

Local Law Filing

(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 Norwood
- Town
- Village

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
FEB 13 2007

MISCELLANEOUS
& STATE RECORDS

Local Law No. 01 of the year 20 06

A local law to provide for the codification of the Local Laws, Ordinances and certain
(Insert Title)
resolutions of the Village of Norwood into a Municipal Code to be
designated the "Code of the Village of Norwood"

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Norwood as follows:
- Town
- Village

(SEE ATTACHED)

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out 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. 01 of 20 06 of the ~~(County)(City)(Town)~~(Village) of Norwood was duly passed by the Board of Trustees on Dec. 19, 20 06, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20 _____ *(Elective Chief Executive Officer*)*

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 _____ on _____ 20 _____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ 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.)

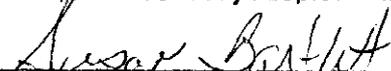
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 el, above.


~~Clerk of the County Legislative Body, City, Town or Village Clerk or~~
~~office designated by local legislation.~~

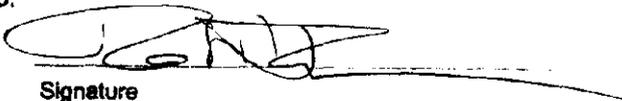
(Seal)

Date: 12/19/06

(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 St. Lawrence

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.



Signature

Title

County
~~City~~
of Norwood
Town
Village

Date: 12-19-06

ARTICLE I
Adoption of Code

§ 1-1. Legislative intent.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Norwood, as codified by General Code Publishers Corp., and consisting of Chapters 1 through 200, together with an Appendix, shall be known collectively as the "Code of the Village of Norwood," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Village of Norwood" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

§ 1-2. Continuation of existing provisions.

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

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

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

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

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Norwood 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 Village of Norwood or any penalty, punishment or forfeiture which may result therefrom.

- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law, brought pursuant to any legislative provision of the Village of Norwood.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Norwood.
- E. Any local law or ordinance of the Village of Norwood providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Norwood or any portion thereof.
- F. Any local law or ordinance of the Village of Norwood appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Norwood or other instruments or evidence of the Village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, 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 municipal 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 Village.
- N. Any local law adopted subsequent to L.L. No. 1-2002.

§ 1-5. Severability.

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

§ 1-6. Copy of Code on file.

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

§ 1-7. Amendments to Code.

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

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

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

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

Copies of the Code, or any chapter or portion of it, may be purchased from the Village Clerk, or an authorized agent of the Clerk, upon the payment of a fee to be set by resolution of the Board of Trustees. 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 Village Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Village of Norwood or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Norwood to be misrepresented thereby or who violates any other provision of this local law shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

§ 1-11. Changes in previously adopted legislation; new provisions.

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Norwood, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made, except as provided for in Subsection B hereof. In addition, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.
- B. In addition, the 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.)
- C. Nomenclature. Throughout the Code, the following revisions to nomenclature are made:
 - (1) In Chapter 165, Subdivision of Land, references to "Master Plan" are updated to read "Comprehensive Plan."
 - (2) In Chapter 200, Zoning, references to "Development Plan" are updated to read "Comprehensive Plan."
 - (3) In Chapter 200, Zoning, references to "local law or ordinance" and "ordinance or local law" are revised to read "local law" as villages no longer have the power to adopt ordinances.

§ 1-12. Incorporation of provisions into Code.

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

§ 1-13. When effective.

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

**Village of Norwood
Code Adoption Local Law**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Specific repeals.

The following chapters of the 1997 Code are hereby repealed:

- Chapter 70, Burning, Open.
- Chapter 110, Licensing.
- Chapter 155, Snowmobiles.

Chapter 3, Assessing Unit.

The adoption of this chapter (enacted following public hearing on 8-19-2003) is ratified for proper local law procedural requirements, to read as follows:

Chapter 3

ASSESSING UNIT

§ 3-1. Legislative intent.

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

§ 3-2. Termination of assessing unit.

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

§ 3-3. Assessor abolished.

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

§ 3-4. Board of Assessment Review abolished.

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

§ 3-5. Applicable assessment rolls.

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

§ 3-6. Filing.

Within five days of the effective date of this chapter, the Board of Trustees of the Village of

Norwood shall file a copy of such chapter with the Clerk and Assessor of each of the Town of Potsdam and the Town of Norfolk and with the State Board of Real Property Services.

§ 3-7. When effective.

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

Chapter 10, Defense and Indemnification.

- A. § 10-2B is amended to add the following statement thereto:
The chief legal counsel or other counsel designated by the Village Board may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel.
- B. § 10-2D is added to read as follows:
D. Nothing in this section shall authorize a public entity to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to § 51 of the General Municipal Law; provided, however, that the public entity shall indemnify and save harmless its employees in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.
- C. § 10-3.1 is added to read as follows:*
- § 10-3.1. Conditions.**
- The duty to defend or indemnify and save harmless prescribed by this section shall be conditioned upon:
- A. Delivery by the employee to the Village Attorney or to the Mayor of a written request to provide for his defense, together with the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document; and
- B. The full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Village based upon the same act or omission, and in the prosecution of any appeal.

Chapter 25, Investment Policy.

Original Subsection B of § 25-2, re: Chemical Bank, Syracuse, New York, is deleted.

Chapter 38, Planning Board.

This chapter is adopted to read as follows:

Chapter 38**PLANNING BOARD****§ 38-1. Creation, appointment and organization.**

A. Pursuant to the provisions of the Village Law applicable thereto, the Village Board of Trustees hereby creates a Planning Board. The existing Planning Board shall be continued.

B. The Planning Board shall consist of five members, each with a term of five years. The terms of membership shall run concurrent with the governmental year. The Board is hereby vested with the powers and duties subject to the limitations set forth in § 7-718 of Article 7 of the Village Law, as the same may be amended, modified, or changed from time to time, or any sections subsequently adopted pertaining to Planning Boards.

C. Members and the Chairperson of such Planning Board shall be appointed by the Village Board. Minimum requirements for Planning Board members are:

(1) Training. Each Board member is required to complete a minimum of two hours of training per calendar year. At the discretion of the remaining members of the Planning Board, and upon recommendation to the Village Board or the Village Board of its own accord, may move a member for failure to comply with this requirement.

(2) Attendance. Each Board member shall be required to attend 75% of the scheduled meetings in each calendar year. In addition, failure to attend three consecutive meetings without good cause may be grounds for removal from the Board.

D. No person who is a member of the Village Board shall be eligible for membership on the Planning Board.

E. The terms of members of the Planning Board first appointed shall be so fixed that the term of one member shall expire at the end of the Village governmental year in which such members were initially appointed. The terms of the remaining members first appointed shall be so fixed that one term shall expire at the end of each governmental year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a five-year term.

F. If a vacancy shall occur otherwise than by expiration of term, the Mayor shall appoint the new member for the unexpired term, subject to the approval of the Village Board.

G. The Village Board shall have the power to remove, after public hearing, any member of the Planning Board for cause and may provide by local law for removal, after public hearing, of any Planning Board member for noncompliance with minimum standards relating to meeting attendance and training as established by the Village Board by local law.

H. All meetings of the Planning Board shall be held at the call of the Chairperson and at such other times as such Board may determine.

I. A person shall be disqualified from service as a member of the Planning Board by reason of serving as a member of the Town or County Planning Board.

J. The Planning Board shall establish such rules and regulations as are required by law and the provisions herein for the transaction of its business and may amend, modify and repeal the same from time to time.

§ 38-2. Alternate members.

From time to time the Planning Board of the Village of Norwood has experienced difficulty in securing a quorum necessary for the conducting of business due either to conflict of interest, absence, illness or inability of some members to attend meetings. In order to alleviate that problem, the Board of Trustees of the Village of Norwood deems that it is necessary to appoint additional and alternate Board members to function as set forth below.

A. Authorization to appoint. The Board of Trustees is hereby authorized to appoint two additional and alternate members to the Planning Board. When sitting as a regular member, the additional and alternate members shall have the same qualifications, authority and power as a duly and regularly appointed member of the Board.

B. Powers. The additional and alternate Board members shall sit as members of the Board, exercising full power as if they were regular members, when regular members on the Board are unable to attend, so as to make up a quorum for the Board to conduct business. When such additional and alternate Board member shall sit as a full member of the Board, the Village Clerk or the Secretary of the Board shall make an entry in the minutes of the Board meeting certifying that a regular member or members of the Board were unable to attend and that the alternate and additional member or members were sitting as a full member of the Board and giving the date, time, place and purpose of such meeting. The additional and alternate members shall receive the same compensation for attendance as regular Board members, whether in an official capacity or not.

§ 38-3. Powers and duties.

A. The Planning Board shall have the following powers and duties:

(1) To prepare and from time to time recommend changes to the Comprehensive Plan for the development of the Village.

(2) To make investigations and reports relating to the planning and development of the Village as it deems desirable. This shall include, but not be limited to, changes in boundaries of districts, recommended changes in the provisions of this chapter, other land use and development matters of importance to the Planning Board and any matter lawfully referred to it by the Village Board.

(3) To review, act on or provide advisory reports as specified by this chapter.

(4) To conduct site plan review as authorized by the New York State Village Law and as may be prescribed by local law.

(5) To review and grant or deny special permits as may be authorized by Chapter 200, Zoning.

(6) To review and approve, approve with modifications or disapprove plats showing lots, blocks or sites for subdivisions under § 7-728 of Article 7 of the Village Law.

(7) All such powers as are conferred upon village planning boards by the provisions of the Village Law now or hereafter in effect.

B. The Village Board of Trustees can by resolution authorize the Planning Board to modify applicable provisions of Chapter 200, Zoning, simultaneously with plat approval in accordance with the New York State Village Law.

Chapter 50, Alcoholic Beverages.

A. § 50-2 is amended to add the definition of "intent to consume" to read as follows:*

INTENT TO CONSUME — Drinking from the container, with alcohol on the breath of the possessor and/or any circumstances evidencing an intent to ultimately consume on any public lands.

- B. § 50-3B is amended to add the phrase ", with the intent to consume," preceding the phrase "open container."
- C. § 50-3C is amended to revise the phrase "for the purposes of consumption" to read "with the intent to consume."

Chapter 55, Animals.

Article I, Dogs.

- A. The definition of "dog" in § 55-1 is amended to add the word "any" before the word "age."
- B. The definition of "owner" in § 55-1 is amended to delete the word "Village" before the word "limits."
- C. § 55-2B is amended to read as follows:
 - B. Owners and custodians to be responsible. Any person who owns a dog or has custody of a dog, which dog has caused its feces to be deposited upon any Village property or upon the property of another, shall immediately remove such feces or cause it to be removed and shall dispose of it in a sanitary manner. A person will be considered to have disposed of feces in a sanitary manner if such person places such material in a bag or wrapper made of paper, plastic or some similar material and places it in a refuse container which is regularly emptied, or otherwise disposes of such material on his or her own property.
- D. Original § 55-3B, regarding dangerous dogs, is deleted.
- E. § 55-6 is amended to read as follows:*

§ 55-6. Exceptions.

