

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

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

County
~~City~~ of Sweden
Town
~~Village~~

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 28 2006

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2006

A local law to provide for the codification of the local laws, ordinances and certain resolutions of the Town of Sweden into a Municipal Code to be designated the "Code of the Town of Sweden"

Be it enacted by the Town Board of the

~~County~~
~~City~~ of Sweden as follows:
Town
~~Village~~

(SEE ATTACHED)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE I
Adoption of Code

Be it enacted by the Town Board of the Town of Sweden, County of Monroe, New York, as follows:

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Sweden, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 175, together with an Appendix, shall be known collectively as the "Code of the Town of Sweden," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the Code of the Town of Sweden to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

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

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

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

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

The repeal of local laws and ordinances provided for in § 1-3 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Sweden prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Sweden or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Sweden.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Sweden.
- E. Any local law or ordinance of the Town of Sweden providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Sweden or any portion thereof.
- F. Any local law or ordinance of the Town of Sweden appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Sweden or other instruments or evidence of the town's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Town employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any local law or ordinance adopted subsequent to 2-28-2006.

§ 1-5. Severability.

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

§ 1-6. Copy of Code on file.

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

§ 1-7. Amendments to Code.

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

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

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

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

Copies of the Code, or any chapter or portion of it, may be purchased from the Town Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Town Board. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-10. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Sweden or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Sweden to be misrepresented thereby or who violates any other provision of this local law shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Word usage.

A. Computation of time. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

B. Delegation of authority. Whenever a provision appears requiring the head of a department of the Town to do some act or make certain inspections it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section otherwise require.

C. Gender. A word importing the masculine gender only shall extend and be applied to the females and to firms, partnerships and corporations as well as to males.

D. Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

E. Tense. Words used in the past or present tense include the future as well as the past and present.

F. Title of officer. Whenever the title of a Town officer is given it shall be construed as though the words "of the Town of Sweden" were added.

§ 1-12. Changes in previously adopted legislation; new provisions.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Town of Sweden, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsections B and C hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Town Board that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. The following changes are made throughout the Code:

- (1) Specific fee amounts are removed and replaced with the wording "as set by the Town Board."

- (2) References to the "Fire Marshal," "Fire Inspector," "Building Inspector" and "Chief Building Inspector" are amended to read "Code Enforcement Officer," except that "Fire Marshal" is retained in §§ 3-2D and 102-4A.
- (3) References to the "Highway Superintendent" are amended to read "Superintendent of Highways."
- (4) References to the "Municipal Building" are amended to read "Sweden Town Hall."
- (5) References to the "Master Plan" are amended to read "Comprehensive Plan."
- (6) References to the "Board of Appeals" are amended to read "Zoning Board of Appeals."

C. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

§ 1-13. Incorporation of provisions into Code.

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Sweden, such local law to be titled "General Provisions, Article I, Adoption of Code," and the sections of this local law shall be numbered §§ 1-1 to 1-14, inclusive.

§ 1-14. When effective.

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

Schedule A
(As referenced in § 1-12C)

Chapter 3, Appearance Tickets.

Chapter 3 is amended in its entirety to read as follows:

§ 3-1. Purpose.

The purpose of this chapter is to authorize public servants of the Town of Sweden to issue and serve appearance tickets in connection with violations of state statutes, local laws, ordinances or rules and regulations of the Town that the public officials are authorized or required to enforce.

§ 3-2. Issuance authorized.

The following public servants of the Town of Sweden are hereby authorized to issue and serve appearance tickets with respect to violations of state statutes or local laws, ordinances, rules or regulations of the Town of Sweden that such public servants are, respectively, required or authorized to enforce:

- A. Dog Control Officer: Chapter 84, Dogs and Other Animals.
- B. Recreation Director: Chapter 137, Parks.
 - (1) Section 137-11H, parking regulations.
 - (2) Section 137-10E, littering violation.
- C. Superintendent of Sewers: Chapter 151, Sewers.
- D. Fire Marshal: Chapter 102, Fire Lanes.
- E. Code Enforcement Officer: Alternatively, the Code Enforcement Officer is authorized to issue and serve appearance tickets with respect to the Sweden Town Code.
- F. Law enforcement officer: Alternatively, a law enforcement agency, such as but not limited to the Brockport Police, Monroe County Sheriff, or New York State Police, is authorized to issue and serve appearance tickets with respect to the Sweden Town Code.

§ 3-3. Service.

- A. An appearance ticket, other than for a parking violation, shall be served personally, except that an appearance ticket issued for the violation of a local zoning ordinance, or of a local building or sanitation code, may be served in any manner authorized for service under § 308 of the Civil Practice Law and Rules.
- B. The Civil Enforcement Officer of the Town of Sweden is authorized to serve all tickets issued hereunder.

Chapter 19, Ethics, Code of.

Section 19-5H is amended to delete "To that end" before "no Town employee."

Chapter 38, Officers and Employees.

Section 38-1 is amended to change "and fixes the salary for such office" to "and shall fix the salary for such office from time to time."

Chapter 40, Procurement Policy.

Chapter 40 is amended in its entirety to read as follows:

§ 40-1. Evaluation of purchase.

Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every Town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

§ 40-2. Intent.

The intent of the following policy is so that the Town Board shall have involvement in expenditures from the Town budget. It is not the intent of the Board to micromanage department budgets, but in the end the Town Board is held accountable by the taxpayers for spending its tax money wisely.

§ 40-3. Formal bids.

Purchases which will exceed the threshold amount set forth in General Municipal Law § 103 shall be formally bid pursuant to this chapter and shall be executed after obtaining appropriate Town Board approval.

§ 40-4. Duty of department heads.

It is expected that the department heads will consult with the Director of Finance throughout the year regarding the balance of their budget.

§ 40-5. Quality and quantity of materials.

The material, equipment, supplies and/or services to be purchased shall be of the quality

and in the quantity required to serve the function in a satisfactory manner, as determined by the department head and the purchasing agent.

§ 40-6. General procedure.

- A. Requisitions under \$2,000 and signed by the Superintendent of Highways shall be pre-approved and converted to purchase orders.
- B. Requisitions for expenses to complete a pre-approved project are automatically approved up to \$5,000.
- C. Requisitions above \$2,000 but less than \$5,000 must be signed by the Supervisor or his designee from the Town Board
- D. Requisitions over \$5,000 are subject to the following rules:
 - (1) At least two written proposals or quotes are required.
 - (2) Proposals/quotes are subject to full Town Board approval.
- E. Requisitions over \$10,000 are subject to New York State bid laws.

§ 40-7. Award to lowest bidder; exception.

The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

§ 40-8. Required number of proposals.

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

§ 40-9. Exemptions.

Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- A. Emergencies.
- B. Sole source situations.
- C. Goods purchased from agencies for the blind or severely handicapped.
- D. Goods purchased from correctional facilities.
- E. Goods purchased at auction, which shall be done at or below an established limit agreed upon with the Town Board.

