so as to occupy a greater area of land than was committed to the nonconforming use at the time of such enactment or amendment;
- B. No nonconforming use shall be moved, transferred, or otherwise relocated to a different structure or area of land than was occupied at the time of such enactment or amendment;
- C. Any nonconforming use which has, for any reason, been discontinued for a period of one (1) year, shall not be reestablished and only conforming uses shall be thereafter permitted; and
- D. Once changed to a conforming use, no structure, building, or area of land shall be permitted to revert to a nonconforming use.

Section 3. Nonconforming Lots of Record

- A. Any lot of record held under separate ownership prior to the enactment of this law and having lot width, depth, area or dimensional requirements less than the minimum requirements set forth in this law may be developed with any compatible use listed for the zoning district in which such nonconforming lot is located provided that such lot has sufficient width, depth, and area to undertake development that will:
 1. Maintain the required minimum front yard and, if applicable, the minimum stream setback;
 2. Meet or exceed at least two-thirds (2/3) of the required minimum side and rear yards;
 3. Not exceed the maximum permitted lot coverage; and
 4. Otherwise satisfy all applicable provisions of this law.
 5. Additionally, if a structure or mobile home has been removed from a nonconforming lot of record for more than 1 year, the lot may be used as a building lot for development only if it meets the criteria identified above.
- B. A nonconforming lot of record may be subdivided if the owner or owners of the adjoining properties to increase the size of said owners or owner's properties purchase each and every subdivision of such lot.

Section 4. Nonconforming Structures

- A. Any pre-existing structure which, by the enactment of amendment of this law, is made nonconforming may be used for any compatible use listed for the zoning district in which such structure is located provided that it shall not be enlarged or extended so as to increase its nonconformance in terms of yard size or lot coverage. Nothing under the provisions of this law shall prevent the repair, restoration, or reconstruction of a nonconforming structure damaged by fire or other hazard provided that such repair, restoration, or reconstruction is undertaken:
 1. Only on the premises and to the extent previously occupied by the nonconforming structure, and
 2. Within one (1) year from the date on which the damage or destruction occurred.
- B. No nonconforming structure shall be moved or otherwise relocated so as to occupy a different area of land than was occupied at the time of such enactment or amendment unless such movement or relocation renders the structure in conformance with all applicable provisions of this law.

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT

Section 1. Zoning Permits

- A. No land use activities as listed below shall be carried out until a zoning permit has been issued by the Zoning Officer stating that the proposed building, structure, use of land, or development activity complies with the provisions of this law:
1. Erection, re-erection or movement of a building or structure;
 2. Change of the exterior structural dimensions of a building or structure;
 3. Change in use of land, buildings, or structures through the establishment of a new use, or through the expansion, enlargement, or relocation of an existing one;
 4. The resumption of any use, which has been discontinued for a period of one (1) year or longer;
 5. Construction of a new on-site sewage disposal system, or the replacement or major modification of any on-site sewage disposal system;
 6. Establishment of or change in the dimensions of a parking area for nonresidential or multi-family residential uses;
 7. Placement of a sign as regulated in Article VII of this law; or
 8. Conversion of a seasonal residence to year-round residential use.
- B. A zoning permit shall not be required for:
1. Accessory buildings with less than one hundred forty (140) square feet of ground coverage;
 2. Exempt signs listed in Article VII of this law;
 3. Fences or walls complying with Article VI of this law;
 4. Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding replacement, etc.); or
 5. Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.

Section 2. Temporary Zoning Permits

- A. Temporary zoning permits may be issued upon approval of the Planning Board for a period not to exceed six (6) months for temporary uses and structures incidental to a construction project or a temporary use such as a special event.
- B. Such temporary zoning permits are conditioned upon agreement by the owner or operator to remove any nonconforming structures or equipment upon expiration of the permit, or to bring the use into compliance by a specific time.

Section 3. Application Procedure for Zoning Permits

- A. Applications for zoning permits shall be submitted to the Town Clerk and shall include three (3) copies of a layout or plot plan drawn to scale and showing the following:
1. Actual dimensions of the lot to be used;
 2. The size and location on the lot of existing and proposed structures, accessory structures, and uses;
 3. The setbacks of structures and uses from all lot lines, road lines, and shorelines of lakes, streams, ponds, and wetlands, and any other significant natural features of the lot; and
 4. Such other information as may be necessary to provide for the administration of this law.
 5. This information, and other relevant application data, shall be provided on forms issued by the Town Clerk.

- B. When establishing measurements to meet the required setbacks and yard sizes, the measurements shall be taken from the lot line, road line, or shoreline to the nearest protruding part of the use or structure. This shall include structural projections such as porches, carports, attached garages, roof overhangs, and decks.
- C. The Zoning Officer shall take action to approve or disapprove the application within thirty (30) days of the receipt of a completed application and the payment to the Town Clerk of all applicable application fees.
- D. A zoning permit shall expire one (1) year from the date of issue if construction or initiation of use is not substantially started. If construction or initiation of use is not substantially started within one (1) year from the date such permit is issued, the Zoning Officer shall notify the permit holder of the need to reapply for a zoning permit.

Section 4. Fees

- A. A fee, as determined by Town Board resolution, shall be paid for each application for a zoning permit, temporary zoning permit, special permit, variance, appeal, erosion and sedimentation control plan review, or public improvements inspection. The Zoning Officer shall issue no permit and a board shall take no final action until the Town Clerk has received full payment of all applicable fees.
- B. Where the actual costs incurred in review of an application are less than the fee paid by the applicant, the balance shall be promptly returned to the applicant.