Any dog which serves as a guide dog shall be exempt from the provisions of this article while such dog is accompanying a blind person.
- F. § 55-7 is amended to delete the following phrase from the end thereof: "on a designated time and date in the Potsdam Town Court."

Article II, Keeping of Farm Animals and Fowl.

This article is adopted to read as follows:

ARTICLE II Keeping of Farm Animals and Fowl

§ 55-10. Purpose.

The purpose of this article is to protect the residents of the Village of Norwood from nuisance by animals usually known as "farm animals" or "fowl."

§ 55-11. Definitions.

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

FARM ANIMALS OR FOWL — Cows, cattle, horses, ponies, donkeys, mules, pigs, goats, sheep, chickens, ducks, geese, or other animals or fowl usually known as "farm animals" or "fowl," but not solely limited to the aforementioned, and not including common household pets.

PERSON — An individual, firm, partnership, limited association, corporation, voluntary association and/or other legal entity.

PREMISES — Any privately owned house, garage, barn building or structure, or grounds thereof, of any kind or nature.

§ 55-12. Location restrictions.

No person shall keep, shelter or own any farm animal or fowl within the Village of Norwood limits on those premises that are not designated as farm zones by local law.

§ 55-13. Penalties for offenses.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Article IV, Horses.

This article is adopted to read as follows:

**ARTICLE IV
Horses**

§ 55-16. Unattended horses and horse teams.

No person shall leave in any of the streets or public places in this Village any horse or team unattended by a driver or other competent person unless such horse or team is

securely fastened.

§ 55-17. Horse waste.

A. Horse defecation on public and private property restricted. No person having possession, custody or control of any horse shall knowingly or negligently permit such horse to commit any nuisance upon any gutter, street, driveway, curb or sidewalk in the Village or upon the floors or stairways of any building or place frequented by the public or used in common by the tenants or upon the outside walls, walkways, driveways, alleys, curbs or stairways of any building abutting on a public street or park or upon the grounds of any public park or public area or upon any private property other than the property of the owner of such animal.

B. Disposal of feces. Any person having possession, custody or control of any horse which commits a nuisance in any area other than the private property of the owner of such animal shall be required to immediately remove said feces from such surface and either carry the same away for disposal; and/or place the same in a nonleaking container for deposit in a trash or litter receptacle.

§ 55-18. Penalties for offenses.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

Article V, Number of Household Pets.

This article is adopted to read as follows:

**ARTICLE V
Number of Household Pets**

§ 55-19. Number per premises.

No person, firm or corporation shall keep, harbor, board or otherwise have in its possession or custody more than three adult dogs and/or five adult cats, ~~or any combination thereof~~, on any premises within the Village. For the purpose of this section, any dog or cat over the age of six months shall be considered an adult, and each single-family home shall be considered a separate premises, and in the case of a multifamily building, each individual unit shall be considered a separate premises.

§ 55-20. Penalties for offenses.

A violation of this article shall be punishable by a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both. The continuation of an offense against this article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Chapter 66, Buildings, Unsafe.

A. § 66-2 is added to read as follows:

§ 66-2. Definitions.

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

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 New York State Uniform Fire Prevention and Building Code, or because the location constitutes a hazard to the occupants of the structure or to the public.

UNSAFE STRUCTURE --- 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 so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

- B. § 66-3 is amended to add the phrase "or unfit for human occupation" following "unsafe to the public."
- C. In § 66-4F the phrase "light, air and sanitation facilities" is amended to read "light, air, sanitation and heating facilities."
- D. § 66-4J is added to read as follows:
 - J. Those which are vermin- or rat-infested so as to constitute a hazard to the occupants of the structure or to the public.
- E. § 66-5 is added to read as follows:
 - § 66-5. Occupancy of unsafe buildings or structures prohibited.**
 - A. No person shall occupy a building that has been found to be unsafe.
 - B. Where 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.
 - C. It shall be unlawful for any person to enter a structure determined to be unsafe except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- F. In § 66-16, the phrase "within the time specified in the final order" is revised to read "within the time specified in the final notice."

Chapter 72, Construction Codes, Uniform.

This chapter is adopted to read as follows:

Chapter 72

CONSTRUCTION CODES, UNIFORM

§ 72-1. Purpose; intent.

A. This chapter shall provide for administration and enforcement of the New York State Uniform Fire Prevention and Building Code (Uniform Code) in the Village of Norwood. This chapter is enacted pursuant to § 10 of Article 2 of the Municipal Home Rule Law. Except as otherwise provided within this chapter, within New York State law, or within the Uniform Code, all premises, regardless of use, are subject to the provisions which follow.

B. The Village Board may, by resolution, authorize the Mayor to enter into a contract with other governments to carry out the terms of this chapter.

§ 72-2. Intermunicipal contracts.

The Village Board may, by resolution, authorize the Mayor to enter into a contract with other governments to carry out the terms of this chapter.

§ 72-3. Code Enforcement Official.

A. The office of Code Enforcement Official is hereby created and shall be filled by an appointment of the Village Board. The Code Enforcement Official shall possess background and experience related to building construction or fire prevention and shall, within the time constraints prescribed by law, obtain such training as the State of New York shall require for code enforcement personnel.

B. In the absence of the Code Enforcement Official, or in the case of his or her inability to act for any reason, the Mayor shall have the power, with the consent of the Village Board, to designate a person to act on behalf of the Code Enforcement Official and to exercise all the powers conferred upon him or her by this chapter.

C. The Mayor, with the approval of the Village Board, may appoint one inspector or more, as the need may appear, to act under the supervision and direction of the Code Enforcement Official and to exercise any portion of the powers and duties of the Code Enforcement Official as directed by him or her.

D. The compensation for the Code Enforcement Official, acting Code Enforcement Official and inspectors shall be fixed and adjusted as needed by the Village Board.

E. The Code Enforcement Official shall administer and enforce all the provisions of the Uniform Code and the provisions of this chapter, including receiving building permit applications, reviewing plans and specifications, conducting inspections, issuing permits for the erection, alteration, relocation, addition, repair and/or demolition of buildings and structures, issuing certificates of occupancy, collecting fees as set forth by the Village Board and maintaining and filing all records necessary for the administration of the office to the satisfaction of the Village Board. The Code Enforcement Official is authorized to pursue administrative actions and, in consultation with the Village Attorney, legal action as necessary to abate conditions not in compliance with the New York State Uniform Fire Prevention and Building Code, this chapter, or other laws, rules or regulations of the Village of Norwood or of the State of New York.

§ 72-4. Building permit required.

A. Except as hereinafter provided, no person, firm, corporation, association or partnership shall commence the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, or install a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit, without first having obtained a permit from the Code Enforcement Official.

B. No permit shall be required for necessary repairs which do not materially affect structural features.

§ 72-5. Application for building permit.

A. The application for a building permit, and its accompanying documents, shall contain sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code.

B. The form of the permit and application therefor shall be prescribed by the Code Enforcement Official. The application shall be signed by the owner (or his or her authorized agent) of the building and shall contain at least the following:

- (1) Full name and address of the owner and, if by a corporation, the name and addresses of the responsible officials;
- (2) Identification and/or description of the land on which the work is to be done;
- (3) Description of use or occupancy of the land and existing or proposed building;
- (4) Description of the proposed work;
- (5) Three sets of plans and specifications for the proposed work.

C. The Code Enforcement Official may waive the requirement of plans and specifications when the work to be done involves minor alterations or is otherwise unnecessary.

D. The applicant shall notify the Code Enforcement Official of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work has been determined to conform to the requirements of the Uniform Code. The authority conferred by such permit may be limited by conditions, if any, contained therein. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Code Enforcement Official, and approval shall be received from the Code Enforcement Official prior to the commencement of such change of work.

§ 72-6. General permit requirements.

A. Payment upon issuance of a permit is required.

B. A building permit issued pursuant to this chapter shall be prominently displayed on the property or premises to which it pertains.

C. A building permit issued pursuant to this chapter may be suspended or revoked if it is determined that the work to which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.

D. A building permit issued pursuant to this chapter shall expire one year from the date of issuance or upon the issuance of a certificate of occupancy (other than a temporary certificate of occupancy), whichever occurs first. The permit may, upon written request, be renewed for successive one-year periods, provided that:

- (1) The permit has not been revoked or suspended at the time the application for renewal is made; and
- (2) The relevant information in the application is up-to-date.

§ 72-7. Fees.

A fee schedule shall be established, and changed as needed, by resolution of the Village Board. Such fees may be charged for the issuance of permits, certificates of occupancy, temporary certificates of occupancy, and for firesafety inspections.

§ 72-8. Certificates of occupancy.

A. No building erected subject to the New York State Uniform Fire Prevention and Building Code shall be used or occupied, except to the extent authorized hereunder, until a certificate of occupancy has been issued. No building similarly enlarged, extended, or altered, or upon which work has been performed which requires the issuance of a building permit shall be occupied or used more than 30 days after the completion of the alteration or work unless a certificate of occupancy has been issued. No change shall be made in the nature of the occupancy of an existing building unless a certificate of occupancy authorizing the change has been issued. The owner or his agent shall make application for a certificate of occupancy.

B. A temporary certificate of occupancy may be issued if the building or structure or a designated portion of a building or structure is sufficiently complete that it may be put to the use for which it is intended. A temporary certificate of occupancy shall expire six months from the date of issuance or at an earlier date if so specified. A temporary certificate of occupancy may, at the discretion of the Code Enforcement Official and upon payment of an additional fee as specified for a temporary certificate of occupancy, be renewed. The Code Enforcement Official may place special conditions on temporary certificates of occupancy as necessary to ensure safety and to protect the interest of the Village.

§ 72-9. Inspections.**A. Inspections during construction.**

(1) Work for which a building permit has been issued hereunder shall be inspected for approval prior to enclosing or covering any portion thereof and upon completion of each stage of construction, including, but not limited to, building location, site preparation, excavation, foundation, framing, superstructure, electrical, plumbing, and heating and air conditioning. It shall be the responsibility of the owner, applicant, or his or her agent to inform the inspector that the work is ready for inspection and to schedule such inspection.