§ 40-10. Federal Surplus Program.

The above provisions notwithstanding, there shall be no purchase, procurement and/or

acquisition of property from the Federal Surplus Program, regardless of value or dollar amount, without prior approval of the Town Board.

Chapter 55, Assemblies, Public.

Section 55-4E is amended to revise the first sentence to read as follows:

No permit shall be issued unless the applicant has, prior to such issuance, furnished the Town with a comprehensive liability insurance policy insuring the Town against liability for damage to person or property, bodily injury and/or death, among other things, in an amount and/or character acceptable to the Town in each case and sufficient to save the Town harmless from any liability or cause of action which might arise by reason of the granting of the permit and not cancelable without 10 days' prior written notice to the Town.

Chapter 62, Bingo.

- (1) Section 62-7 is amended to set the prize amounts at \$1,000 for a single game and \$3,000 for a series of prizes.
- (2) Section 62-10 is amended to add the following: "subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than one year, or both."

Chapter 66, Buildings, Numbering of.

- (1) Sections 66-2 and 66-6 are amended to change "Building Department" to "Code Enforcement Officer."
- (2) Section 66-7 is amended to change the penalty from not more than \$50 to not more than \$250 or imprisonment for not more than 15 days, or both.

Chapter 70, Burning, Open.

Section 70-6 is added to read as follows: "Violations of this chapter shall be subject to a penalty of not more than \$250 or imprisonment for not more than 15 days, or both."

Chapter 73, Cemeteries.

Section 73-1 is amended as follows:

- (1) To change "Lakeview Cemetery" to "cemeteries."
- (2) To change "Town of Sweden Lakeview Cemetery" to "Town cemeteries."
- (3) To change "Superintendent" to "Superintendent of Highways" throughout the section.
- (4) To delete original Subsection A(36).

Chapter 84, Dogs and Other Animals.

- (1) The definition of "dangerous dog" in § 84-3 is amended to change "a dog or cat" to "a dog, cat, farm animal and/or companion animal (as defined under New York State law)" and to change "such dog or cat" to "the same."
- (2) Section 84-4E is amended to change "dog or farm animal" to "dog, cat, farm animal or companion animal."
- (3) Section 84-4J is amended to change "six months" to "four months."
- (4) Section 84-11 is amended to change "Dog Warden" to "Dog Control Officer."
- (5) Former Art. II, Impoundment Fees, is deleted.
- (6) Section 84-12 is amended to read as follows:

The local fee for dog licenses, in addition to other statutory charges, shall be as set from time to time by the Town Board. There shall be no fee for any license issued for any guide dog, hearing dog, service dog, war dog, working search dog, detection dog, police work dog or therapy dog.

Chapter 90, Electrical Inspections.

- (1) Section 90-3 is amended to read as follows:

It shall be a violation of this chapter for any person, firm or corporation to install, cause to be installed or to alter electrical wiring for light, heat or power in or on properties of the Town of Sweden until an application for inspection has been filed with an authorized electrical inspection agency. It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance from an authorized electrical inspection agency. The certificate of compliance must be issued by the same inspection agency with which the original application was filed unless such requirement is waived in writing by the Code Enforcement Officer of the Town of Sweden.

- (2) Section 90-4 is added to read as follows: "Violations of this chapter shall be subject to a penalty of not more than \$250 or imprisonment for not more than 15 days, or both."

Chapter 95, Excavations.

- (1) Section 95-3 is amended to add "or imprisonment for not more than 15 days, or both."
- (2) Section 95-19 is amended to read as follows:

A violation of these regulations or any provisions or part hereof by any person, firm or corporation is hereby declared to be a violation for purposes of conferring jurisdiction upon the courts and judicial officers generally, and therefore in accordance with the provisions of the Penal Law of the State of New York a fine of not more than \$250 or imprisonment for not more than 15 days, or both, can be imposed. Each day's continued violation shall constitute a separate violation. Notwithstanding the penalties herein provided, the Town of Sweden may enforce obedience to this article or any part thereof by injunction to restrain the violation thereof.

Chapter 102, Fire Lanes.

- (1) The definition of "park or parking" is added to § 102-1 to read as follows: "The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers."

- (2) Section 102-4B is amended to read as follows: "A violation of this chapter shall be punishable by a fine of up to \$250 or imprisonment for up to 15 days, or both."

Chapter 105, Fire Prevention and Building Construction.

- (1) The following sections are deleted: § 105-2, Scope; § 105-5, Permits; § 105-6, Inspections; § 105-7, Compliance required; violation orders; § 105-9, Records; and § 105-10, Unsafe buildings or structures.
- (2) Section 105-4A is amended to change "shall be deemed a violation" to "shall be deemed a misdemeanor" and to add "per day of violation" after "\$1,000."

Chapter 112, Flood Damage Prevention.

Section 112-6 is amended to change "Assessor's office" to "Building Department."

Chapter 120, Games of Chance.

- (1) Section 120-3 is amended to read as follows: "Games of chance shall be conducted in accordance with the procedures and requirements of § 189 of the General Municipal Law."
- (2) Former §§ 120-4 through 120-8 are deleted.
- (3) Section 120-4A is amended to add "subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for not more than one year, or both."

Chapter 121, Garage Sales.

- (1) Section 121-8 is amended to delete the following:

The owner or tenant of the premises on which such sale or activity is conducted shall be responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such

individuals shall obey the reasonable orders of any member of the Police or Fire Department of the Town in order to maintain the public health, safety and welfare.

- (2) Section 121-11 is amended to add "or permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises."
- (3) Section 121-13A is amended to change \$500 to \$250.

Chapter 123, Handicap Grievances.

- (1) Section 123-2A is amended to change "Handicapped Compliance Officer, Assessment and Building Control Office" to "Code Enforcement Officer, Building Department."
- (2) Sections 123-3, 123-4 and 123-9 are amended to change "Handicapped Compliance Officer" to "Code Enforcement Officer."
- (3) Section 123-5 is amended to change "Section 504 Handicapped Compliance Officer" to "Code Enforcement Officer."
- (4) Section 123-11 is amended to read as follows: "The Town of Sweden has designated the Code Enforcement Officer as the contact to coordinate efforts to comply with this chapter. Inquiries should be directed to the Building Department. Inquiries may be made during regular business hours."

Chapter 125, Historic Preservation.

- (1) Section 125-2D is amended to change "shall meet semiannually, but meetings may be held" to "shall meet as needed, and meetings may be held."
- (2) Section 125-6 is added to read as follows: "Violation of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both, for each day the violation continues."

Chapter 130, Littering.

Section 130-3A is amended to read as follows: "By a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both."

Chapter 134, Mobile Home Parks.