Section 5. Certificate of Occupancy

- A. No land shall be subjected to a new use, no building or structure shall be hereafter constructed, and no change may be made in the use of an existing structure until a certificate of occupancy has been issued by the Zoning Officer stating that the building, structure, or proposed use complies with the provisions of this law.
- B. All certificates of occupancy shall be applied for coincidentally with the application for a zoning permit and shall be issued by the Zoning Officer within ten (10) days after the use has been approved pursuant to the provisions of this law.
- C. A temporary certificate of occupancy for not more than six (6) months for a part of a building or lot may be issued upon approval of the Zoning Board of Appeals. Such temporary certificate may be renewed, upon Zoning Board of Appeals approval, for not more than thirty (30) additional days.
- D. The Zoning Officer shall maintain a record of all certificates and permits issued and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property affected.

Section 6. Unapproved Lots

No zoning permit or certificate of occupancy shall be issued for any use or structure on any lot for which a deed has been filed in the Office of the County Clerk after the effective date of the Town of Romulus Subdivision Regulations, unless such lot is included in a plat which has been approved by the Planning Board and has been filed with the Office of the County Clerk, or unless such lot was exempt from said regulations at the time of filing.

Section 7. Zoning Officer

- A. This law shall be enforced, but not interpreted, by the Zoning Officer. The Zoning Officer shall be appointed by the Town Board.
- B. The duties of the Zoning Officer shall be to:
 1. Approve and disapprove zoning permits and certificates of occupancy;
 2. Scale and interpret zoning district boundaries on the zoning map;
 3. Refer appropriate matters to the Zoning Board of Appeals, Planning Board, or Town Board;
 4. Revoke zoning permits or certificates of occupancy where there is false, misleading, or insufficient information or where the applicant has varied from the terms of the application;
 5. Notify holders of temporary zoning permits of impending permit expiration thirty (30) days prior to the date of such

expiration. In addition, notify holders of temporary zoning permits upon permit expiration in instances where construction or initiation of use has not been substantially started one (1) year after the issuance of such temporary zoning permit;

6. Investigate complaints and violations, issue stop work orders and appearance tickets, and refer violations to the Town Justice or the Town Board; and
7. Report at regular Town Board meetings the number of zoning permits, and certificates of occupancy issued.

Section 8. Zoning Board of Appeals

- A. Creation. A Zoning Board of Appeals is hereby created pursuant to Section 267 of Town Law. The Zoning Board of Appeals shall prescribe rules for the conduct of its affairs pursuant to Section 267-a of Town Law.
- B. Powers and Duties. The Zoning Board of Appeals shall have all the power and duties prescribed by Sections 267, 267-a, 267-b of Town Law and by this law, which include the following:
 1. Interpretations. The Zoning Board of Appeals under their powers of interpretation shall clarify doubt as to the precise meaning of any word used in this law. Upon appeal from a decision by the Zoning Officer, ~~to the Zoning Board of Appeals shall~~ decide any question involving the interpretation of any provision of this law, including determination of the exact location of any zoning district boundary.
 2. Variances. To vary or adapt the strict application of any of the requirements of this law with respect to use variances and/or area variances as such terms are defined in Section 267-a of Town Law. In granting any such variance, the Zoning Board of Appeals shall follow the tests prescribed in Section 267-b of Town Law. The Zoning Board of Appeals may also prescribe any conditions to an area variance and/or use variance that it deems necessary or desirable pursuant to the guidance set forth in Section 267-b of Town Law.
- C. Procedure.
 1. The Zoning Board of Appeals shall conform to the procedures set forth in Section 267-a of Town Law with respect to matters within its jurisdiction.
 2. The Zoning Board of Appeals may also adopt its own rules of procedure its business. At a minimum, all applications made to the Zoning Board of Appeals shall be in writing and on a form prescribed by the Zoning Board of Appeals and provided by the Town Clerk. Every application shall refer to the specific provisions of the law or action being appealed and shall exactly set forth the interpretation that is claimed, the use for which the variance is sought, or the details of the appeal that is applied for and the grounds on which it is claimed that the appeal should be granted, as the case may be. The Zoning Board of Appeals may require additional information, which it deems necessary for adequate review and evaluation of the interpretation, variance, or appeal being sought.
 3. A hearing shall be held for all appeals, in conformance with the requirements of Town Law Section 267-b. Every decision of the Zoning Board of Appeals granting or denying the appeal shall immediately be filed in the Office of the Town Clerk and copies thereof mailed to the applicant and to the Zoning Officer. The reasons for the Zoning Board of Appeals action shall be set forth in the minutes of the Zoning Board of Appeals meeting at which the action was taken. Each member vote shall be recorded.
 4. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the Office of the Town Clerk and shall be a public record.

Section 9. Planning Board

- A. Powers and Duties. The Planning Board shall have the following powers and duties with respect to this law:
 1. Approval of special uses, which includes the review and approval of site plans, and erosion and sedimentation control plans; and
 2. Submittal of an advisory opinion to the Town Board for proposed amendments to this law.
- B. Procedure. All applications to the Planning Board shall be made in writing on forms prescribed by the Planning Board and provided by the Town Clerk. Every decision of the Planning Board shall be made by resolution and shall contain a full record of findings in the case. The decision of the Planning Board shall immediately be filed in the Office of the Town

Clerk and copies thereof mailed to the applicant and to the Zoning Officer.