(2) Work which requires special inspections during construction shall be the responsibility of the owner, applicant, or his or her agent to provide a list, at his or her expense. A statement of the special inspections, including a complete list of materials and work requiring such inspections, and a list of the individuals and approved agencies shall be provided to the Code Enforcement Official or his or her designee for the permit application file. The reports of such special inspections shall be provided to the Code Enforcement Official or his or her designee for the permanent record.

(3) If entrance to make an inspection is refused or cannot be obtained, the Village Board, after being notified by the inspector of the situation, may apply to any court of competent jurisdiction for an order to make an inspection.

B. Fire prevention and property maintenance inspections.

(1) Multiple dwellings shall be inspected for the purpose of determining compliance with fire prevention and property maintenance requirements of the Uniform Code at least once in every 36 months. Inspections of such buildings shall include the common areas such as halls, foyers, staircases, etc., and vacant dwelling units. Where the tenants of occupied dwelling units allow, the inspection may include such units.

(2) Firesafety inspections of buildings or structures having areas of public assembly, defined as "all buildings or portions of buildings used for gathering together 50 or more persons for amusement, athletic, civic, dining, educational, entertainment, patriotic, political, recreational, religious, social, or similar purposes, the entire fire area of which they are a part, and the means of egress therefrom" shall be performed at least once in every 12 months.

(3) All other buildings, uses and occupancies (except one- or two-family dwellings) shall be inspected at least once in every 24 months.

(4) An inspection of a building or dwelling unit may also be performed at any other time upon:

- (a) The request of the owner, authorized agent, or tenant;
- (b) Receipt of a written statement alleging that conditions or activities failing to comply with the Uniform Code exists; or
- (c) Other reasonable and reliable information that such a violation exists.

§ 72-10. Penalties for offenses.

A. Upon determination that a violation of the Uniform Code or this chapter exists in, on, or about any building or premises, the Code Enforcement Official shall order in writing the remedying of the condition. Such order shall state the specific provision of the Uniform Code or this chapter which the particular condition violates and shall grant such time as may be reasonably necessary for achieving compliance before proceedings to compel compliance shall be instituted. Such order shall be served personally or by notification by certified mail.

B. In addition to those penalties prescribed by state law, any person, firm or corporation who or which violates any provision of the Uniform Code or any rule or regulation of this chapter, or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Official, shall be liable to a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village Board on its own initiative or at the request of the Code Enforcement Official.

C. Alternatively or in addition to an action to recover the civil penalties provided by Subsection B, the Village Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code or the Village Code or the terms or conditions of any certificate of occupancy issued by the Code Enforcement Official.

§ 72-11. Stop-work orders.

Whenever the Code Enforcement Official has reason to believe that the work on any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations of the Village, or not in conformity with the provisions of an application, or in an unsafe and dangerous manner, he or she shall notify the owner of the property, or the owner's agent, to suspend all work and suspend all building activities until the stop-work order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or her, or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him or her by certified mail at the address set forth in the application for the building permit for the construction of such

building.

§ 72-12. Department records and reports.

A. The Code Enforcement Official shall keep permanent official records of all transactions and activities conducted by him or her, including all applications received, plans approved, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated by him or her with the consent of the Village Board, and notices and orders issued. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

B. The Code Enforcement Official shall annually submit to the Village Board a written report and summary of all business conducted by his or her office, including approvals, permits and certificates issued, fees collected, orders and notices promulgated, inspections and tests made, and appeals or litigation pending or concluded.

Chapter 93, Garage Sales.

This chapter is amended in its entirety to read as follows:

Chapter 93

GARAGE SALES

§ 93-1. Purpose.

These rules and regulations are designed to control and restrict garage and yard sales in order to protect the public health, safety and convenience and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this chapter is to eliminate perpetual, prolonged and extended garage and yard sales in residential areas. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and often violate zoning regulations. The provisions of this chapter arise from the need to limit, regulate, restrict and control garage and yard sales.

§ 93-2. Definitions.

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

GARAGE SALE — The sale or offering of new, used or secondhand items of personal property at any one residential premises at any one time. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

PERSON — Individuals, partnerships, family groups, voluntary associations and corporations.

PERSONAL PROPERTY — Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

§ 93-3. Compliance with regulations.

A. It shall be unlawful to participate in more than two garage sales in any one calendar year.

B. It shall be unlawful to conduct any garage sale with a duration exceeding three consecutive days.

§ 93-4. Hours of operation.

Sales shall be limited in time to no more than the daylight hours of three consecutive days or two consecutive weekends (Saturday and Sunday).

§ 93-5. Goods to be sold.

Sales shall offer only unwanted items of personal property owned by those conducting the sale.

§ 93-6. Signs.

No sign shall be placed on the public right-of-way. No lighted sign shall be used. The sign shall be displayed only during the sale and shall be promptly removed after the sale.

§ 93-7. Conduct.

A. The persons conducting the sale and/or the tenant or occupant of the premises where the sale or activity is conducted shall be jointly or severally responsible for the maintenance of good order and decorum on the premises during the hours of such sale or activity.

B. No such person shall permit any loud or boisterous conduct on such premises or permit vehicles to impede the passage of the traffic on any streets in the area of the premises where the sale is being conducted.

§ 93-8. Penalties for offenses.

Whoever shall violate or fail to comply with any of the provisions of this chapter shall be punishable, upon conviction thereof, by a fine not exceeding \$250 or imprisonment for up to 15 days, or both, and each day that the violation continues shall constitute a separate offense.

§ 93-9. Enforcement.

This chapter shall be enforced by the Code Enforcement Officer, whose duty it shall be to investigate and prosecute any violation thereof.

Chapter 108, Lighting, Outdoor.

This chapter is adopted to read as follows:

Chapter 108

LIGHTING, OUTDOOR

§ 108-1. Legislative intent.

This chapter is enacted for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of the Village of Norwood and its inhabitants.

§ 108-2. Definitions.

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

FOOTCANDLE — The amount of light from one candle at one foot from the source of the light.

LAND — Includes not only buildings but the ground, soil or earth as commonly understood.

STRUCTURE — A dwelling, barn, pole or elevated object, or a building or other structured improvement on any premises, of such physical size as to be capable of having attached thereto or incorporated thereon, on the exterior, artificial lighting by means of electrical, gas or other luminescent fixtures.

§ 108-3. Artificial lighting and illumination standards.

Artificial lighting or illumination provided on any property or by any use shall adhere to the following standards:

A. The illumination provided by artificial lighting on the property shall not exceed five footcandles beyond any property line.

B. Spotlights or other types of artificial lighting that provide a concentrated beam of light shall be so directed that the beam of light does not extend beyond any property lines.

C. Spotlights or other types of artificial lighting used to illuminate signs or building faces shall not emit beams of light that extend beyond the vertical plane of the sign or building face that they illuminate and shall not be located in such a manner as to cause the beams of light to be reflected upon any adjoining property, public street or vehicular circulation area.

D. No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring property, nor shall any artificial lighting be maintained or operated from any structure or land in such a manner as to be a nuisance or any annoyance to neighboring properties or as to interfere with the physical comfort of the occupants of neighboring properties.

§ 108-4. Penalties for offenses.

A. Violation of any provision of this chapter shall be punishable by a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

B. In addition or as an alternative to the above-provided penalties, the Board of Trustees may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

Chapter 116, Noise.

This chapter is adopted to read as follows:

Chapter 116

NOISE

§ 116-1. Title.

This chapter shall be known and may be cited as the "Village of Norwood Noise Law."

§ 116-2. Purpose.

The purpose of this chapter is to preserve the public health, peace, welfare and good order by suppressing the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use and which are detrimental to the environment.

§ 116-3. Loud and unnecessary noise unlawful.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which endangers the health, safety or welfare of the community or which annoys, disturbs, injures or endangers the comfort, rest, health, peace or safety of others within the Village of Norwood.

§ 116-4. Unlawful acts enumerated.

The following acts, among others, are declared loud, unnecessary and disturbing and a danger to the health, safety and welfare of the community and its people in violation of § 116-3 but enumeration shall not be deemed to be exclusive:

- A. Using, operating or permitting to be played, used or operated any radio, television, hi-fi, stereo, phonograph, CD player or other machine or device for producing or the production of sound in any manner as to disturb the peace, quiet and comfort of any persons in the vicinity.
- B. The operation of any of the devices set forth in Subsection A between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 25 feet from the building, structure, device or vehicle in which it is located shall be prima facie evidence of a violation of this section. A person who causes this production of sound through the operation of the machines or devices enumerated within Subsection A may be deemed a violator of this chapter.
- C. Yelling, shouting, hooting, whistling or singing or the making of loud disturbing noises by the use of clappers, bells, horns, musical instruments or similar devices at any time or place so as to unreasonably annoy or disturb the quiet, comfort or rest of any person in any residence, hospital, school, place of business, street or public place.
- D. The keeping of any animal which, by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
- E. The use of any automobile, motorcycle, truck or vehicle operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- F. The operation or use of any power lawn mower, chain saw, fence post driller or other similar devices between the hours of 10:00 p.m. and 7:00 a.m.
- G. The operation of construction equipment between the hours of 8:00 p.m. and 7:00 a.m. on any day or any time on Sunday. Such equipment includes, but is not limited to, pile drivers, pneumatic hammers, derricks, dredges, tractors, earth moving equipment and other similar construction equipment.

§ 116-5. Presumptions.

- A. Where the source of the prohibited noise is a portable noise producing or noise producing device, and where such device is present in or being transported through a public street, highway area or access area, or is present on any private property, the person or persons in possession of the device shall be presumed to have permitted the

noise violation of this chapter in the absence of evidence to the contrary.

B. Where the source of the prohibited noise is located in a building or other structure, the owner, occupant, resident, manager or other person in possession of the premises shall, if present, be presumed to have permitted the noise in violation of this chapter in the absence of evidence to the contrary.

§ 116-6. Exceptions.

Nothing in this chapter shall be construed to prevent the following:

A. The production of music in connection with any military or civic parade, funeral procession or religious service or school activities or functions.

B. Use of organ, bell, chimes or any other similar device by any church, synagogue or school on or within its own premises in connection with religious rights or ceremonies of such church or synagogue or in connection with a school education program.

C. Sounds created by any governmental agency by the use of public warning devices, including but not limited to, police and fire vehicles.

D. Sounds connected with sporting events of any public or private school, burglar alarms or other devices when properly installed on publicly or privately owned property providing that the cause of any alarm or warning device producing the sound is investigated and turned off within a reasonable period of time.

E. Emergency construction or repair work by the Department of Public Works or a public utility or as otherwise authorized by the Village Board of Trustees which is necessary for the protection of life or property.

§ 116-7. Penalties for offenses.