- (1) The definition of "mobile home" in § 134-3 is amended to add "less than five years old" after "A portable unit."
- (2) Section 134-5A is amended to change "the Zoning Regulations stated by the Town Board" to "the Zoning Ordinance."
- (3) Section 134-5E is amended to change "eight feet from the boundary line" to "10 feet from the unit boundary line."
- (4) Section 134-5G and N(1) are amended to change "court" to "park."
- (5) Section 134-5K is amended to change "from a ten-year frequency" to "from a ten-year storm."
- (6) Section 134-12C(2)(b) is amended to change "Town Clerk" to "Building Department."
- (7) Section 134-12C(2)(e) is amended to change "subdivision plat" to "final plat."
- (8) Sections 134-12C(2)(g) and (h), (3) and (4)(b)[1] and 134-13A are amended to change "Town Clerk" to "Planning Board Chairman."
- (9) Section 134-12C(4)(a)[2][c] is amended to change "within the subdivision" to "within the mobile home park."
- (10) Section 134-15 is amended to change "shall be guilty of an offense, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed one year, or both" to "shall be guilty of a violation, punishable by a fine of not more than \$250 or by imprisonment not to exceed 15 days, or both."
- (11) Section 134-17B(6) is amended to change "Tax Assessor" to "Assessor."

Chapter 135, Noise.

- (1) Section 135-1 is amended to revise the first sentence to read as follows: "Disturbing, excessive or offensive noises within the jurisdictional limits of the Town of Sweden are conditions that have persisted. The level and frequency of occurrences of such noises continue to increase."
- (2) Section 135-3B(11) is amended to delete "or cause to be used or operated" from the last sentence.
- (3) Section 135-5 is amended to add "or imprisonment for not more than 15 days, or both."

Chapter 136, Parks.

Section 136-14B is amended to change "Magistrate" to "Judge."

Chapter 139, Plumbing.

Chapter 139 is amended to read as follows:

§ 139-1. License required.

Any plumber intending to conduct the business of plumbing in the Town of Sweden must register personally in the office of the Town Clerk and pay the required fee to obtain a plumber's license. A license will not be issued until a written examination provided by the Town is satisfactorily passed or waived, where the applicant is currently licensed in another municipality within the county.

§ 139-2. Expiration and renewal of licenses.

All licenses issued hereunder shall expire on the 31st day of December of the year in which they are issued and, upon the payment of a fee, may be renewed within 30 days preceding such expiration. Such renewals shall be for one year from the first day of January in each year.

§ 139-3. Refusal to issue license.

The Town Clerk may refuse to issue a license to any person until he has received or obtained satisfactory evidence or proof that the applicant is entitled to such license.

§ 139-4. Revocation or suspension of license.

The Town Clerk, after a hearing, may suspend or revoke the license herein provided for, for a violation by the licensee, his agents or employees of any law or code of the State of New York or ordinance or law of the Town of Sweden relating to the conduct of the plumbing business.

§ 139-5. Permit required.

It shall be unlawful for any person to conduct the trade, business or calling of plumbing in the Town of Sweden unless he shall hold a license and shall obtain the appropriate plumbing permit. This section shall not apply to a person or a member of his household doing repair work on his own, provided that he has permission from the Code Enforcement Officer to do such work, but in no event shall any person perform work or repairs in the Sweden sanitary sewer without a special permit from the Town.

§ 139-6. Fees.

The Town Board from time to time shall set a schedule of license fees and plumbing permit fees, including a rate per opening, which shall be incorporated in the Rules and Regulations for Building Control Fees.

§ 139-7. Penalties for offenses.

Any person who violates this chapter shall be guilty of a misdemeanor, subject to a fine of not more than \$1,000 or imprisonment for not more than one year, or both, for each violation. Each day's continued violation shall constitute a separate additional offense.

Chapter 141, Property Maintenance.

- (1) In § 141-2 the definition of "workmanlike" is added to read as follows: "Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work."
- (2) Section 141-3 is amended to delete the following: "Violation of this section is punishable by a fine of up to \$500 per day and/or up to 15 days in jail."
- (3) Section 141-5D is amended to delete "permanent" before "signs and billboards" in the first sentence.
- (4) Section 141-6F is amended to read as follows:

No more than one unregistered vehicle may be stored in a dwelling's driveway or yard, and said vehicle must have a current New York State motor vehicle inspection sticker and the sticker must be visible on the front windshield. This subsection shall be enforced by the Town Code Enforcement Officer or County Sheriff.

- (5) Section 141-9C is amended to read as follows:

No person shall discard, abandon or store a refrigerator or freezer in a place accessible to children without first completely removing any and all doors and obtaining a certificate from an authorized person or company (New York State Penal Law) showing that all Freon has been lawfully removed.

- (6) Section 141-11A is amended to change "a municipality" to "the Town" and to add "structure" before "solid waste."
- (7) Section 141-14 is added to read as follows: "Violation of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both, for each day the violation continues."

Chapter 145, Records, Public.

- (1) Section 145-5 is amended to read as follows:

§ 145-5. Rules and regulations.

To comply with Article 6 of the Public Officers Law, the following format will be followed:

- A. All requests for information shall be in writing, reasonably describing the record requested and made during regular business hours of the Town of Sweden offices.
- B. Within five business days of the receipt of the written request, one of the following will occur:
- (1) The record will be made available to the person requesting it.
 - (2) The request will be denied in writing.
 - (3) A written acknowledgment of the receipt of the request and a statement of the approximate date when such request shall be granted or denied will be forwarded.
- C. Any person denied access to a record may appeal within 30 days, in writing, such denial to the Town Board.
- D. The Town Board is hereby designated as the appeal agency for determination of denials and will proceed as follows:
- (1) The Town Board shall, within 10 business days of the receipt of an appeal, fully explain in writing to the person requesting the records the reason for

further denial, or the Town Board shall provide access to the record sought.

- (2) The Town Board shall forward to the Committee on Open Government a copy of such appeal when received by the agency and shall also forward to said Committee the ensuing determination thereon.
- E. A set fee will be charged per photocopy of a record. Such charges will be established by resolution of the Town Board.
- (2) The definition of "archives" in § 145-8 is amended to change "advisory committee" to "Advisory Board."
 - (3) Former § 145-14, Public access to records, is deleted.

Chapter 151, Sewers.

- (1) The definition of "Superintendent" in § 151-3 is amended to change "Sewage" to "Sewers."
- (2) Section 151-13 is amended to change "Health Officer" to "Monroe County Health Department."
- (3) Section 151-15B is amended to change "Sewer Commission" to "Town Board."
- (4) Section 151-39 is amended to change "not exceeding \$50" to "not exceeding \$1,000, or imprisoned for not more than one year, or both."

Chapter 164, Taxation.

Section 164-8 is amended to change "January 1" to "March 1."

Chapter 166, Telecommunications Facilities.

Chapter 166 is amended in its entirety to read as follows:

§ 166-1. Intent.

The intent of these regulations is to promote the health, safety and general welfare of the residents of Sweden. Specifically, these regulations are intended to:

- A. Provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations.
- B. Minimize the number of telecommunications towers in the community by encouraging shared use of existing and future towers and the use of existing tall buildings and other high structures.
- C. Minimize adverse visual effects from telecommunications facilities by requiring careful siting, visual impact assessment and appropriate screening.