Section 10. Violations and Penalties

- A. Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer who shall properly record and investigate such complaint. If the complaint is found to be valid, the Zoning Officer shall issue a stop work order requiring all work to cease until the violation is corrected. If the violation is not corrected within the specified time, the Zoning Officer may take action to compel compliance.
- B. Pursuant to Section 150.20(3) of the Criminal Procedure Law, the Zoning Officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and shall cause such person to appear before the Town Justice.
- C. Pursuant to Section 10 of Municipal Home Rule Law and Section 268 of Town Law, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine and/or imprisonment. Each week an offense is continued shall be deemed a separate violation of this law.
- D. The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

Section 11. Amendments

- A. The Planning Board, Zoning Board of Appeals, or Zoning Officer may periodically submit a report to the Town Board which presents concerns, comments, and suggestions regarding the applicability, implementation, enforcement and possible improvement of the regulations set forth in this law. The Town Board shall consider these reports and shall, where it deems appropriate, amend the regulations set forth in this law.
- B. The Town Board may amend, supplement, change, modify, or repeal the regulations and provisions of this law after public notice and public hearing. All proposed changes should be referred to the County Planning Board for a recommendation and report thereon prior to final action. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed change and cause notice to be given as follows:
 - 1. By publishing a notice at least ten (10) days prior to the time of such hearing in the official newspaper of the Town;
 - 2. By having the complete text of all proposed changes available for review at the office of the Town Clerk at least ten (10) days prior to the time of such public hearing; and
 - 3. By referring the proposed amendments to the County Planning Board and the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected, at least ten (10) days prior to the public hearing.
- C. In case of protest against such change signed by the owners of twenty percent (20%) or more, either of the area of land included in such proposed change, or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto, extending one hundred (100) feet, from the street frontage of such opposite land, such change shall not become effective except by the favorable vote of at least three-fourths of the members of the Town Board.
- D. In case the County Planning Board disapproves the change or recommends modification thereof, the Town Board shall not act contrary to such disapproval or recommendation except by a vote of a majority plus one of all the members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

Section 12. Interpretation and Separability

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

Section 13. Effective Date

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

DRAFT

ARTICLE XIII. MOBILE HOMES

Section 1. Title

This Code shall be known as the Mobile Home Park Code of the Town of Romulus, New York 14541.

Section 2. Purpose

It is the purpose of this Code to promote the health, safety, comfort, convenience and general welfare of the community and to protect and preserve the property of the Town of Romulus and its inhabitants. Among the reasons for proposing this Code are, to: Promote more favorable surroundings for mobile home residents.

Protect homeowners' property values by setting standards for Mobile Home Park development. Conserve real estate and productive agricultural land.

Protect the tax base of the Town of Romulus.

Concentrate the population to make water and sewage facilities more feasible.

Section 3. Definitions

LICENSE – A certificate authorizing the maintenance and operation of a Mobile Home Park.

MOBILE HOME – A mobile home is a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed to be without a permanent foundation for year-round living. This does not include travel trailers, motorized homes, pickup coaches or camping trailers.

PROPERTY LINE - Property Line as used herein means the line between lands set aside for a Mobile Home Park and adjacent property.

MOBILE HOME LOT – A parcel of land reserved for the placement of a single mobile home and the exclusive use of its occupants.

PERMIT - A written permit issued by the Town Board permitting the construction, alteration and extension of the Code regulations issued hereunder.

MOBILE HOME PARK – A parcel of land UNDER SINGLE OWNERSHIP that has been planned and/or improved for the placement of two or more Mobile Homes for non-transient use.

PARK - A Mobile Home Park.

PLANNING BOARD - The Town of Romulus Planning Board. TOWN CLERK – The Town Clerk of the Town of Romulus.

Section 4. Permit and License Required

It shall be unlawful for any person to establish or construct a Mobile Home Park within the Town of Romulus without first obtaining a permit therefore from the Town Board; and, it shall be unlawful for any person to alter or add to any existing Mobile Home Park within the Town of Romulus, without first obtaining a permit therefore from the Town Board.

It shall be unlawful for any person to maintain and operate a Mobile Home Park within the Town of Romulus without first obtaining a license therefore from the Town Board.

Section 5. Application for Permit

An application for a permit must be filed with the Town Clerk. A filing fee of not less than one hundred dollars (\$100.00) for each Mobile Home Lot nor less than five hundred dollars (\$500.00) for each park will accompany the application for a Mobile Home Park Permit. If the application is not approved, one hundred dollars (\$100.00) will be retained and the remainder returned to the applicant.

A Mobile Home Permit application must also include two copies of a detailed plan at a scale of not more than 200 feet to the inch and showing:

Title of the sketch and the name and address of the owner. North arrow, scale and date.

Boundaries of the entire tract to be developed. A topographic map showing:
Ground contours adjacent to and within the tract to be developed with vertical intervals of not more than five feet between contours or at such intervals as will result in contour lines not more than 100 feet apart.

All pertinent topographical and plan metric features within and adjoining the tract.

Existing buildings, watercourses, water bodies, swamps, wooded areas, underground transmission lines and individual large trees.

Features to be retained in the park.

Lines of proposed streets, sidewalks and Mobile Home Lots.

Proposed system of storm water drainage in plan and profile will conform to New York State Storm Water regulations and SEQR.

Provision for water supply and sewage disposal in plan and profile. Approval of Water Supply and Sewerage Disposal issued by Seneca County Health Department.

SAID APPLICATION, WHEN COMPLETED, FILED, AND FEE DEPOSITED, WILL BE FORWARDED BY TOWN CLERK TO PLANNING BOARD FOR REVIEW WITHIN 45 DAYS BEFORE NEXT REGULARLY SCHEDULED PLANNING BOARD MEETING.

Section 6. Mobile Home Park Requirements

Each lot shall meet the same requirements as lots in a major or minor subdivision.