Any person alone or in concert with others who shall violate any provision of this chapter shall be guilty of a violation and upon conviction thereof shall be subject to a fine as follows:

A. First offense: not more than \$75 or by imprisonment not exceeding seven days, or both.

B. Second offense: not more than \$150 or by imprisonment not exceeding seven days, or both.

C. Third offense: not more than \$250 or by imprisonment not exceeding 15 days, or both.

Chapter 120, Parades, Assemblies and Carnivals.

Article I, Parades and Assemblies.

Original § 120-2, American flag to be displayed, is deleted.

Chapter 128, Peace and Good Order.

A. The following original sections are deleted: § 128-2, Loud and raucous noise on public property prohibited; § 128-3, Loud and boisterous noises prohibited on private property; and § 128-4, Sound-amplifying system; permit required.

- B. In § 128-4A, the term "Superintendent of Streets" is revised to read "Superintendent of Public Works."

Chapter 132, Peddling and Soliciting.

- A. In § 132-1A, the definition of "marketplace" is added to read as follows:

MARKETPLACE — A retail marketplace comprised of independent merchants selling to the public a diverse and varied line of goods and products. Merchandise offered for sale may include, but is not limited to, farm produce, handmade furniture and other cottage craft products, prepared food, meats, antiques and manufactured goods.

- B. In § 132-5A, the term "Village Police Department" is revised to read "Village Clerk."
- C. In § 132-9, the phrase "nor may any such person place or deposit any refuse upon any such street or curbstone market" is revised to read "nor may any such person place or deposit any refuse upon any such street; nor establish a curbstone market."

Chapter 136, Property Maintenance.

This chapter is amended in its entirety to read as follows:

Chapter 136

PROPERTY MAINTENANCE

ARTICLE I

Business and Commercial

§ 136-1. Findings; declaration of policy.

- A. It is hereby found and declared that there exist in the Village of Norwood business and commercial premises which are, or may become, unfit for human habitation or occupancy or use, due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitation facilities, or due to other conditions rendering such premises or part thereof unsafe or unsanitary or dangerous or detrimental to the health or safety or otherwise inimical to the welfare of the residents of the Village of Norwood and persons upon or having access to the premises. It is further found and declared that by reason of lack of maintenance and progressive deterioration, the condition of certain premises has the further effect of creating blighting conditions and initiating slums and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same and that, by reason of timely regulations and restrictions as herein contained, the growth of slums and blight may be prevented and neighborhood and property values thereby maintained, the desirability and amenities of premises and neighborhood enhanced and the public health, safety and welfare protected and fostered.
- B. This article shall be construed to be in compliance with, and in furtherance of, the

Property Maintenance Code of New York State (Uniform Code).

§ 136-2. Purposes.

The purpose of this article is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises situated in the Village, used or intended to be used or designed to be used, in whole or in part, for commercial, business, industrial or any other nonresidential occupancy; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make such premises fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to prevent blighting conditions and deterioration of property values; to authorize and establish procedures for the inspection of such premises; to fix penalties for the violations of this article; to provide for the right of access across adjoining premises to permit repairs; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. This article is hereby declared to be remedial and essential for the public interest and it is intended that this article be liberally construed to effectuate the purpose as stated herein.

§ 136-3. Applicability.

- A. Buildings affected by this article. Each and every building and the premises on which it is situated in the Village, used or intended to be used or designed to be used, in whole or in part, for commercial, business, industrial or any other nonresidential occupancy shall comply with the provisions of this article, whether or not any such building shall have been constructed, altered or repaired before or after the enactment of this article and irrespective of any permits or licenses which shall have been issued for the use or occupancy of any such building or premises for the construction, alteration or repair of any such building or for the installation or repair of equipment or facilities therein or thereon prior to the effective date of this article. This article establishes minimum standards for the initial and continued occupancy and use of all such buildings and premises and does not replace, modify or lessen standards otherwise established for the construction, repair, alteration or use of such buildings and premises, equipment or facilities contained therein or thereon, except as provided in Subsection B hereof. Where there is mixed occupancy of such buildings and premises, the residential and nonresidential uses thereof shall be regulated by and be subject to the applicable provisions of this article.
- B. Higher standards to prevail in case of conflict with other laws. In any case where the provisions of this article impose a higher standard than set forth in any other local law of the Village or laws of the State of New York applicable thereto, then the standards, as set forth herein, shall prevail, but if the provisions of this article impose a lesser standard than such other local law of the Village or law of the State of New York, then the higher standard contained in such other law shall prevail.
- C. Issuance and renewal of other permits and licenses. After the date of enactment hereof, all licenses and permits relating to such buildings and premises, which may be issued or renewed pursuant to any other local law of the Village, may be issued or renewed only upon compliance with this article as well as compliance with the local laws under which such licenses and permits may be granted or renewed.
- D. Enforcement and compliance with other local laws. Compliance with this article shall not constitute a defense against the violation of any provisions of any other local law of the Village applicable to any building or premises, nor shall compliance with any provision of this article relieve any owner, operator or occupant from complying with any such other provision nor relieve any official of the Village from

enforcing any such other provision.

§ 136-4. Responsibility of owners, operators and occupants.

- A. Owner and operator. Owners and operators shall have all the duties and responsibilities prescribed in § 136-5A hereof and regulations promulgated pursuant thereto; and no owner or operator shall be relieved from such duties or responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.
- B. Occupant. Occupants shall have all the duties and responsibilities as prescribed in § 136-5H(4) and (8) and § 136-5K hereof and all regulations promulgated pursuant thereto; and the occupant shall not be relieved of any such duties or responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator or both is or are also responsible therefor and in violation thereof.
- C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this article, the respective duties and responsibilities imposed hereunder on the owner, operator and occupant shall not be altered or affected by any agreement or contract to which one or more of them is or are a party or parties.

§ 136-5. Standards; definitions.

- A. The provisions of this section shall constitute the standards to guide the Code Enforcement Officer and his agents in determining the fitness of premises for human habitation, use and occupancy and in determining whether premises are being maintained in such condition as to not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values.

- B. Definitions.

- (1) Words defined. The words, terms or phrases listed below, for the purposes of this article, are hereby defined and shall have the meanings indicated:

BATHROOM — Any enclosed space which contains one or more of the following: bathtub, shower, water closet, lavatory, water closet compartment, washbowl, sink or fixtures serving similar purposes.

BUILDING — Any building or structure, or part thereof, whether used for human habitation or otherwise, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

CODE ENFORCEMENT OFFICER — The person or persons who are authorized by this article to exercise powers prescribed by this article.

DETERIORATION — The condition of a building, or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay, neglect, lack of maintenance or excessive wear.

DILAPIDATION — Falling out of repair or decayed.

EXPOSED TO PUBLIC VIEW — Any premises, or part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, parking lot or from any adjoining or neighborhood premises.

EXTERIOR OF THE PREMISES

- (a) Any part of the premises not occupied by any building thereon;
- (b) Any open space on the outside of any building; or
- (c) Any part of any building which is exposed to the elements.

EXTERMINATION — The control and elimination of insects, rodents and vermin by eliminating their harborage places, or by removing or making inaccessible material that may serve as their food, or by poisoning, spraying, fumigating, trapping or any other approved means of pest elimination.

GARBAGE — The animal and vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food or other products.

INFESTATION — The presence, on or within a premises, of any insects, rodents or other pests.

MIXED OCCUPANCY — Any building containing one or more dwelling units, rooming units or hotel or motel accommodations and also having a portion thereof devoted to nonresidential uses. —

NUISANCE

- (a) Any public nuisance known at public law or in law or equity jurisprudence, or as provided by the statutes of the State of New York, or the local laws of the Village of Norwood.
- (b) Any inadequately protected well, shaft, basement, excavation, abandoned or nondrivable motor vehicle or equipment, structurally unsound fence or building, lumber, trash, debris or vegetation, such as poison ivy, oak or sumac or other condition which is or may be detrimental to the safety or health of persons.
- (c) Physical conditions dangerous to human life or detrimental to health of persons on or near the premises where the conditions exist.
- (d) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (e) Fire hazards.

OCCUPANCY UNIT — Any room or group of rooms, or part thereof, forming a single usable unit (used or intended to be used, or designed to be used, for nonresidential purposes) and located within a building used or intended to be used, or designed to be used, in whole or in part, for commercial business, industrial or any other nonresidential occupancy.

OCCUPANT — Any person or persons, including the owner in actual possession of and using an entire building or an occupancy unit in a building.

OPERATOR — Any person who has charge, care or control of a premises, or part thereof, whether with or without the knowledge and consent of the owner.

OWNER — The holder or holders of the title to premises in fee simple.

PARTIES IN INTEREST — All individuals, associations and corporations who have interests of record in a building and any who are in actual possession thereof.

PREMISES — A lot, plot or parcel of land and any buildings located thereon.

REFUSE — All putrescible and nonputrescible solid waste, (except body wastes), including but not limited to garbage, rubbish, ashes, street cleanings, dead animals,

abandoned automobiles and solid market and industrial wastes.

RUBBISH — Includes all combustible and noncombustible waste material, except garbage.

STRUCTURE — An assembly of materials forming a construction, including but not limited to buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks, trestles, open sheds, bins, shelters, fences and display racks and signs.

TRANSLUCENT — The property of admitting the passage of light but diffusing it so that objects beyond it cannot be clearly distinguished.

WATER CLOSET COMPARTMENT — An enclosure containing a single water closet.

WEATHERING — Deterioration, decay or damage caused by exposure to the elements.

WINDOW — An opening in the wall or roof of a building for the admission of light, which opening may be closed to the elements by casements or sashes containing glass or other transparent material.

WINDOW DISPLAY AREA — That area of a building in proximity to the inner surface of a window which is designed or used for the viewing of the interior and the display of items representative of any goods or services pertaining to the business therein.

- (2) Word usage. Whenever, in describing or referring to any person, party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and to apply to several persons or parties, as well as to one person and to females as well as males and to bodies corporate as well as individuals and to several matters and things as well as one matter or thing. The word "shall" shall be applied retroactively as well as prospectively.
- C. Maintenance of exterior of the premises. The premises shall be kept free of litter (including, without limiting the generality of the foregoing, discarded, windblown, deposited, dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes and broken glass) and of all nuisances and hazards to the safety of tenants, occupants, pedestrians and other persons having access to the premises, and free of unsanitary conditions; and any of the foregoing shall be promptly removed and abated. The word "hazards" shall include, but is not limited to, the following:
- (1) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, rubbish, refuse and debris of any description.
 - (2) Natural growth. Dead and dying trees and other natural growth which, by reason of rotting or deteriorating conditions or storm damage, are or may be dangerous to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
 - (3) Overhangings. Loose, overhanging and projecting objects and accumulations of ice and snow, which by reason of location above ground level, constitute dangers to persons in the vicinity thereof.
 - (4) Ground surface and unsanitary conditions. Holes, excavations, breaks, projections, obstructions and excretion of pets or other animals on paths, sidewalks, walks, driveways, parking lots and parking areas and other parts of the exterior of the premises which are accessible to and used by persons having access to such premises.
 - (5) Recurring accumulation of stormwater. Adequate runoff drains shall be

provided and maintained to eliminate recurrent accumulations of stormwater.