§ 166-2. Definitions.

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

ACCESSORY FACILITY — Any facility or structure serving or being used in conjunction with a telecommunications tower and located on the same lot as the telecommunications tower. Examples of such facilities include transmission equipment and storage sheds, buildings or cabinets.

ANTENNA — A system of electrical conductors that transmit or receive electronic frequency signals. Such signals shall include but not be limited to radio, television, cellular, paging and personal communication services (PCS).

TELECOMMUNICATIONS FACILITY — Telecommunications towers, antennas and accessory facilities used in connection with the provision of radio, television, cellular telephone, PCS, paging and similar services.

TELECOMMUNICATIONS TOWER or TOWER — A structure on which transmitting and/or receiving antennas are located. It includes, without limit, freestanding towers, guyed towers, monopoles and other similar structures.

§ 166-3. Applicability.

- A. No telecommunications facility shall be used, erected, moved, reconstructed, changed or altered, except after approval of a conditional use permit, site plan and building permit and in conformity with these regulations.
- B. These regulations shall apply to all zoning districts.
- C. No existing structure shall be modified to serve as a telecommunications facility unless in conformity with these regulations. An antenna that is to be attached to an existing smokestack, water tower or other structure is permitted in all zoning districts. The building permit application will include a structural analysis/report verifying the ability of the structure to handle the antenna. The height of the new antenna shall not extend above the existing height of the existing structure by more than 50 feet.
- D. Land use rankings. Sites for the location of telecommunications facilities will be ranked according to the following scale, i.e., one, most desirable, to six, least desirable:
 - (1) Existing antenna towers and sites suitable for collocation.

- (2) Municipal or governmentally owned property.
 - (3) Industrial/light industrial districts.
 - (4) Commercial districts.
 - (5) Rural low density.
 - (6) Residentially developed high density.
- E. Exemptions to these regulations are limited to:
- (1) New uses which are accessory to residential uses, such as satellite dishes and television antennas.
 - (2) Amateur radio operators as licensed by the Federal Communications Commission (FCC).
 - (3) Lawful or approved uses existing prior to the effective date of these regulations.
- F. Where these regulations conflict with other laws and regulations of Sweden, the more restrictive shall apply, except for tower height restrictions which are governed by these conditional use standards.

§ 166-4. General requirements.

A. Conditional use permit.

- (1) No conditional use permit or renewal thereof or modification of a current conditional use permit relating to a telecommunications facility shall be authorized by the Town Board unless it finds that such telecommunications facility:
 - (a) Is necessary to meet the current or expected demand for service.
 - (b) Conforms to all applicable regulations promulgated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and other federal agencies.
 - (c) Is considered a public utility in the State of New York.
 - (d) Is designed and constructed in a manner which minimizes visual impact to the extent practical.
 - (e) Is the most appropriate site among those available within the technically feasible area for the location of a telecommunications facility.
 - (f) When including the construction of a tower, such tower is designed to accommodate future shared use by at least one other telecommunication service provider.
- (2) Exception. Any subsequent location of telecommunications equipment by other service providers on existing towers specifically designed for shared use shall not require a new or modified conditional use permit if there would be

no increase in the height of the tower. However, the additional equipment will require site plan approval and a building permit.

- B. The shared use of existing telecommunications facilities or other structures shall be preferred to the construction of new facilities.
- (1) Any conditional use permit application, renewal or modification thereof shall include proof that reasonable efforts have been made to collocate onto an existing telecommunications facility or upon an existing structure, such as a silo, water tank or emissions stack.
 - (2) The application shall include an adequate inventory report specifying existing telecommunications towers and structures exceeding 75% of the height of the proposed tower within the applicant's cell grid area. The inventory report shall contain an evaluation of opportunities for shared use as an alternative to the proposed location.
 - (3) The applicant must demonstrate that the proposed telecommunications facility cannot be accommodated on existing telecommunications facility sites in the inventory due to one of the following reasons:
 - (a) The planned structure would exceed the structural capacity of existing and approved telecommunications facilities, or other structures, considering existing and planned uses for those facilities.
 - (b) The planned equipment would cause radio frequency interference with other existing or planned equipment which cannot be reasonably prevented.
 - (c) Existing or approved telecommunications facilities or structures do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
 - (d) Other technical reasons make it impractical to place the equipment proposed by the applicant on existing facilities or structures.
 - (e) The property owner or owner of the existing telecommunications facility or other structure refuses to allow such collocation.
- C. Site plan. The site plan shall show elevations, height, width, depth, types of materials, color schemes and other relevant information for all existing and proposed structures, equipment, parking and other improvements. The site plan shall also include a description of the proposed telecommunications facility and such other information that the Town Board and/or Planning Board requires. See § 175-11, Site plan review.
- D. A completed environmental assessment form (EAF), including a visual EAF addendum, pursuant to State Environmental Quality Review (SEQR) shall accompany any conditional use permit or site plan application, modification or renewal thereof. Particular attention shall be given to the visibility of the facility from key viewpoints identified in the visual EAF, existing tree lines and proposed

elevations.

- E. Landscape plan. A landscape plan must accompany any conditional use permit or site plan application, modification or renewal thereof. The plan shall delineate the existing trees or areas of existing trees to be preserved, the location and dimensions of proposed planting areas, including the size, type and number of trees and shrubs to be planted, curbs, fences, screening elevations of fences and material used. No certificate of compliance shall be issued until landscaping is planted as approved or until a satisfactory landscape bond is posted.
- F. A safety analysis of the electromagnetic environment surrounding the proposed telecommunications facility must accompany any conditional use permit or site plan application, modification or renewal thereof. The safety analysis shall be prepared by a qualified electromagnetic engineering specialist or health professional qualified to produce such analysis. The safety analysis must demonstrate that the general public electromagnetic radiation exposure does not exceed the standards set by federal regulations.
- G. Building permit. See § 175-25, Buildings and structures, and § 175-13, Certificate of occupancy and certificate of compliance.

§ 166-5. Fees.

- A. A fee established by the Town Board shall be paid with the application for every proposed use under this chapter.
- B. The Town Board may, at the expense of the applicant, employ its own consulting assistance to review the findings and conclusions of the safety analysis, visual analysis or structure inspection provided by the applicant. As security for this, an applicant shall deposit the sum of \$2,500 with the Town at the time of application.
- C. Any part of said deposit which is not used by the Town will be refunded to the applicant at the time a certificate of compliance is issued. No certificate of compliance shall be issued until all unpaid fees have been paid.

§ 166-6. Lot standards.