- A. Individual lots shall not be less than 100 feet wide and not less than 100 feet long or deep.
- B. The corners of each mobile home lot shall be clearly defined and permanently marked on the ground.
- C. Only one mobile home shall be located on a lot.
- D. Minimum size of a mobile home within a park shall be not less than 440 square feet of floor space; and, no mobile home shall be move into, or placed within a mobile home park subsequent to the effective date of this amendment which has less than 440 square feet of floor space.

No mobile home shall be less than 100 feet from the right-of way of public road. No mobile home shall be located less than 50 feet from an adjoining property line. Setback requirements are the same as subdivision requirements.

Parking space for two automobiles shall be provided on each lot and the surface of such parking area shall conform to the specifications for the road surface as in Section 7.

No unlicensed vehicle, junk vehicle or junk of any description shall be stored within the Mobile Home Park.

Each mobile home shall be provided with an entrance platform of concrete at least 8 feet by 20 feet and 4 inches thick, or equivalent. This may be considered the patio area.

Each mobile home lot shall be equipped with at least two, metal, twenty-gallon containers, or equivalent, for refuse disposal. They will be restrained from being tipped over and shall be hidden from view. They shall be fly, water and rodent proof. The park owner shall be responsible that these containers are securely covered at all times. The contents of these containers must be removed from the park at least two times each week.

Each lot shall be numbered at the front with the number visible by the public from the adjoining street.

All gas, electrical, telephone and other utility distribution lines located within the boundaries of the Mobile Home Park shall be underground.

All mobile homes must have Underwriters approval.

Section 7. Internal Streets

- A. All roadways within the park shall conform to the Town of Romulus requirements for roads.
- B. Adequate snow removal will be provided to permit travel by motorized fire extinguishing equipment.
- C. Roads shall not dead-end but shall have ample provision for vehicles to turn around by use of a traffic circle having an outside diameter at the edge of the pavement of 100 feet or a second exit.
- D. The roadway shall be of hard surface and dust free.

Section 8. Lighting

Parks shall be adequately lighted from dusk until dawn with such lighting meeting the recommendations of the utility company.

Section 9. Water

An adequate water supply shall be provided which shall be approved by the Seneca County Health Department.

All water connections shall be no more than 12 inches from the mobile home.

Section 10. Sewage

Sewage disposal shall be by means of a system approved by the Seneca County Health Department.

All sewer connections shall be no more than 12 inches from the mobile home.

Section 11. Electrical System

An electrical system shall supply each mobile home with a three-wire service.

Two hundred twenty (220) volts and one hundred (100) amperes shall be available at each mobile home space.

Each mobile home lot shall be supplied with not less than 100 amps service.

If mobile home is to be heated electrically, then a 150 amps service is recommended for each unit.

Section 12. Fuel Supply and Storage

#9.02 Tanks to be stored in back of trailer.

Section 13. Fire Protection

Every Mobile Home Park shall be equipped at all times with fire extinguishing equipment in good working order.

No open fires for burning rubbish, paper or other material shall be allowed with in the Mobile Home Park.

Section 14. Recreation Area

Each Mobile Home Park shall have a minimum of 5,000 square feet of recreation area for the public use of persons living in the park but no less than 8% of the gross mobile home park area shall be devoted to recreation facilities.

The area set aside for recreation shall be in an accessible, centrally located well drained area. The recreation area shall be kept mowed and clear of rubbish.

Section 15. Landscaping

Lawns shall be established on all areas not paved or used as sites for mobile homes, buildings, waterways or enclosed areas.

Section 16. Skirts

Each mobile home owner shall be required to enclose the bottom portion of the home with a skirt of wood, metal or other suitable material within 30 days after arrival at the park.

The skirt shall be ventilated and compatible with the mobile home.

Section 17. Sales

No mobile home lot within a Mobile Home Park shall be sold.

Mobile home sales lots shall not be maintained within a Mobile Home Park.

Mobile homes offered for sale within a Mobile Home Park shall be located on mobile home lots on which they are installed.

A mobile home which does not have an HUD seal, and/or which was manufactured before July 1976, must be inspected and meet all current New York State and Seneca County building codes and Fire Codes, and Health Department requirements before it is to be moved or relocated to, or within the Town of Romulus. In addition, any mobile home to be moved or relocated for occupancy must meet the most recent lot size and setback requirements for mobile homes in the Town of Romulus.

Section 18. Additions to Mobile Homes

Attached enclosures may be constructed on mobile homes upon application by the Mobile Park owner to, and approval of, the Planning Board.

Section 19. Accessory Buildings

No accessory building exceeding 120 square feet of floor space shall be Erected on individual lots within a Mobile Home Park.

Such accessory buildings shall be manufactured or like in appearance. Accessory buildings shall not be used as living or sleeping quarters.

Section 20. Duties of Licensees

Every Mobile Home Park shall be under the direct management of the owner or licensee or his agent or representative. Such person shall:

Operate such park from an office within or immediately adjacent to the park.

Maintain a bound book containing a record of the names of all persons domiciled at the park and their home address.

Maintain an accurate record of make, model number and year of each mobile home within the park. This record shall be available to a representative of the Town of Romulus.

Section 21. Public Information Meetings

The Planning Board will schedule a public information meeting within 60 days from the time of submission of a Mobile Home Park proposal for approval.

Section 22. License for Operation and Maintenance of Mobile Home Park

After such time that all rules, regulations and codes have been met and the Application approved by the Planning Board and the Town Board, the Town Clerk will issue a license for the operation and maintenance of a Mobile Home Park. Said license shall be for a period of twelve months and shall be renewable on June 30th of each year. Application for renewal of a license must be made on or before the first day of June prior to the expiration date. At that time a representative of the Town of Romulus will make an inspection of the Mobile Home Park to determine whether compliance with the provisions of this code and all other rules and regulations have been met. After proper examination and notification, the Town Clerk will issue a renewal license. The fee for renewal of a license shall be one hundred dollars (\$100.00) annually.