- (6) Sources of infestation.
 - (7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
 - (8) Chimneys and flue and vent attachments thereto. Chimneys and flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform, at all times, the functions for which they were designed and constructed. Chimneys, flues, gas vents and other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoketight and capable of withstanding the action of flue gases.
 - (9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained structurally sound, in good repair, well painted or otherwise provided with a protective treatment to prevent deterioration, and free from defects.
- D. Appearance of exterior of the premises and window display areas. The exterior of the premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Village of Norwood and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values, including the following:
- (1) Landscaping. Where exposed to public view, the landscaping of premises shall be maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions.
 - (2) Signs and billboards. All permanent signs and billboards exposed to public view permitted by Chapter 200, Zoning, and regulated by the Building Code or other regulations or as a lawful nonconforming use shall be maintained in good repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with the supporting members, be removed forthwith or put into a state of good repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
 - (3) Windows and window display areas. All windows exposed to public view shall be kept clean and free of marks and foreign substances. Except when necessary in the course of changing displays, no storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view, unless such areas are first screened by drapes, venetian blinds or other means of making the windows translucent. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.
 - (4) Repair and painting of exteriors of buildings. All storefronts and the exteriors of all buildings shall be kept in good repair, painted where required or otherwise provided with protective treatment sufficient to prevent deterioration and shall not constitute a safety hazard or nuisance.

- (5) Awnings and marquees. Any awning or marquee and its accompanying structural members, which extend over any street, sidewalk or other portion of the premises, shall be maintained in good repair and shall be so maintained as to not constitute a nuisance or a safety hazard. In the event that any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event that any such awning or marquee is made of cloth, plastic or of similar materials, said materials, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee or its accompanying structural members on streets, sidewalks or other parts of the public domain.
- (6) Scaffolding. No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance, shall be permitted to remain in place beyond a period of six months after erection of placement thereof without permission of the Code Enforcement Officer.
- (7) Fences. Barbed wire fences may only be used for the purpose of protecting the area enclosed, and in the event of use of such fencing, the lowest point of said barbed wiring thereof must be at least eight feet from ground level.
- (8) Landscaping, curbing and sidewalks.
 - (a) The owner or occupant shall be responsible for the maintenance of the area abutting such property between the street property line and pavement or roadway, including landscape ground cover, construction of curbing and/or sidewalk, reconstruction and/or replacement of defective or hazardous curb and sidewalk. The aforementioned area shall not be paved by the owner or occupant unless specifically authorized by the Code Enforcement Officer in writing.
 - (b) The Code Enforcement Officer could, at the request of the Village Board of Trustees or through his own initiative, direct the construction of curbing or its reconstruction, as required.
- E. Interior or exterior signs in C Districts placed directly upon store windows, show windows or display windows shall at no time cover more than 25% of the window area. Only one such sign shall be allowed in each window upon a white background with black lettering, professionally painted.
- F. Interior paper signs. In the C Districts, interior paper signs placed directly upon store windows, show windows or display windows shall at no time cover more than 20% of the window area, whether the sign is attached to the window or not. Only one such sign shall be allowed in each window upon a white background with black lettering, professionally painted. Only one such sign shall be allowed at any one time.
- G. Structural soundness and general maintenance, exterior. The exterior of every building shall be maintained in good repair, and all exterior surfaces thereof shall kept painted or otherwise provided with a protective treatment where necessary for purposes of preservation and appearance. All exterior surfaces thereof shall be maintained free from broken glass, loose shingles or siding, crumbling masonry, excessively peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the building itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.

H. General sanitation and safety.

- (1) Floors shall be maintained in a structurally sound condition capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be free of hazards.
- (2) Bathroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean and sanitary condition at all times.
- (3) All portions of any structure shall be kept structurally sound, free from deterioration and capable of safely bearing imposed loads.
- (4) In buildings containing not more than four occupancy units, it shall be the responsibility of each of the occupants and, in buildings containing more than four occupancy units, it shall be the responsibility of the owner and operator to furnish such receptacles as are needed for the proper storage of garbage and rubbish until removal thereof and to provide for the periodic removal of all garbage and rubbish from the premises in accordance with the regulations and local laws of the Village of Norwood.
- (5) Storage bins, rooms and areas shall not be used for the storage of accumulated garbage and rubbish unless:
 - (a) Such garbage is stored in watertight receptacles of metal or other material approved by the Code Enforcement Officer and provided with tight-fitting covers.
 - (b) Such rubbish is stored in nonleaking receptacles of metal or other material approved by the Code Enforcement Officer.
 - (c) Such storage bins, rooms and areas are of smooth, easily cleanable construction and are kept in a sanitary condition.
 - (d) Such areas, if located outside of a building and visible from any public walk, street or public parking area, are shielded by a method approved by the Code Enforcement Officer and constructed in compliance with the applicable provisions of the Building Code of the Village.
 - (e) Such area is of fireproof construction.
- (6) Rubbish and garbage shall be placed or kept on the property within the building located thereon or not nearer to the street line than the building line or nearer to the street line than the face of the building, whichever distance from the street line is the greater, except during any cleanup week proclaimed by the Village Board of Trustees.
- (7) Inflammable or combustible liquids or other materials shall not be stored on the premises, unless they are of a type approved for storage by regulation of the Fire Department and then only in such quantities and in such fireproof storage containers as may be prescribed by applicable Fire Department regulations.
- (8) Every occupant of a single-occupancy unit in a building comprising a single-occupancy unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and each occupant of an occupancy unit in any building which has more than one occupancy unit shall be responsible for such extermination whenever his occupancy unit is the only one infested. Notwithstanding the foregoing provision of this section, whenever infestation is caused by failure of the owner or operator to maintain

any such building in a reasonably pestproof condition, extermination shall be the responsibility of the owner and operator. Whenever infestation exists in two or more of the occupancy units in any building or in the common parts of any building containing two or more occupancy units, extermination thereof shall be the responsibility of the owner and operator.

- I. Utilities and facilities.
- (1) Every building shall be provided with electric service, where required, in accordance with the standards of the National Electrical Code, as amended from time to time.
 - (2) Every bathroom and water closet compartment shall be provided with permanently installed and operating artificial lighting fixtures with switches and wallplates so located and maintained that there is no danger of electrical shock from a simultaneous contact with a water supply fixture.
 - (3) Maximum fuse sizes as specified by the National Electrical Code, as amended from time to time, shall be posted conspicuously on the inside cover of all fuse boxes, and no fuse shall be installed therein in excess of the stated maximum. Owners and operators shall not be held responsible for violations in fuse sizes where the correct maximum size is stated and the fuse box is located within any part of the building which is the exclusive possession of an occupant or occupants, other than the owner.
- J. Duties and responsibilities of occupants.
- (1) Upon discovery by an occupant of any condition on the premises which constitutes a violation of this article, the occupant shall report the same to the Code Enforcement Officer responsible for enforcement of this article.
 - (2) All parts of the premises under the control of an occupant shall be kept in a clean, sanitary and safe condition by the occupant, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean, unsanitary or unsafe, or which would prevent the owner or operator from performing any duty required hereunder.

§ 136-6. Administration.

- A. Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the Village Board of Trustees and shall exercise the powers prescribed by this article. He may appoint or designate such other municipal officers or employees and assistants as may be required to perform such of his functions and to exercise such powers under this article as he deems necessary for the enforcement of this article, including the making of inspections and the holding of hearings.
- B. Inspection of premises. All premises within the Village covered by this article shall be subject to inspection from time to time by the Code Enforcement Officer to determine the condition thereof in order that he may perform his duty of safeguarding the health and safety of the persons occupying the same and of the general public. For the purpose of making such inspections, the Code Enforcement Officer is hereby authorized to enter, examine and survey at all reasonable times all such premises; provided, however, that such entries are made in such manner as to cause the least possible inconvenience to the persons in possession. The owner, operator and persons occupying the same shall give the Code Enforcement Officer free access to the same at all reasonable times for the purpose of such inspection. Every person occupying such premises shall give the owner and operator thereof access to that portion of the premises occupied by or in the possession of such person at all reasonable times for the purpose of making such

repairs, alterations or corrections as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this article.

- C. Determination of unfitness for use or occupancy. For the purposes of this article, the Code Enforcement Officer may determine that a building is unfit for human habitation, use or occupancy, pursuant to Chapter 66, Buildings, Unsafe, of the Code of the Village of Norwood. In such case, the provisions of said Chapter 66 shall apply and control.
- D. Certificate of necessity.
- (1) Who may apply. Where any owner, operator or occupant is required to make repairs or otherwise improve his property and is unable to comply with this article without having a right of access to the premises through or across adjoining premises not owned by him or under his control, and where right to access has been refused such owner, operator or occupant required to make such repair, or where the owner or person empowered to grant such access cannot be found or located, then upon the filing of an affidavit by such owner, operator or occupant with the Code Enforcement Officer, setting forth the facts and applying for a certificate of necessity, the Code Enforcement Officer shall serve written notice of a hearing on said application upon the applicant for such certificate and upon the owner or person empowered to grant such access. Said notice of hearing shall state the matters to be considered at said hearing and shall be served in the manner prescribed for the service of complaints and orders by New York State law. At least 10 days' notice of such hearing shall be given where the address of the owner or person empowered to grant such access is known. If such address is unknown or cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, at least 30 days' notice thereof shall be given, calculated from the date of the first newspaper publication thereof.
 - (2) Hearing. On the day fixed for hearing, the Code Enforcement Officer shall provide opportunity for the owner or person empowered to grant such access to state why such access should not be granted.
 - (3) Conditions for issuance of certificate. If the Code Enforcement Officer determines that such access is necessary to accomplish or complete repairs or improvements necessary for compliance with this article, then the Code Enforcement Officer shall issue a certificate of necessity granting and ordering access and setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect adjoining property, reasonable time limits during which certificate shall operate, precautions to be taken to avoid damage and, where the Code Enforcement Officer deems proper, that a bond be procured at the expense of the person seeking such access to secure such adjoining property owner against damage to persons or property arising out of such right of access. The amount set for the bond shall take into consideration the extent, nature and duration of the repairs and improvements, the proximity thereof to the premises over which access has been sought and the potential risk of damage thereto. Said bond, if required, shall be filed with the Code Enforcement Officer.
 - (4) Refusal to comply with certificate. Any refusal to comply with a certificate issued hereunder, or any interference with the purpose for which a certificate is issued, shall be a violation of this article and, in addition, to the penalties provided hereunder, the Code Enforcement Officer may, upon affidavit, setting forth the facts, apply to the Judge of the Village for a warrant

authorizing access and, if the Judge is satisfied as to the matters set forth in said affidavit, he shall authorize the issuance of a warrant permitting access.