- A. A lot leased or owned for the purpose of construction of a tower as part of a telecommunications facility shall not result in the creation of a nonconforming lot.
- B. All telecommunications facilities shall comply with the greater of the setback standards of the underlying zoning district, the fall zone of the tower or the height of the tower.
- C. The entire fall zone may not include public roads and must be located entirely within property either owned or leased by the applicant or for which the applicant has obtained an easement and may not contain any structure other than those associated with the telecommunications facility.

§ 166-7. Lighting, screening and aesthetics.

- A. Towers shall not be artificially lighted and marked beyond requirements of the

- Federal Aviation Administration (FAA). However, an applicant may be required to add FAA-style lighting and marking if, in the judgment of the Town Board, such a requirement would be of direct benefit to public safety.
- B. The use of any portion of a telecommunications facility for signs, promotional or advertising purposes, including but not limited to company name, phone numbers, banners, streamers or balloons, is prohibited.
 - C. The facility shall have the least practical visual effect on the environment, as determined by the Town Board. Any tower that is not subject to FAA marking pursuant to Subsection A of this section shall:
 - (1) Have a galvanized finish or shall be painted gray above the surrounding tree line and gray or green below the tree line, as deemed appropriate by the Town Board; or
 - (2) Be disguised or camouflaged to blend in with the surroundings, to the extent that such alteration does not impair the ability of the facility to perform its designed function.
 - D. Accessory facilities shall maximize the use of building materials, colors and textures designed to blend in with the natural surroundings.
 - E. In addition to a visual EAF addendum, the Town Board may require visual and aesthetic information as it deems appropriate on a case-by-case basis. Such additional information may include, among other things, line-of-sight drawings and/or visual simulations.
 - F. Proposed telecommunications facilities shall have appropriate vegetative screening around the tower base area and any accessory facilities to screen their view from neighboring residences, recreation areas or public roads. Such screening shall include the maximum feasible retention of existing vegetation. The Town Board may similarly require screening adjacent to waterways, landmarks, refuges, community facilities or conservation or historic areas within common view of the public.

§ 166-8. Access and parking.

- A. Accessways shall make maximum use of existing public or private roads to the extent practical. New accessways constructed solely for telecommunications facilities must be at least 20 feet but no more than 30 feet wide and closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- B. The road surface (driveway) shall be centered within accessways and shall not comprise more than 60% of the width of the accessway.
- C. Parking areas shall be sufficient to accommodate the greatest number of service vehicles expected on the premises at any one time.
- D. Driveways or parking areas shall provide adequate interior turnaround, such that service vehicles will not have to back out onto a public thoroughfare.

- E. Equipment or vehicles not used in direct support, renovation, additions or repair of any telecommunications facility shall not be stored or parked on the facility site.

§ 166-9. Security.

- A. Towers and accessory facilities shall be surrounded by a fence or wall at least eight feet in height of a reasonable design approved by the Town Board, but with limited visual impact. Barbed wire is not to be used in residential areas or on public property unless specifically permitted by the Town Board as part of site plan review and conditional use approval.
- B. Motion-activated or staff-activated security lighting around the base of a tower or accessory facilities may be provided if such lighting does not project off the site. Such lighting should only occur when the area within the fenced perimeter has been entered.
- C. There shall be no permanent climbing pegs within 30 feet of the ground of any tower.
- D. A locked gate at the junction of the accessway and a public thoroughfare may be required to obstruct entry by unauthorized vehicles. Such gate must not protrude into the public right-of-way.

§ 166-10. Engineering and maintenance.

- A. All telecommunications facilities shall be built, operated and maintained to acceptable industry standards, including but not limited to the most recent applicable standards of the Institute of Electronic and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI).
- B. All telecommunications facilities shall be inspected at least every second year for structural integrity by a New York State licensed professional engineer. A copy of the inspection report shall be submitted to the Code Enforcement Officer.

§ 166-11. Removal.

- A. The applicant shall submit an agreement, in writing, to remove all towers, antennas, accessory facilities, etc., if such facilities become technically obsolete or cease to be used for its originally intended purpose for more than 12 consecutive months. Upon removal of said facilities, the land shall be restored to its previous condition, including but not limited to the seeding of exposed soil.
- B. The applicant must submit an analysis, certified by a New York State licensed professional engineer, of the cost of removal of the telecommunications facility and surrounding property restorations.
- C. Prior to obtaining a building permit, the applicant must provide a financial security bond for the removal of the telecommunications facility, with the Town of Sweden as the designated assignee, in an amount approved by the Town Engineer, Town Attorney and/or Town Board, but not less than \$100,000.

§ 166-12. Penalties for offenses.

Violation of this chapter shall be subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both.

Chapter 170, Vehicles and Traffic.

- (1) In § 170-1B the definition of "holidays" is amended to change "Lincoln's Birthday, Washington's Birthday" to "Presidents' Day."
- (2) Section 170-23 is amended to set the fine amounts at \$150, \$300 and \$450, respectively.
- (3) Section 170-31 is amended to add the following entries:
- Eisenhauer Drive - East - Sweden Walker Road
John Henion Parkway - East - Redman Road
- (4) Section 170-41 is amended to read as follows:

§ 170-41. Schedule XV: Handicapped Parking.

In accordance with the provisions of § 170-19, no person shall park in any of the following handicapped parking spaces without a permit as required.

Name of Street or Lot	Side	Location
Sweden Town Hall Parking Lot	—	First 2 spaces at the north entrance on the west side of the building
Senior Center Parking Lot	—	2 spaces southwest of the main entrance and 4 spaces on the northwest side of the east parking lot
Sweden/Clarkson Community Center	—	10 spaces at the north end of the 3 westernmost rows

Chapter 175, Zoning.

- (1) The following sections are deleted: § 175-13, Types of permits; § 175-15D, Permit D, nonconforming use; § 175-15G, Permit G, dumping of fill; § 175-15K, Permit K, excavation; § 175-18, District boundaries; § 175-34, Additional regulations for R1-3S One-Family Residential Districts; and § 175-43, Regulations applicable in all industrial districts.
- (2) Throughout this chapter, "automobile" is amended to read "motor vehicle."
- (3) Section 175-7, Definitions.
 - (a) The definition of "garage, public" is amended to change "automobiles or other motor vehicles" to "motor vehicles."
 - (b) The definition of "mobile home" is amended to add "less than five years old" after "portable unit."
 - (c) The definition of "permit" is amended to change "The printed license" to "The signed placard."
 - (d) The definition of sign is amended to revise the opening paragraph and add Subsection E to read as follows:

Any structure, vehicle or part thereof or any device attached to a structure, vehicle, or part thereof or painted or represented on a structure, vehicle or part thereof which shall display or include any letter, word, model, banner, flag, insignia, device, or representation used as or which is in the nature of an announcement, direction or advertisement. A sign does not include the flag, pennant or insignia of any nation or group of nations or of any state, city or other political unit.