A license for a Mobile Home Park is not transferable. A new application must be submitted by any subsequent owner, which shall be processed in the same manner as a renewal license. The fee for a transfer of license shall be ten dollars (\$10.00).

Section 23. Existing Mobile Home Parks

Owners of existing Mobile Home Parks must be licensed within one year of adoption of the Mobile Home Park Code of the Town of Romulus, New York 14541.

Mobile Home Parks established, constructed and operating prior to the effective date of this code (Jan. 1973) must conform

with this code except, for Section 6, Subsections, 1, 2, 5, 6, 7, 8, 9.

Any Mobile Home Park or addition or alteration thereto, which is to be constructed or which is in the process of being constructed, subsequent to the effective date of this amendment shall conform to the requirements of this Code; and no person shall resume operation of any Mobile Home Park operated prior to the effective date of this Code and which ceased operation thereafter without first conforming to all the requirements of this Code.

Section 24. Inspection of Mobile Home Parks

A representative of the Town of Romulus and/or a representative of the Seneca County Health Department may inspect a Mobile Home Park at reasonable intervals and at reasonable times to determine compliance with this code.

Section 25. Placement of Individual Mobile Homes

The Town Planning Boards and the Seneca County Health Department must approve the placement of an individual mobile home on a single, privately owned lot.

Section 26. Revocation of License

Upon the violation of any of the provisions of this code, any license issued hereunder may be revoked by action of the Town Board of Romulus after giving due notice to the licensee, in writing, of the existence of any such violations and further notifying the licensee of the time and place when the Town Board shall meet to consider the revocation of the license granted hereunder and giving the licensee an opportunity to be heard at such meeting of the Town Board, if he or she so desires. Such notice to be given to the licensee at least five days before the meeting of the Town Board. In addition, the Town Board shall have the right to revoke any such license granted hereunder upon the conviction of the licensee of any such violation or upon the judgment directing payment to the Town of the civil penalty as herein provided, without first giving notice to the licensee as herein provided. In the event of such revocation, no application shall be entertained by the Town Board for a license hereunder by the same licensee whose license has been revoked but must follow the same procedure as herein contained for the original application.

Section 27. Procedure for Abatement of Violations

In case any Mobile Home park is established, constructed, maintained, altered, added to, or operated in violation of this Code, the Town Board, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful establishment, construction, maintenance, alteration, addition or operation, to restrain, correct or abate such violation to prevent the occupancy of such Mobile Home Park or to prevent any illegal act, conduct, business or use.

Section 28. Violations and Penalties

- A. A violation of this code is an offense punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense committed within five years of the first offense, is punishable by a fine not less than \$350.00 or more than \$700.00 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700.00 nor more than \$1,000.00, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
- B. In addition, any person who violates any provision of this code or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every violation, forfeit and pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.
- C. The imposition of penalties for any violation of this code shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for violation of any provision of this code shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town may be chargeable, in addition to the foretasted criminal and civil penalties, to the offender and may be recovered in civil court of appropriate jurisdiction. In addition, all expenses incurred by the Town in connection with the proceedings to repair and secure, or demolish and remove the unsafe conditions, including the costs of actually removing a building, and vehicles shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special advalorem levy. Any contract for demolition and removal of a building shall be awarded through competitive bidding if so required by law.

Section 29. Validity

If any section, subsection, paragraph, sentence, clause or phrase of this code should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall remain in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

Section 30. Appeal by License

The right of appeal and time and manner for perfecting any judgment or decision of the court made thereon under this code, shall be as provided by law on conviction or violation of a town ordinance.

Section 31. Effective Date

This ordinance shall take effect immediately upon the adoption, publication, and posting as provided by the Town Law, or immediately upon personal service as provided by Section 133 of the Town Law of the State of New York.

Section 32. Variances

The Town Board may vary or adapt the strict application of any of the requirements of this Code in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land involved, but in no other case. The Town Board shall grant no variance in the strict application of any provisions of this Code unless it finds, after a Public Hearing:

- A. That there are special circumstances or conditions, fully described in the findings of the Town Board, applying to such land and not applying generally to the land in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of the reasonable use of such land; and,
- B. That, for reasons fully set forth in the findings of the Town Board, the Granting of the variance is necessary for the reasonable use of the land and that the variance as granted by the Town Board is the minimum variance that will accomplish this purpose; and
- C. That the granting of the variance will be in harmony with the general purpose and intent of this Code; and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

All applications for variances shall be in writing and verified and shall refer to the specific provision of the Code involved and shall exactly state the details of the variance requested and the ground therefore. Each such application shall be filed with the Town Clerk. A filing fee of \$25.00 must accompany the application.

In case of an application for a variance, the following persons shall be notified: All owners of property within 500 feet of the nearest lines of the property for which the variance is sought and to such other property owners as the Town Board may direct. Such notice shall be given by mail at least 5 days prior to the date of the public hearing thereon.

The Town Board shall fix a reasonable time for the hearing of applications for variances which should be not more than 60 days following the filing of said application and give public notice thereof by publication in the official paper of a notice of such hearing at least 10 days prior to the date thereof.

The concurring vote of a majority of the Town Board shall be necessary to grant a variance.