E. Service, oaths, rules and regulations.

- (1) Complaints, orders and certificates of necessity issued by the Code Enforcement Officer pursuant to this article shall be served and recorded or lodged for record in the manner prescribed by New York State law.
- (2) The Code Enforcement Officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out the purposes and provisions of this article, including but not limited to the following, in addition to others herein granted, to administer oaths, affirmations, examine witnesses and receive evidence and to make and adopt such written rules and regulations as he may deem necessary and the Village Board of Trustees approves, by resolution, for the proper enforcement of the provisions of this article; provided, however, that such rules and regulations shall not be in conflict with the provisions of this article nor in anywise alter, amend, add to or supersede any of the provisions hereof. The Code Enforcement Officer shall file a certified copy of all such rules and regulations in his office and in the office of the Village Clerk.

§ 136-7. Nonapplicability.

Notwithstanding anything contained in this article, the provisions thereof shall not apply to any land located in an industrial zone and existing in its natural state.

§ 136-8. Penalties for offenses.

Any person violating any of the provisions of this article or orders given pursuant thereto, or any person upon whom a notice as provided in this chapter has been served who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such notice, or any person who shall resist or obstruct the Code Enforcement Officer in carrying out the provisions of this article shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment not to exceed 15 days, or both. Each week on which such violation continues shall constitute a separate offense.

§ 136-9. Service of orders.

The service of orders for the correction of violations of this article shall be made upon the owner, occupant or other persons responsible for the conditions, either by delivering a copy of the same to such person, or by delivering the same to and leaving it with any person in charge of the premises, or by sending it by mail to the owner, occupant or operator.

**ARTICLE II
Residential Dwellings and Vacant Land**

§ 136-10. Findings.

- A. It is hereby found and determined that, by reason of lack of maintenance and resulting progressive deterioration, the condition of certain properties has the effect of creating blighting conditions and that, if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large amounts of public funds to correct and eliminate the same. Timely regulations and restrictions as indicated in this article will prevent the creation of blighting conditions and the maintenance of neighborhood and property values. The enhancement of neighborhoods and the public health, safety and

welfare would be protected and fostered.

- B. This article shall be construed to be in compliance with, and in furtherance of, the Property Maintenance Code of New York State (Uniform Code).

§ 136-11. Purpose.

The purpose of this article is to protect the public health, safety, morals and welfare by establishing minimum standards governing the conditions of maintenance of dwelling units and to fix certain responsibilities and duties upon owners; to authorize and establish procedures for the inspection of such dwellings and to fix penalties for the violation of this article. This article is hereby declared to be remedial and essential for the public interest, and it is intended that the same shall be liberally construed to effectuate the purposes herein stated.

§ 136-12. Compliance.

Every dwelling used for human habitation, garages or other outbuildings shall comply with the provisions of this article, whether or not such dwelling or other structure shall have been constructed, altered or repaired before or after enactment of this article and irrespective of any permits or licenses which shall have been issued for the use or occupancy of said dwelling or other structure, or for the construction or repair of the same. It is the purpose of this article to establish minimum standards for such dwellings, and this article does not replace or modify standards otherwise established for the construction, repair, alteration or use of any said dwellings or other structures.

§ 136-13. Prevailing standards.

In any case where the provisions of this article impose a higher standard than that set forth in any other local law of the Village or under any law of the State of New York, then the standards as set forth herein shall prevail; but if the provisions of this article impose a lower standard than any such law, then and in that event, the higher standard contained in any other such law shall prevail.

§ 136-14. Definitions.

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

DWELLING — A building or structure or part thereof containing one or more dwelling units.

§ 136-15. Condition of structure.

Every foundation, floor, wall, building, door, window, roof or other part of a building shall be kept in good repair and capable of the use intended by its design, and any exterior part or parts thereof subject to corrosion or deterioration shall be kept well painted or otherwise provided with a protective treatment sufficient to prevent deterioration.

§ 136-16. Orders of Code Enforcement Officer.

The Code Enforcement Officer, as herein designated, may order the owner to paint the exterior walls of any such dwelling, when such walls have so deteriorated as to warrant the need for repainting in order to prevent aggravated deterioration of such exterior wall.

§ 136-17. Vacant land.

All vacant land, lots and premises, with or without buildings thereon, designed for residential purpose shall be clean and free from garbage, rubbish and debris, as well as unsightly natural growth, and from any and all conditions which might result in a hazard to safety. All grass, hedges and shrubbery shall be kept trimmed and shall not be permitted to become overgrown and unsightly. All fences surrounding vacant or occupied lands

herein described shall be kept in good repair.

§ 136-18. Responsibility of owner.

- A. The owner or occupant shall be responsible for the maintenance of the area abutting such property between the street property line and pavement or roadway, including landscape ground cover, construction of curbing and/or sidewalk and reconstruction and/or replacement of defective or hazardous curb and sidewalk. The aforementioned area shall not be paved by the owner or occupant unless specifically authorized by the Code Enforcement Officer in writing.
- B. The Code Enforcement Officer may, at the request of the Village Board of Trustees or through his own initiative, direct the construction of curbing or its reconstruction as required.

§ 136-19. Designation of Code Enforcement Officer.

The Code Enforcement Officer of the Village of Norwood is hereby designated to exercise the powers prescribed by this article. He may appoint or designate such other municipal officers or employees and assistants as may be required to perform such of his functions and to exercise such powers under this article as he deems necessary for the enforcement of this article, including the making of inspections and the holding of hearings.

§ 136-20. Inspections.

The Code Enforcement Officer is hereby authorized and directed to make or cause to be made inspections to determine the conditions set forth in §§ 136-11, 136-12, 136-13 and 136-14 hereof, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

§ 136-21. Determinations of Code Enforcement Officer.

For the purpose of this article, the Code Enforcement Officer may determine that a building or the surrounding property or vacant land, as herein described, is injurious to the health and safety of the occupants thereof, or of neighboring buildings of other residents of the Village; such conditions may include, but without limiting the generality of the foregoing, dilapidation, disrepair, uncleanliness; or conditions deleterious to the well-being of the general public with reference to vacant land not properly maintained as required by this article.

§ 136-22. Filing of petition.

Whenever a petition is filed with the Code Enforcement Officer by a public authority or by at least five residents of the Village or it appears to the Code Enforcement Officer on his own motion that any building is in a state of dilapidation, disrepair or uncleanliness; or the exterior is in need of painting; or conditions exist which are deleterious to the well-being of the general public with reference to vacant or occupied land not properly maintained as required by this article, the Code Enforcement Officer shall, if his preliminary investigation discloses the above, issue and cause to be served upon the owner of the premises in question a complaint stating the charges and the basis therefor and containing a notice that a hearing will be held before the Code Enforcement Officer or his designated agent at a place then fixed, not less than 10 days nor more than 30 days after the serving of said complaint and that the owner of the premises in question shall be given the right to file an answer to the complaint and to appear in person or by counsel and give testimony concerning the charges. The rules of evidence of the State of New York shall not be controlling in hearings before the Code Enforcement Officer. The Code Enforcement Officer may determine the necessity for a hearing.

§ 136-23. Enforcement.

- A. If, after the notice and hearing provided for herein, the Code Enforcement Officer determines that the building is in a state of dilapidation, disrepair or uncleanness, or the exterior thereof is in need of painting, or conditions deleterious to the well-being of the general public with reference to vacant land not properly maintained as required by this article, he shall state, in writing, his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the correction of the aforesaid deficiencies, and if the owner fails to make the correction directed in said order, within the time set forth therein, then and in that event, said owner shall be guilty of a violation of this article.
- B. At the option of the owner, in lieu of making the required corrections, said owner may cause the premises to be vacated and closed within the time set forth in said order.
- C. If the building is in such a condition as to make it dangerous to the health and safety of persons on or near the premises and the owner fails to repair, alter or improve said building within the time specified in the order, then the owner shall be required to remove or demolish said building within a reasonable time as specified in said order of removal. In such a case, the provisions of Chapter 66, Buildings, Unsafe, of the Code of the Village of Norwood shall apply and control.
- D. If the owner fails to comply with an order to repair, alter or improve, or at the option of the owner to vacate and close the building, the Code Enforcement Officer may cause such building to be repaired, altered or improved or to be vacated and closed, in which latter event the Code Enforcement Officer may cause to be posted on the main entrance of any building so closed a placard with the following words: "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful."
- E. If the owner fails to comply with an order to remove or demolish the building, the Code Enforcement Officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof in accordance with Chapter 66, Buildings, Unsafe, of the Code of the Village of Norwood.

§ 136-24. Costs and liability.

The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges, incurred in the course of any proceeding taken under this article, determined in favor of the municipality, and such costs of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, if any, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the Code Enforcement Officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the Municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by certified mail. If the total of the credits exceeds such costs, the balance remaining shall be deposited in the Superior Court by the Code Enforcement Officer, shall be secured in such manner as may be directed by such court and shall be disbursed according to the order or judgment of the court to the persons found to be entitled thereto by final order or judgment of such court; provided, however, that nothing in this section shall be construed to impair or limit in any way the power of

the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within 60 days from the date of the filing of the lien certificate, proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the municipal lien certificate.

§ 136-25. Powers and authority of Code Enforcement Officer.

The Code Enforcement Officer is hereby authorized and empowered to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including the following, in addition to others herein granted to administer oaths, affirmations, examine witnesses and receive evidence, and to make and adopt such written rules and regulations as he may deem necessary, and that the Village Board of Trustees approves by resolution, for the proper enforcement of the provisions of this article; provided, however, that such rules and regulations shall not be in conflict with the provisions of this article nor in anywise alter, amend or supersede any of the provisions thereof. The Code Enforcement Officer shall file a certified copy of all such rules and regulations in his office and in the office of the Village Clerk.

§ 136-26. Appeals.

Any person, firm or corporation aggrieved by any act of the Code Enforcement Officer may appeal in writing such act of said Code Enforcement Officer to the Board of Trustees within 20 days of such act of said Code Enforcement Officer and request a hearing thereon by said Board of Trustees. The Board of Trustees shall hold a hearing on said appeal within 21 days after the filing of the notice of appeal. At said hearing, the appellant may be represented by counsel. The Board of Trustees is empowered to vacate any finding in whole or in part of said Code Enforcement Officer.