CAMPAIGN SIGN -- Any sign which directs attention to a political candidate or to a nonprofit organization fund-raising event.
 - (e) The definition of "swimming pool" is amended to read as follows: "Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 millimeters) deep. This includes in-ground, aboveground and on-ground pools, hot tubs, spas and fixed-in-place wading pools."
- (4) In § 175-11:

- (a) Subsection A is amended to change "special permit" to "special use permit or conditional use permit" and to delete "(Permit E)" from the second-last sentence.
- (b) Subsection B(5) is amended to change "at least five days thereof" to "at least five days prior to the date thereof."
- (c) Subsection B(9) is added to read as follows:

The property owner, tenant and/or applicant shall develop, maintain, operate and use the approved site strictly in conformance with the final site plan approved by the Planning Board. Any deviation from the approved plans in the development or use of the property shall constitute a violation of the approval and shall cause the approval to become void.

- (5) Section 175-13 is amended to read as follows:

§ 175-13. Certificate of occupancy and certificate of compliance.

- A. It shall be unlawful to use or to permit the use of any building or structure hereafter located, erected or structurally altered or any premises altered or converted wholly or partly in its use until a certificate of occupancy has been issued by the Code Enforcement Officer to the effect that the building, structure or premises so located, erected or structurally altered and the proposed use thereof conform to all the provisions and requirements of this chapter and to the New York State Uniform Code. It shall be the duty of the Code Enforcement Officer to issue or deny such a certificate of occupancy within 10 days after a written application therefor has been filed.
- B. Exceptions to the above requirement for a certificate of occupancy are farm buildings.
- C. Any application or request for a certificate of occupancy shall be accompanied by a tape location map and the appropriate fee, which fee, in the event of new construction, shall be paid upon application for a building permit, and, in any event, the certificate of occupancy shall be issued only upon final approval of the Code Enforcement Officer.
- D. Certificate of occupancy with conditions.
 - (1) The Code Enforcement Officer, in his discretion, may issue a certificate of occupancy with conditions where:
 - (a) The subject dwelling or structure is in compliance with this chapter as determined by the Code Enforcement Officer.

- (b) The subject dwelling or structure is near substantial compliance with applicable laws, ordinances and rules.
 - (c) The work required to bring the dwelling into full compliance is not essential to making the building habitable or structurally safe.
- (2) The Code Enforcement Officer shall determine the date of expiration of a certificate of occupancy with conditions.
- E. A certificate of compliance shall be required for all, but not limited to, the following: towers, sheds, decks, conveyances and home generators.

- (6) Section 175-16B is amended to read as follows:

Reference is also made to the Town Tax Account Maps and numbers having been assigned by the Assessor of the Town of Sweden. Where a tax account number is referred to herein, it shall be deemed to refer to that parcel of land as so shown or designated on the Tax Account Map in effect on the date of enactment of this chapter. Tax account numbers are composed of the section number followed by a point then followed by the block number and lot number separated by dashes. If the parcel has been subdivided there is another point followed by the subdivision number.

- (7) Section 175-23 is amended to read as follows:

§ 175-23. Nonconforming uses.

- A. A lawful use of property existing at the time of the enactment and amendment of this chapter that does not conform to the regulations prescribed in this chapter shall be deemed a nonconforming use and may be continued.
- B. A nonconforming use, if changed to a conforming use, may not be changed back to a nonconforming use. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any further use shall be in conformity with the provisions of this chapter.
- C. Nothing in this chapter shall prevent the restoration within one year of a building destroyed by fire or act of God or prevent the continuance of the use of such building when so restored, and this period for restoration may be extended an additional year if within one year from the date of destruction there is filed with the Town Clerk a notice of intention to rebuild.

- (8) Section 175-24 is added to read as follows:

§ 175-24. Home occupations.

- A. Home occupations shall comply with the definition of "home occupation" in § 175-7. Prior to operation of a home occupation an approval shall be obtained from the Zoning Board of Appeals. After approval has been granted, a permit can be issued by the Town Clerk. The permit shall be valid for one year from date of issue. All permits shall be automatically renewed annually unless violations have been filed in the Town Office. Permits that are not automatically renewed shall require Zoning Board of Appeals review for the continuation of said home occupations.
- B. A bed-and-breakfast shall be considered a home occupation. Bed-and-breakfasts shall comply with § 175-30A with the exception that a bed-and-breakfast shall be required to be inspected and a new certificate of occupancy issued annually.

(9) Section 175-25D(2) and (3) are amended to change "Permit A, marked 'Approved'" to "a site plan, approved in accordance with § 175-11." Section 175-25D(2) is further amended to add "Town Architect" before "and/or the Town Engineer."

(10) Section 175-25E is amended to read as follows:

Every permit shall expire 12 months after the issuance thereof unless construction shall have commenced and written notice been received by the Town Clerk of the commencement of such construction within said period, and it shall expire 15 months after date of issuance in any event. A permit can be extended one time for good cause at the Code Enforcement Officer's option for no longer than six months. In the event that construction, location or relocation of any principal building or accessory building is incomplete at the expiration of such permit, subsequent permits shall be issued after application and payment to the Town Clerk of a construction fee equivalent to the original fee.

(11) Section 175-28C(2) is amended to read as follows: "Swimming pools must be fenced according to the New York State Building Code, § 3109."

(12) Section 175-29 is added to read as follows:

§ 175-29. Lighting standards and regulations.

A. Purpose and intent. It is the purpose and intent of this section to:

- (1) Control outdoor lighting for the safety of motorists and pedestrians as well as aiding in law enforcement functions and reducing crime through the proper design and use of outdoor lighting to ensure nighttime appearance consistent with overall community goals or enhancing the attractiveness of businesses, streets and other portions of the environment;
- (2) Provide the regulatory framework to ensure the installation of safe and

attractive outdoor lighting needed to protect the health, safety and welfare of the residents and visitors to the community;

- (3) Provide more specific guidelines for site plan applications and standards in regard to lighting, in order to maximize the effectiveness of site lighting, to avoid unnecessary upward illumination and illumination of adjacent properties and to reduce glare; this section will control unwanted glare and light trespass onto neighboring properties, roadways and the night sky; and
 - (4) Have all exterior lights and illuminated signs designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and glare at any location on or off the property. The maintained horizontal illuminance recommendations, as established by the Illuminating Engineering Society of North America (IESNA), shall be observed.
- B. Applicability. All private outdoor lighting shall be in conformance with the requirements of this section.
- C. General requirements for all commercial and industrial zoning districts.
- (1) All outdoor lighting fixtures, including display lighting, shall be shielded, turned off after close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary and may operate on motion detectors/sensors.
 - (2) Petroleum stations. Island canopy ceiling fixtures shall be recessed.
 - (3) Recreational facilities, public or private. Lighting for outdoor recreational facilities shall be shielded according to the requirements set forth in Subsection D below.
 - (4) All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.
- D. Shielding requirements.