ARTICLE XIV. PROPERTY MAINTENANCE

Section 1. General Requirements

- A. Title. This is the Property Maintenance Code of the Town of Romulus, which is adapted from the New York State Property Maintenance Code. (101.1)
- B. Scope. The provisions of this article shall apply to all existing residential structures and non- residential structures and all existing premises and constitute minimum requirements and standards for premises, structures and equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life- safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises; and for administration, enforcement and penalties. (101.2)
- C. Purpose. This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. (101.3)
- D. Applicability. The provisions of this article shall apply to matters affecting or related to structures and premises, as set forth in Section 101 of the New York State Property Maintenance Code. Where, in specific cases, different sections of this article specify different requirements, the most restrictive shall govern. (102.1)
- E. Maintenance. Equipment, systems, devices and safeguards required by this article or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing systems. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. (102.2)
- F. Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the applicable procedures and provisions of the *Residential Code of New York State*, the *Building Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State* and the *Energy Conservation Construction Code of New York State* as enforced by Seneca County. (102.3)
- G. Other laws and regulations. The provisions of this article shall not be deemed to nullify any provisions of other local, state or federal laws and regulations. (102.9)

Section 2. Unsafe Structures and Equipment

- A. General. When a structure or equipment is found to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this article. (108.1)
- B. Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. (108.1.1)
- C. Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. (108.1.2)
- D. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful, or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by The International Family of Codes adopted by New York State, enforced by Seneca County, or because the location of the structure constitutes a hazard to the occupants of the structure or the public. (108.1.3)
- E. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under The International Family of Codes adopted by New York State, enforced by Seneca County, or was erected, altered or occupied contrary to the law. (108.1.4)
- F. Vacant structures. Vacant structures shall comply with Sections 311.1 through 311.4 of the Fire Code of New York State (108.2)

- G. Notice. Whenever a structure or equipment has been condemned under the provisions of this section, a notice shall be posted in a conspicuous place in or about the structure affected by such notice. If this pertains to equipment, it shall also be placed on the equipment. (108.3)
- H. Prohibited Occupancy. No person shall occupy placarded premises or shall operate placarded equipment. (108.5)
- I. Placard removal. The placard shall be removed whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. (108.6)
- J. Emergency Measures
 - 1. Imminent danger. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. (109.1)
 - 2. The Code Enforcement Officer shall make a report, in writing describing the conditions to the Town Board and to the Seneca County Building Codes Office, making recommendations with regard to its repair or demolition and removal.

Section 3. Definitions

- A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this article have the meanings shown in this document. (201.1)
- B. Interchangeability. Except where specifically defined herein, all words used in this article shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural include the singular, unless the context clearly indicates the contrary. 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 partnership and any other agency of voluntary action. The word "he" shall include "she" or "they." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- C. Terms defined in other codes. Where terms are not defined in this article and are defined in the *Building Code of New York State*, the *Fire Code of New York State*, the *Plumbing Code of New York State*, and the *Mechanical Code of New York State*, such terms shall have the meanings ascribed to them as in those codes. (201.3)
- D. Terms not defined. When terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. (201.4)
- E. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this article, they shall be construed as though they were followed by the words "or any part thereof." (201.5)
- F. General Definitions (Section 202)
 - 1. AGRICULTURE. The utilization of land and structures for the production, preservation, non-industrial processing, storage and sale of agricultural commodities such as crops, plants, flowers, vines, trees, sod, shrubs, livestock, honey, Christmas trees, compost, poultry or dairy products, not including agricultural industry or farms primarily for the disposal of offal or garbage. The breeding, boarding and training of horses are an agricultural use and distinguished from the business use of teaching or training people to ride a horse.
 - 2. APPROVED. Acceptable to the code enforcement official.
 - 3. AUTHORITY HAVING JURISDICTION. The local government, county government, or state agency responsible for the administration and enforcement of an applicable regulation or law.

4. **CODE ENFORCEMENT OFFICIAL.** The official (Zoning Code Enforcement Officer and his/her Deputy) who is charged with the administration and enforcement of this article or any duly authorized representative.
5. **CONDEMN.** To judge unfit for occupancy.
6. **EXTERMINATION.** The control and elimination of insects, rodents – rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by other approved pest elimination methods.
7. **GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.
8. **IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.
9. **INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
10. **OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
11. **PLACARDED EQUIPMENT OR PREMISES.** An official notice posted on property or equipment by an authorized authority stating that the equipment or property is in violation of the law.
12. **PREMISES.** A lot, plot or parcel of land including any structures thereon.
13. **RUBBISH.** Combustible and noncombustible waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastic and other petroleum products, tree branches, yard trimmings, tin cans, metals, mineral material, glass crockery and dust and other similar materials; this term shall also include discarded, abandoned or stored appliances, refrigerators, etc.
14. **SANITARY.** Free from harmful bacteria, or filth that endanger health.
15. **STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as part of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.
16. **STRUCTURE.** That which is built or constructed or a portion thereof.
17. **TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
18. **YARD.** An open space on lot with a structure.