§ 136-27. Penalties for offenses.

Any person violating any of the provisions of this article or orders given pursuant thereto, or any person upon whom a notice as provided in this chapter has been served who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such notice, or any person who shall resist or obstruct the Code Enforcement Officer in carrying out the provisions of this article shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment not to exceed 15 days, or both. Each week on which such violation continues shall constitute a separate offense.

Chapter 140, Records, Public Access to.

§ 140-4 is amended to add references to the Municipal Building, to read as follows:

§ 140-4. Hours for public inspection.

- A. Requests for public access to records shall be accepted and records produced during all hours the Municipal Building or the location at which the records are kept is regularly open for business, except that all records must be returned to their proper custodian at least five minutes before closing time.
- B. The Municipal Building is regularly open for business from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Chapter 146, Rental Property.

This chapter is adopted to read as follows:

Chapter 146**RENTAL PROPERTY****§ 146-1. Purpose.**

The Board of Trustees of the Village of Norwood hereby establishes a program for the enactment, enforcement and administration of a rental permit requirement for all rental units within the corporate boundaries of Norwood and for the periodic registration of all landlords and rental property owners for the purpose of regulating rental property conditions and for maintaining an inventory of available rental housing.

§ 146-2. Definitions.

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

ABSENTEE LANDLORD — Any landlord who resides outside the designated boundaries of St. Lawrence County as those boundaries may be defined at the time of regular, periodic property registration.

HOUSING OR DWELLING UNIT — Any single unit which is capable of housing one separate household, whether a detached single-family structure or building or part of a multihousehold structure or building.

IMMEDIATE FAMILY — The "immediate family" of the owner of a housing unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

LANDLORD — Any property owner or designated agent who offers a housing unit for occupancy to persons other than members of his immediate family in exchange for a fee or compensation, whether monetary or otherwise.

RENTAL PERMIT — A permit issued by the Village of Norwood stating that the referenced structure or unit conforms to the standards of the New York State Uniform Fire Prevention and Building Code, and that occupancy of that structure or unit is permitted for residential use. Any special circumstances or conditions under which occupancy is permitted may be specified on that certificate.

RENTAL PROPERTY — Any housing unit or units which are occupied by persons other than the owner or his immediate family or for which a fee or compensation, monetary or otherwise, is received by the owner in exchange for such occupation.

RESIDENT AGENT — A representative of a property owner or landlord who resides within the designated boundaries of St. Lawrence County as defined at the time of periodic property registration.

SUBSTANDARD — Any deficiency in a structure or housing unit as defined by the New York State Uniform Fire Prevention and Building Code.

§ 146-3. General requirements.

- A. All landlords must register with the Village of Norwood on or before July 31 of each and every calendar year or within 30 days of the date of mailing of yearly real estate tax bills. Upon adoption of this chapter, initial registration will begin as soon as practicable after this chapter is effective. It is the responsibility of the property owner to register any rental property or properties, and failure to do so constitutes

a violation of these regulations and is subject to the penalties set forth herein.

- B. All absentee landlords must have a resident agent for each rental unit.
- C. All rental properties will be inspected on an annual basis.
- D. Any substandard condition identified during an annual inspection must be corrected by the property owner before a rental permit shall be issued.
- E. No housing unit shall be let, rented or occupied by someone other than the owner or his immediate family until a rental permit has been obtained for that unit. However, no rental permit shall be required for units which are let or rented as of the effective date of this chapter for such time as the tenant in possession or residence as of the effective date of this chapter shall remain in possession or residence.

§ 146-4. Registration of landlords.

- A. All property owners will receive notice with their yearly tax bills giving them 30 days in which to register any rental properties that they may own. Water and sewer bills will be used to cross-check which properties are rentals and which are owner-occupied.
- B. The owner of a property constituting a rental unit shall register the same with the Code Enforcement Officer within 30 days of the effective date of this chapter on a form approved by the Code Enforcement Officer, showing the address of the rental unit, the name and address of the owner and his resident agent and the full name of the tenant in possession of the unit as of the effective date of this chapter.
- C. The fee for registration shall be established from time to time by resolution of the Board of Trustees.
- D. Absentee landlords must designate a resident agent for service of process who resides within the corporate boundaries of St. Lawrence County. If that agent's residence should be removed from St. Lawrence County during the yearly registration period, another agent must be designated for the duration of that period.
- E. It shall be unlawful for any property owner to offer any unit for rent or to allow any rental unit to be occupied without having first registered as a landlord as required herein within the time prescribed for such registration.
- F. Failure to receive notice of the registration deadline will not excuse failure to register rental units. It is the landlord's responsibility to fulfill registration requirements.

§ 146-5. Rental permit requirements.

- A. No rental unit may be occupied without a valid rental permit. No rental permit shall be issued until the housing unit has been inspected by the Code Enforcement Officer to determine that the requirements of this chapter and the New York State Uniform Fire Prevention and Building Code have been met.
- B. Any rental unit that is occupied at the time of the adoption of this chapter may continue to be occupied, even if substandard, so long as that unit does not constitute an unsafe structure as defined in Chapter 66, Buildings, Unsafe, or the New York State Uniform Fire Prevention and Building Code. Such units will be issued a provisional rental permit valid only for the tenants in possession or residence at the time of adoption, for such time as those tenants remain in possession or residence.

- C. A rental permit shall be valid for a period of one year from the date it is issued.
- D. The owner of a rental unit may request a rental permit even though the unit is exempted under the provisions of this chapter.
- E. Rental units determined to be unsafe according to the provisions of Chapter 66, Buildings, Unsafe, and/or the New York State Uniform Fire Prevention and Building Code will be subject to condemnation as provided by those chapters and must be vacated. The notice to vacate the unit and any expenses resulting from that eviction are the sole responsibility of the owner. The Village will not issue eviction notices, nor assume any responsibility for relocation or displacement expenses when that eviction is a result of the owner's noncompliance with these regulations.
- F. Property owners subject to a demolition order will have the option of granting the property to the Village in fee simple, with the Village then assuming the responsibility for demolition and clearance, and assuming sole ownership of the property with all the rights thereof.
- G. If the unit passes inspection, the rental permit shall be issued within five business days of the date of inspection. If the unit does not pass inspection, a notice of violations and work description shall be issued within 10 business days of the date of the inspection.
- H. In the event that the Village does not perform the specified action within the time period stated, the previous rental permit will be considered valid for the time that the tenant in possession or residence at the time of application for permit remains in possession or residence of the unit in question.
- I. Landlords or their agents must present the previous rental permit when applying for a new permit. Date of the last inspection will be verified from the previous permit.
- J. The fee for a rental permit shall be as established from time to time by resolution of the Board of Trustees. The fee for registering a rental unit shall be as established from time to time by resolution of the Board of Trustees.

§ 146-6. Inspections.

- A. Inspections of rental units shall be conducted on an annual basis to determine compliance with the New York State Uniform Fire Prevention and Building Code.
- B. All inspections finding substandard conditions will be subject to the procedures set forth for violation of the New York State Uniform Fire Prevention and Building Code.
- C. Inspections shall be conducted and work descriptions shall be compiled and issued by the Code Enforcement Officer.
- D. The Code Enforcement Officer shall be responsible for arranging for the inspection of rental units and for initiating any other appropriate action under these regulations. The Code Enforcement Officer will give special consideration to any request that inspections be conducted during nonbusiness hours for the convenience of the tenant(s). In the absence of such a request, the inspections will be conducted during normal business hours as defined by the Village business hours in force at the time.

§ 146-7. Penalties for offenses.

- A. Violations of this chapter shall constitute a violation and will be subject to applicable penalties under this chapter in addition to those imposed by any other applicable code or ordinance, including, without limitation, Chapter 66, Buildings,

Unsafe, or the New York State Uniform Fire Prevention and Building Code.

- B. Penalties for violations of this chapter, by either failing to register as a landlord or agent or by allowing occupancy without valid permit, shall be imposed as follows:
- (1) First offense: not more than \$75 or by imprisonment not exceeding seven days, or both.
 - (2) Second offense: not more than \$150 or by imprisonment not exceeding seven days, or both.
 - (3) Third offense: not more than \$250 or by imprisonment not exceeding 15 days, or both.

§ 146-8. Nonprofit organization exemption.

- A. Landlords are exempted from the payment of registration and inspection fees if they comply with all of the following:
- (1) The landlord shall be qualified under the Internal Revenue Code as a 501-C(3) organization.
 - (2) The landlord shall have units inspected, by an inspector approved by the Village of Norwood's Code Enforcement Officer, no less frequently with no lesser criteria for passing inspection than that established by the Village of Norwood.
 - (3) The landlord shall deliver to the Village of Norwood's Code Enforcement Officer a copy of said inspection within 14 days after the date of completion of said inspection.
 - (4) The landlord shall correct any and all deficiencies found in said inspection within 30 days after said inspection and deliver a report of those corrections within 45 days after said inspection to the Village of Norwood's Code Enforcement Officer.
- B. In the event that a landlord claims exemption under this section and fails to fulfill the requirements, then such landlord shall be subject to the registration and inspection fees set forth above, any additional inspection fees or costs incurred by the Village and any other penalties set forth in this section. The Village shall have the right to revoke said exemption if the landlord fails to comply with said requirements. The exemption from fees in no way modifies the obligation of the landlord to register rental units with the Village of Norwood.

Chapter 160, Streets and Sidewalks.

- A. § 160-1 is amended to add the phrase ", except at designated ball fields," following "public grounds."

- B. § 160-3 is amended to read as follows:

§ 160-3. Bicycles, tricycles, in-line skates, roller skates, skateboards, scooters or similar devices.

No person shall ride any bicycle, tricycle, in-line skates, roller skates, skateboard, scooter or similar device upon the sidewalks upon any of the streets within said Village. Every person riding any such vehicle or using such device upon any of the streets within said

§ 150-44. Annual rents. [Last amended 4-18-2006]

Rates per year are as follows:

as of 2/01/07

Type of Use	Fee	
Residence	\$260	\$336
2-family	\$520	\$672
3-family	\$780	\$1,008
4-family	\$1,040	\$1,344
Beauty shop	\$316	\$404
Residence with beauty shop	\$363	\$464
Bakery	\$327	\$420
Office/shop/small store	\$214	\$276
Supermarket with deli	\$292	\$376
Garage	\$285	\$368
Restaurant	\$386	\$498
Bar/mini-mart/diner	\$334	\$432
Laundromat	\$714	\$922
Day-care center	\$392	\$506
Legion	\$446	\$574
Car wash	\$584	\$754
The Union	\$4,431	\$5,716
School, public	\$7,197	\$9,284
ARC		
Workshop	\$1,077	\$1,390
Hostel	\$260	\$334
Sunmount ICF	\$524	\$676
Church	\$161	\$208
Lodge	\$209	\$270
Outside residence	\$392	\$506
Trailer court	\$260 per unit (trailer)	\$336/unit
Baldwin Acres (36 units)	\$9,360	\$12,096
Office/residence	\$475	\$612
2 offices	\$428	\$552
2 apartments/1 office	\$737	\$948
BOCES (outside)	\$10,870	\$14,022
High School (outside)	\$27,717	\$35,755

**ARTICLE VIII
Penalties**

§ 150-38. Notice of violation.