Fixture/Lamp Type	Shielding Required
Low/high pressure sodium, metal halide and fluorescent mercury vapor over 70 watts	Fully
Incandescent over 75 watts	Fully
Incandescent 75 watts or less	None
Fossil fuel	None
Any light source of 70 watts or less	None

- E. Exceptions:
- (1) Any spot or flood luminaire having initial source lumens of 900 or less,

provided that no direct light is focused so as to cause avoidance glare on adjoining property or roadways. Such luminaire may be redirected or its light output controlled so as to eliminate this glare and be eligible for exemption under this section.

- (2) Temporary circus, fair, carnival or civic uses.
 - (3) Construction or emergency lighting, provided that such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
 - (4) Temporary lighting.
 - (5) Lighting associated with agricultural pursuits within an established state agricultural district.
- F. Prohibited lighting for nonresidential uses.
- (1) All moving, revolving and flashing lights.
 - (2) Laser source lighting or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizon.
- G. Lighting standards. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across) the property lines and glare at any location on or off the property. The maintained horizontal illuminance recommendations set by the Illuminating Engineering Society of North America (IESNA) shall be observed.
- H. Submittal requirements. All applications for site plan and/or special use permit approval shall require a lighting plan showing conformity with standards contained in this section. Such lighting plan shall indicate the location, type of lamp, luminaire, mounting height, source lumens, illuminance and glare control options, if any, for each light source and area. Illuminance may be plotted using manufacturer's photometric charts or the Planning Board may require iso-footcandle drawings to examine the interaction of all lighting on the site. Any additional documentation necessary to show conformance to the standards set forth in this section shall also be provided. Additions or changes to an approved lighting plan shall be considered under the site plan review provisions of this chapter.
- I. Illuminance and uniformity.
- (1) Lighting in conformance with this section is required for all parking lots having five or more cars. Light levels shall be designed to meet but not to exceed the latest recommended levels from IESNA for the type of activity/area being lighted except light levels for ATM's which shall be in accordance with the New York State ATM Safety Act. Where no standard is available from IESNA, the applicable standards shall be determined by the Planning Board taking into account the levels for the closest IESNA activity.
 - (2) Uniform light levels shall be achieved on the site. The uniformity ratio (average to minimum) shall not exceed 3:1 for parking and traffic areas nor

4:1 for pedestrian areas.

- (3) Design should establish a hierarchy of lighting to ensure a smooth transition from bright areas to those with subdued lighting.
 - (4) Maximum to average light levels should be kept within a 6:1 ratio. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed.
- J. Light source visibility. The visibility of the light source inside a luminaire is restricted to the following:
- (1) Nonresidential zones. Direct light shall not be visible above six feet at the adjoining public roadway pavement edge, or 25 feet beyond the property lines, except no such restriction for lighting site entrances.
 - (2) Residential zones and where adjacent property is in a residential zone. Direct light shall not be visible above ground level at the adjoining public roadway pavement edge, or 25 feet beyond the property line or at the dwelling unit, whichever is less, except no restriction for lighting site entrances.
- K. Luminaires. All luminaires whose initial source lumens are greater than 1,800 must meet the following requirements:
- (1) Have a cutoff angle of 90° or less.
 - (2) Wall-pack units are required to be opaque shielded or have optics that provide a cutoff angle of 70° or less.
 - (3) Canopy lights must be recessed or have side shields.
- L. Mounting heights.
- (1) Roof-mounted area lighting is prohibited.
 - (2) Mounting heights shall be no higher than 30 feet.
- M. Light trespass. Light trespass shall be limited to the following:
- (1) In all zoning districts, at the pavement edge of adjoining public roads: a maximum of 0.5 footcandle, except for site access points where a maximum of one footcandle at the pavement edge is permitted.
 - (2) Residential districts and where an adjacent property is in a residential district: a maximum of 0.2 footcandle 25 feet beyond the property line or at the dwelling unit, whichever is less.
 - (3) Nonresidential districts: no maximum limit; however, light trespass shall be based upon adjoining uses and light levels to ensure that IESNA standards are not exceeded.
- N. Nonconforming lighting. All outdoor lighting lawfully existing prior to the effective date of this chapter shall be deemed conforming to this section, except that:

- (1) No installation of new luminaires (e.g., fixture and bulbs) shall be permitted unless in conformance with this section.
 - (2) For all outdoor lighting that, in the opinion of the Code Enforcement Officer, is causing a glare on adjoining roadways or properties, lighting details shall be required to be submitted to the Code Enforcement Officer showing that the existing lighting meets the requirements of this section or how such lighting will be brought into conformance.
- (13) In § 175-30, Signs:
- (a) Subsection A is amended to read as follows: "As used in this section, the term 'sign' shall be defined as provided in § 175-7."
 - (b) Subsection C(1) is amended to change "five square feet" to "six square feet" and to add the following: "with the exception that signs exceeding six square feet shall be permitted in B Districts only upon the payment to the Town of an annual fee per sign as set by the Town Board, and no such B District signs shall in any event exceed 36 square feet in size."
 - (c) Subsection C(4) is amended to delete "and shall be limited to one sign per candidate per property."
 - (d) Subsection E(1) is amended to delete the sentence "Each building side shall constitute a separate permissible sign location" and to revise the second and last sentences to read as follows:

The area of one side only of the building on which the sign is to be installed, except those buildings on a corner lot, shall, at the discretion of the Town, be allowed two such signs, and such sign may not exceed 25% of the ground floor face area on one side only of the building on which the sign is to be installed.

Signs shall not display product brand names.
 - (e) Former § 175-25F(2) is deleted.
 - (f) Subsections H, I and J are amended to read as follows:

H. Signs existing prior to the enactment of this amendment and for which a permit has been issued pursuant to prior provisions of this chapter will be allowed to continue in use.

- I. Any sign erected under a permit shall be removed in accordance with the terms of the permit.
 - J. Temporary signs. Temporary signs are on-premises signs, posters, flags, tents, searchlights, etc., for grand openings, sales and special events for a limited time period. For garage sales see Chapter 121, Garage Sales, § 121-7, Signs.
 - (1) Permits shall be issued by the Code Enforcement Officer for each establishment not more than four times per year and for no longer than a cumulative total of 15 days within any calendar year.
 - (2) The application shall include the following information:
 - (a) A description of the signs.
 - (b) The dates of beginning and ending of temporary sign use.
 - (c) The signature of the applicant.
 - (d) The signature of the owner, if different.
 - (3) All such signs shall be removed within 24 hours after the conclusion of any event of which the sign gives notice.
 - (4) Such signs shall not exceed 36 square feet in area.
 - (5) No signage shall include strobe lights or objects producing noise.
 - (6) No signage shall be constructed, mounted, displayed, flown or hung higher than the highest part of the principal building on said property.
 - (7) Such signs shall be limited in number to no more than one sign, either double- or single-faced, for each side of the lot having frontage on a street.
- (14) Section 175-32 is amended to read as follows:

§ 175-32. Fences.