Section 4. Minimum Conditions

A. General.

1. **Scope.** The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. (301.1)
2. **Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and which do not comply with the requirements of this article. Occupants of a dwelling, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. (301.2)
3. **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (301.3)

B. Exterior Property Areas

1. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies or controls in a clean and sanitary condition. (302.1)
2. Grading and drainage. All premises shall be graded and maintained to prevent erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs. (302.2)
3. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. (302.3)
4. Weeds. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Town of Romulus provisions (Section 5, D.). Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. (302.4)

5. Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved process (either by the County Health Department or a licensed exterminator) that will not be injurious to human health. After extermination proper precautions shall be taken to eliminate rodent harborage and prevent re- infestation. (302.5)
6. Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. This includes incinerators or "burn barrels" used to burn garbage or rubbish other than dry vegetation and leaves. Open burning of rubbish, garbage, treated lumber or other materials causing noxious odors, residue or fumes is prohibited (exception: dry vegetation or leaves) (302.6)
7. Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (302.7)
8. Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition and in good repair. (302.7.2)
9. Enclosures for Swimming pools. An approved enclosure at least 4 feet in height with a secure self-latching gate shall be provided around outdoor swimming pools, so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property. (302.7.2.1)
10. Unregistered Vehicles. Except as provided for in statute or other regulations, two or more inoperative or unlicensed vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. (302.8)

Exception: A vehicle of any type is permitted to undergo major overhaul, including bodywork, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purpose.

11. Outdoor storage areas. Outdoor storage areas shall be screened from the view of the public and adjoining property owners. No outdoor storage area for construction equipment or other heavy equipment or vehicles or display, storage or collection of junk or junk cars or rubbish or unregistered vehicles (two or more unregistered vehicles) shall be permitted in a location visible from adjoining properties or public roads. This regulation is intended to supplement the provisions of the Town of Romulus Zoning Ordinance, Article II, and New York State Regulations on Junkyards.
12. Parking of commercial vehicles. Unless a special permit has been granted by the Town Planning Board, no commercial vehicle exceeding 12,000 pounds gross vehicle weight or 18 feet in box length shall be parked overnight in any district where it is visible from adjoining properties or public roads. This shall not apply to agricultural uses on

farms provided that parked trucks are set back at least 100 feet from all property lines.

C. Exterior Structure

1. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. (303.1)
2. Protective treatment. For residential structures all exterior surfaces, including but not limited to, door, and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement. (303.2)
3. Structural members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads. (303.4)
4. Foundation walls. All foundation walls shall be maintained free from open cracks and breaks and shall be kept in such condition as to prevent rodents and other pests from entering. (303.5)
5. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. (303.6)
6. Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent damage and deterioration in walls or interior portion of the structure. Roof water shall not be discharged in a manner that creates a public nuisance. (303.7)
7. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facing, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. (303.8)
8. Overhang extensions. All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, ... shall be maintained in good repair and be properly anchored so as to be kept in sound condition. (303.9)
9. Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. (303.10)
10. Chimneys. All chimneys and similar appurtenances shall be maintained structurally safe and sound and in good repair. (303.11)
11. Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. (303.12)
12. Windows, door frames and wall openings. Every window, door and frame and exterior wall opening shall be kept in sound condition and secured from exterior access. (303.13)

D. Rubbish and Garbage

1. Accumulation of rubbish or garbage. All exterior property and premises of every structure shall be free from any accumulation of rubbish or garbage. (305)
2. Dry vegetation, combustible waste and refuse. Combustible waste, refuse, and large quantities of dry vegetation, which by reason of their proximity to buildings or structures would constitute a fire hazard or contribute to the spread of fire, shall be removed. (305.1.1)
3. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. (305.2)
4. Rubbish storage facilities. The owner of every occupied premise shall supply approved covered containers for

rubbish, and the owner of the premises shall be responsible for the removal of rubbish. (305.2.1)

5. Refrigerators, freezers, appliances and furniture. Refrigerators and similar equipment shall not be discarded, abandoned or stored on premises. Refrigerators and freezers shall have doors removed while awaiting pick-up and disposal. (305.2.1)
6. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. (305.3)
7. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. (305.3.2)

E. Extermination

1. Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation. (306.1)
2. Owner. The owner of any structure shall be responsible for extermination with the structure prior to renting or leasing the structure. (306.2)
3. Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. (306.3)
4. Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a non-residential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent infestation in the area occupied, the occupant shall be responsible for extermination. (306.4)
5. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. (306.5)
6. Exception: Where infestations are caused by defects in the structure, the owner shall be responsible for extermination.

Section 5. Investigation and Report

- A. Authority. The Code Enforcement Officer has the authority to examine the premises and locations of any buildings or structures, or improvements to existing buildings or structures in the Town of Romulus and shall determine whether or not they comply with this property maintenance code. He or she shall keep a permanent record of all violations of this article, whether reported by private citizens or by any board agency; officer or employee of the Town and such record shall show the disposition of all such violations
- B. Courtesy Notice of Violation. When there is non-compliance, the Code Enforcement Officer will send a "Courtesy Notice of Violation" to the owner or occupant of the property with the identifying tax number from the tax rolls describing the violation(s), citing the section in this article and urging compliance within ten days. Copies of the notice will be sent to the Town Board and shall be maintained in a permanent record.
- C. Order to Remedy the Violation. If the owner or occupant fails to comply within the stated time period, the Code Enforcement Officer may issue an "Order to Remedy the Violation" hand delivered or sent by certified mail, with a copy to the Town of Romulus Board and Seneca County Office of Building Codes. The "Order to Remedy the Violation" shall contain the following statement:

"YOUR ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy these conditions on or before (date – a reasonable length of time not to exceed 30 days). Failure to remedy these conditions and to comply with the applicable provisions of the law may constitute an offense punishable by fine or imprisonment or both.

Please be advised that separate and apart from Code Section 5, D. (Penalties), you may be adjudicated civilly liable in the sum of \$100 per day for each day of continued violation, plus legal fees incurred by the Town of Romulus in the enforcement of the Zoning Law and the Property Maintenance Code, and the collection of civil penalties as stated in the Code Section 5, D. 2 and 3). Should it become necessary for the Town to act to remedy the situation, you may be

required to pay any cost pursuant to Section D, 1-3.”

D. Penalties.

1. A violation of this article is an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense. Conviction of a second offense committed within five years of the first offense, is punishable by a fine not less than \$350 or more than \$700 or imprisonment for a period not to exceed six months, or both. Conviction of a third or subsequent offense committed within a period of five years is punishable by a fine of not less than \$700 nor more than \$1,000, or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.
2. In addition, any person who violates any provision of this article or who shall omit, neglect or refuse to do any act required thereby shall, severally, for each and every violation, forfeit and pay a civil penalty of not more than \$100. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional penalty.
3. The imposition of penalties for any violation of this article shall not excuse the violation nor permit it to continue. The application of the above penalties or prosecution for violation of any provision of this article shall not prevent the enforced removal of conditions prohibited thereby. The expenses of the Town may be chargeable, in addition to the foretasted criminal and civil penalties, to the offender and may be recovered in civil court of appropriate jurisdiction. In addition, all expenses incurred by the Town in connection with the proceedings to repair and secure, or demolish and remove the unsafe conditions, including the costs of actually removing a building, and vehicles shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in the Town Law for the levy and collection of a special ad valorem levy. Any contract for demolition and removal of a building shall be awarded through competitive bidding if so required by law.

E. Complaints of violations.

1. Whenever a suspected violation of the code occurs, any person may file a signed written complaint reporting such violation to the Code Enforcement Officer. The Code Enforcement Officer may also investigate any oral complaint made to his/her office. All complaints, written or oral, shall be properly recorded, filed and immediately investigated by the Codes Enforcement Officer and reported to the Town Board. The Town Board may by blanket resolution authorize the Code Enforcement Officer to act independently in all cases or a particular class of cases.

F. Legal Action

1. Abatement of violations. If any premises are in violation of this article after the due date for remedy or correction of the violation has past, the Town Board or, with its approval, the Code Enforcement Officer may institute an appropriate legal action or proceeding to prevent, restrain, correct or abate such violation, to prevent the occupancy of the premises or to prevent any illegal act, conduct, business or use in or about such premises.
2. Public hearing; notice; order to repair or remove. An alternative course of action is for the Town Board to pursue correction before taking legal action through the court.
 - a. The Town Board may consider such report of violation and, if in its opinion the report so warrants, set a date for a public hearing on at least 10 days' notice to determine whether or not such building or premises can be safely repaired or should be demolished and removed.
 - b. The notice of hearing shall be published once in the official town newspaper, a copy shall be affixed to the building in question and a copy shall be either personally served on the owner or sent to the owner by regular mail. The owner shall be the one listed on the then official assessment roll of the town.
 - c. At the public hearing all interested parties shall be heard on the question of repair or demolition and removal of the building.
 - d. The Town Board shall thereafter make an order either denying any action in regard to the building or ordering its repair, if the same is feasible, or ordering its demolition and removal.
 - e. If the Town Board order requires repair or demolition and removal it shall also contain the following:
 - 1) A description of the premises.

- 2) A statement of the particulars in which the building is unsafe or dangerous.
 - 3) An order outlining the manner in which the building is to be made safe and secure, or demolished and removed.
 - 4) A statement that the securing or removal of such building shall commence within 20 days of the service of the order and shall be completed within 45 days thereafter, unless for good cause shown such time shall be extended.
 - 5) A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board 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.
 - 6) The Town Board order shall be published, served on the owner and affixed to the building all in the same manner as provided in Subsection B of this section.
3. Taxpayer action. Upon the failure or refusal of the Code Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 31 days after written request by a resident taxpayer of the Town to do so, any three taxpayers of the Town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Code Enforcement Officer or Town Board.
 4. Accountability. For every violation of the provisions of this article, the owner, agent, contractor, lessee, ground lessee, tenant, licensee or any other person who commits or takes part or assists in such violation or who maintains any structures or premises in which any such violation exists shall be punishable according to the provisions of this article.

TABLE C AREA REGULATIONS ³

DESCRIPTION	AGRICULTURE	HAMLET RESIDENTIAL	LAKESHORE RESIDENTIAL	CONSERVATION/ RECREATION	INDUSTRIAL/ OFFICE DEVELOPMENT	WAREHOUSE/ DISTRIBUTION/ TRANSPORTATION /ENERGY	ACTIVITIES/ SPECIAL EVENTS	GOVERNMENTAL	INSTITUTIONAL
Minimum Lot Size	2 Acres	1/2 Acre	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Frontage	200'	100'	100'	100'	100'	100'	100'	100'	100'
Front Yard Setbacks:									
Primary Structure	30'	30'	30'	30'	30'	30'	30'	30'	30'
Roadside Stands & Fences	5'	5'	5'	5'	5'	5'	5'	5'	5'
Accessory Structure	50'	50'	50'	50'	50'	50'	50'	50'	50'
Side Yard Setbacks:									
Structures	15'	15'	15'	15'	15'	15'	15'	15'	15'
Fences	0	0	0	0	0	0	0	0	0
Rear Yard Setbacks:									
Structures	50'	30'	30'	50'	50'	50'	50'	50'	50'
Fences	0	0	0	0	0	0	0	0	0
Maximum Height:									
Farm Structures ¹	---	---	---	---	---	---	---	---	---
Others	35'	35'	35'	35'	35' ²	35' ²	35'	35'	35'

¹ Farm structure may be two (2) times the distance to the property line in height.

² A maximum building height of 50 feet may be permitted upon approval by the Planning Board.

³ Essential facilities, private radio and television antennas and towers, and such similar structures shall be set back from all property boundaries at least ten (10) feet more than the height of the structure.

Attachment A – Town of Romulus Zoning Map