- A. Any fence built in a residential district shall have its most decorative side facing the adjoining property if the fence is erected within five feet of a property line. Fences shall not exceed six feet in height on a side or rear lot line, nor four feet in height if erected on the front nearer the street than the front yard setback provided in this chapter. Fences are to be located back of the highway line in all cases and are to be of such construction as not to be dangerous to the public.
- B. Barbed-wire fences and electric shock fences are permitted within residential districts only when used to keep animals, other than household pets, from leaving the premises. When such fences are used, they shall be clearly identified with appropriate warning signs along the entire course of the fence at intervals of not more than 75 feet.

- C. The Zoning Board of Appeals may grant a permit for the erection of higher fences on residential lots. These permits may be issued after a public hearing, with notice, and upon the Zoning Board of Appeals considering the size and type of fence, the effect of said fence on neighboring property, objections or consent of surrounding property owners and the proposed use of said fence. If application is made to the Zoning Board of Appeals for a special fence permit, a fee as set by the Town Board is required.
 - D. Fences that comply with Subsections A and B do not require a permit.
- (15) Section 175-34A is amended to change "driveway and right-of-way work" to "work in the right-of-way of Town roads."
- (16) Section 175-35 is amended to read as follows:

§ 175-35. Dumping; filling to grade.

- A. On any lot or plot, no dumping and storage of junk or other material of any nature shall be permitted.
- B. All space between buildings and structures shall be kept sufficiently free and clear of materials of every nature for the purpose of providing adequate fire protection, light and air.
- C. Dumping of refuse, waste material and other substances is absolutely prohibited in all districts of the Town.
- D. Vehicles transporting refuse, waste material and other substances must have loads adequately covered to prevent loss en route to point of discharge and must be thoroughly emptied at point of discharge, and the operators and the owners of any such vehicles shall, without exception, be held jointly responsible for compliance with the terms of this provision.
- E. Dumping of fill.
 - (1) A permit must be obtained from the Town Clerk for the dumping of fill for the purpose of filling to established grades. The person receiving such permit must keep the material deposited leveled off as soon as deposited and, when fill-in is completed, shall cover said material with at least four inches of clean earth within a reasonable time thereafter.
 - (2) Dumping for the purpose of filling to established grades shall not be engaged in unless there is filed with the Town Clerk an application and map complying with the following provisions:
 - (a) The application shall include the name and address of the applicant; a detailed explanation as to the method to be used, the amount of fill and the type thereof; a statement as to the ownership of premises and the

interest of the applicant in the same; and such other information as may be required by the Town Clerk or other proper officers of the Town of Sweden to assist them in the execution of their duties in connection with this chapter.

- (b) Every application shall be accompanied by a complete plan, in duplicate, drawn to scale, showing the real property affected and indicating thereon the use to be made of each part thereof. If approved by the Town Clerk, the Town Clerk shall mark one copy of such plan "Approved" and return the same to the applicant so filing, together with a permit stating the use allowed as shown in the application and plan.
 - (3) Said application shall go before the Town Engineer for approval and signature and before the Code Enforcement Officer for approval and signature before issuance of said permit.
 - (4) Each applicant shall pay the Town Clerk a fee as set by the Town Board upon issuance of such permit.
 - (5) Said permit shall expire at the end of the calendar year in which the permit is issued. Any filling to be done in subsequent years shall require a renewal of the permit.
- F. There shall be no filling above grade without permission of the Zoning Board of Appeals.
- (17) Former § 175-33D(2) is deleted.
 - (18) Former § 175-37F, Exterior lighting, is deleted.
 - (19) Former § 175-38E is deleted.
 - (20) Section 175-44A(32) is added to read as follows: "All uses permitted in an I-2 District."
 - (21) Section 175-46B is added to read as follows:
 - B. Uses permitted upon issuance of a special permit.
 - (1) Other uses which, in the opinion of the Planning Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the district in which they are located.
 - (22) Section 175-46G(4)(j), Glare, is amended to read as follows:

[1] Direct glare. "Direct glare" is defined, for the purpose of this chapter, as illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent or arc lighting or from such high-temperature process as welding or petroleum or metallurgical refining. No such direct glare shall be permitted.

[2] Indirect glare. "Indirect glare" is defined, for the purpose of this chapter, as illumination beyond property lines caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare produced by an illumination of a reflecting surface shall not exceed the recommendations set by the Illuminating Engineering Society of North America (IESNA).

- (23) Section 175-48 is amended to replace the reference to § 175-15K (which subsection was deleted) with a reference to Chapter 95, Excavations.
- (24) Section 175-58A is amended to delete "by the Code Enforcement Officer" after "written notice."
- (25) Section 175-58B is amended to read as follows:

A violation of this chapter is hereby declared to be 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; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout that which is not applicable.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2006 of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of Sweden was duly passed by the (Name of Legislative Body) Sweden Town Board on August 22 2006, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County) (City) (Town) (Village) of _____ was duly passed by the (Name of Legislative Body) _____ on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the (Elective Chief Executive Officer*) _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

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

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

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

(Seal)

Date: 8-23-2006

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

STATE OF NEW YORK
COUNTY OF MONROE

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

ABell
Signature

Sweden Town Attorney
Title

~~County~~
~~City~~ of Sweden
~~Town~~
~~Village~~

Date: 8-23-2006

WHEREAS, a public hearing was held the 22nd day of August, 2006 by the Town Board of the Town of Sweden, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York; and

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 3 of 2006, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE TOWN OF SWEDEN INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE TOWN OF SWEDEN"; and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said local law.

NOW, THEREFORE, BE IT RESOLVED:

Sec. 1. That Local Law No. 3 of 2006 be enacted as follows: (copy of local law attached)

Sec. 2. That this resolution shall take place immediately.

MOTION for adoption of this resolution by Councilperson Connors
Seconded by Councilperson Windus-Cook

Discussion:

VOTE BY ROLL CALL AND RECORD:

Councilperson Carges	<u>Aye</u>
Councilperson Connors	<u>Aye</u>
Councilperson Ferris	<u>Aye</u>
Councilperson Windus-Cook	<u>Aye</u>
Supervisor Lester	<u>Aye</u>

Submitted – August 22, 2006

Adopted

STATE OF NEW YORK]
COUNTY OF MONROE]
TOWN OF SWEDEN] SS

I, Karen M. Sweeting, Town Clerk of the Town of Sweden, Monroe County, New York, DO HEREBY CERTIFY, that I have compared the foregoing with the original resolution adopted by the Town Board of the Town of Sweden at a meeting of said Board held on the 22nd of August 2006, and that the foregoing is a true and correct transcript of said original resolution and of the whole thereof, and that said original resolution is on file in the Town Clerk's office.

I DO FURTHER CERTIFY that each of the members of said Town Board had due notice of said meeting, and that Robert Carges, Patricia Connors, Thomas Ferris, and Danielle Windus-Cook, Councilpersons, were present at such meeting, and that Nat O. Lester III, Supervisor was present at such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Sweden, this 23rd day of August 2006.

Karen M Sweeting
Karen M. Sweeting, Town Clerk