Any person found to be violating any provision of this Part 1, except Article VI, shall be served by the Village with written notice stating the nature of the violation and providing for a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 150-39. Penalties for offenses. [Amended 4-21-1997 by L.L. No. 1-1997]

Any person who shall continue any violation beyond the time limit provided for in § 150-38 shall, upon conviction, be fined in an amount not exceeding \$250 or imprisonment not to exceed 15 days, or both, for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

§ 150-40. Liability.

Any person violating any of the provisions of this Part 1 shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violations.

**Part 2
Sewer Rents
[Adopted 10-17-1994 by L.L. No. 3-1994]**

**ARTICLE IX
Schedule of Rents
[Amended 10-20-1997 by L.L. No. 3-1997]**

§ 150-41. Payment schedule.

All sewer rents shall be paid annually in four equal installments payable on May 1, August 1, November 1 and February 1.

§ 150-42. Penalty on unpaid balances.

A penalty of 2% per month will be charged on any unpaid balance after the stated due date.

§ 150-43. Sewer connection charge.

The connection charge for sewers is \$75 per hookup.

1. Editor's Note: This local law provided that it shall be effective 11-1-1997.

Village shall give a warning by bell, whistle or horn which shall be heard 100 feet distant when about to meet or pass pedestrians or when about to meet or pass other vehicles. No person shall ride any bicycle or tricycle upon any of the public streets within the limits of said Village unless there shall be attached thereto or carried therewith a light of such illuminating power as to be plainly seen 200 feet ahead and kept lighted between 1/2 hour after sunset and 1/2 hour before sunrise, and no person shall coast or proceed by inertia or momentum on any bicycle or tricycle with the feet off the pedals on any street or public place within said Village.

- C. The following original sections are deleted, and the chapter renumbered accordingly: Original § 160-4, Parades and processions; Original § 160-6, Unattended horses and horse teams; Original § 160-11, Care and maintenance of adjoining and fronting property; and Original § 160-14, Tapping into public sewers; permit required.

Chapter 165, Subdivision of Land.

- A. In § 165-10C, the term "Zoning Administrator" is amended to read "Code Enforcement Officer."
- B. In the following sections, the term "cloth" or "linen" is revised to read "Mylar":
§§ 165-19A(2), 165-21F and 165-23A.

Chapter 180, Taxicabs.

- A. In the definition of "taximeter" in § 180-1, the term "meter instrument" is revised to read "mechanical instrument."
- B. In § 180-23C, the phrase "without the approval of the Director" is deleted from the end of the subsection.

Chapter 185, Vehicles, Abandoned or Inoperable.

This chapter is amended in its entirety to read as follows:

Chapter 185

VEHICLES, ABANDONED OR INOPERABLE

§ 185-1. Findings; purpose.

The presence of abandoned, junked, discarded, inoperable or unregistered motor vehicles upon privately owned property within the Village is detrimental to the safety, health and public welfare. It constitutes an attractive nuisance to children and is a peril to their safety. It is a source of vexation and annoyance. It depreciates the value of neighboring properties. It is a fire hazard and a potential source of fire and explosions. The preservation of public health and protection of property and the elimination of public peril compel the governing body to legislate on this matter. It is hereby declared that the

adoption of this chapter has for its purpose the effective termination of such practices.

§ 185-2. Definitions.

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

ABANDONED VEHICLE — The intent of the owner of a vehicle not to use it on the public highways or as a conveyance in the manner for which said vehicle was originally designed shall establish it as "abandoned." The intent of the owner shall be determined by the physical condition of the vehicle, any statements as to its abandonment, the length of time since the vehicle was last used, whether the vehicle is currently registered and any other relevant facts.

ANTIQUE MOTOR VEHICLE — A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

CLASSIC MOTOR VEHICLE — A motor vehicle, but not a reproduction thereof, manufactured more than 10 years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is substantially in conformity with the manufacturer's specifications and appearance.

DISCARDED VEHICLE — Any vehicle which the owner thereof, as established by the surrounding circumstances, does not intend to recover the possession of or any vehicle of which the owner cannot be found after due and reasonable inquiry.

INOPERATIVE VEHICLE — Any vehicle which is not capable of performing the function for which it was originally designed and intended or which is not of sufficient operating order to be licensed by the State of New York for use on a public way.

JUNK VEHICLE — Any vehicle which, for any reason, is incapable, without repair, of being moved or propelled by application of internal power, if it is a vehicle originally designed to be propelled by internal power, or is incapable, without repair, of being drawn or towed, if it is a vehicle originally designed to be towed or drawn from behind an internally powered vehicle, and, as adjudged by the standards of an ordinary reasonable man, is unsightly in appearance because of the existence of one or more conditions, such as but not limited to the following: deterioration by rust of the body; deterioration of the exterior finish of the vehicle; broken windows; absence of component parts of the vehicle (such as fenders, panels, doors, bumpers, headlights, hood, trunk door, tires, wheels, grille, roof or tailgate); physical damage (such as dents, cracks, scrapes or holes) to component parts of the vehicle; and absence of interior components (such as seats, dashboard or interior door moldings).

UNREGISTERED VEHICLE — Any vehicle which may be but is not currently registered with the State of New York. The fact that a vehicle which may be licensed or registered with the State of New York does not display a current registration plate or displays an expired registration plate shall be presumptive evidence of the fact that such motor vehicle is not currently registered.

VEHICLE or MOTOR VEHICLE — Any means of transport or conveyance operated, driven, drawn or capable and intended to be operated, drawn or driven upon a public highway by a power other than muscular power. A vehicle shall include but not be limited to automobiles, motorcycles, motorbikes, buses, all types of trailers, including trailers used for storage, trucks, tractors, mobile homes, other than those legally in use in an

authorized mobile home park, recreational vehicles, snowmobiles, all-terrain vehicles and jitneys or any other contraption originally designed and intended for travel on the public highways.

§ 185-3. Placement on private lands.

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to deposit or cause or permit to be deposited an abandoned, junked, discarded, inoperable or unregistered motor vehicle on any private land within the corporate limits of the Village of Norwood.

§ 185-4. Notice to be served on violator.

If the provisions of § 185-3 are violated, the Code Enforcement Officer shall serve, or have served, written notice, either personally or by certified mail, upon the owner, occupant or person having charge of any such land upon which any such motor vehicle is deposited to comply with the provisions of this chapter. The notice shall be substantially the following form:

TO THE OWNER, OCCUPANT OR PERSON HAVING CHARGE OF LANDS IN THE VILLAGE OF NORWOOD:

Address: _____

NOTICE IS HEREBY GIVEN by the Village of Norwood that an abandoned, junked, discarded, inoperable or unregistered motor vehicle has been found deposited upon the above-described property in the Village of Norwood. This motor vehicle must be removed within seven days from the date of this notice.

UPON FAILURE OR REFUSAL to comply with this notice on or before the expiration of said seven days from the date of this notice, the Village of Norwood, acting through its duly authorized agents, servants, officers and employees, may enter upon your land and remove said motor vehicle, in the sole and absolute discretion of the Village. Any expense incurred by the Village will be chargeable to you and will be collected as provided by law.

Date: _____

Code Enforcement Officer

§ 185-5. Action upon failure or refusal to comply.

If any person or organization subject to this chapter shall fail to comply with the provisions of this chapter, the Code Enforcement Officer, or his duly designated agent, shall cause such vehicle to be removed, and all expenses of such removal, and related expenses, shall be collected as hereinafter provided. Exercise of this removal shall not bar, preclude or prohibit the Village from exercising and invoking the provisions of § 185-7 of this chapter.

§ 185-6. Storage and charges.

The provisions of § 190-22, Storage and charges, of Chapter 190, Vehicles and Traffic, of the Code of the Village of Norwood, shall be in effect for vehicles removed pursuant to this chapter.

§ 185-7. Penalties for offenses.

Any owner, occupant, lessee, agent or tenant who shall neglect and refuse to remove said abandoned, junked, discarded, inoperable or unregistered motor vehicle as directed by this chapter, or who shall fail or refuse to comply with the provisions of any notice herein provided for, or who shall violate any of the provisions of this chapter, or who shall resist or obstruct authorized agents, servants, officers or employees of the Village of

Norwood in the removal of any motor vehicle, shall be deemed to be violating this chapter and shall be subject to a penalty not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each and every violation. Each continuous week of such violation shall be considered a separate offense for the purposes of this chapter.

Chapter 190, Vehicles and Traffic.

- A. The following original sections are deleted and the chapter renumbered accordingly: Original § 190-3, Driving across or upon sidewalks and curbs; Original § 190-7, School speed limits; Original § 190-22, Parking for loading and emergency service; Original § 190-30, Schedule III: School Speed Limits; and Original § 190-43, Schedule XVI: Parking for Loading and Emergency Service.
- B. In § 190-15A, the phrase "first day of December" is revised to read "first day of November"; and "at the direction of the Chief of Police or Street Superintendent" is revised to read "at the direction of the police or the Street Superintendent."
- C. § 190-22 is amended to revise the maximum storage charge from \$50 per day to \$100 per day.
- D. The maximum fines in § 190-24 are revised to comply with statute, as follows: first infraction: \$150; second infraction within 18 months: \$300; and third infraction within 18 months: \$450.
- E. The Bank Street entry in § 190-29 is revised so the prohibited turn is "left" not "right."
- F. § 190-32 is amended as follows:
- (1) To delete the Beach Road entry.
 - (2) To add an entry for Rupert Palmer Lane.
 - (3) To revise the entry name "Water Pollution Control Drive" to read "James Liebfred Drive."
 - (4) To delete original Subsections B and C, which provided for a removable "Stop for Pedestrians" sign at Prospect Street and the elementary school and for a crosswalk by Prospect Street with North Main Street, respectively.
- G. § 190-35 is amended to read as follows:

§ 190-35. Schedule XI: Parking Prohibited at All Times.

In accordance with the provisions of § 190-16, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

Name of Street	Side	Location
Ashley Street	Both	Entire length
Baldwin Avenue	South	From North Main Street to Orchard Street
Bicknell Street	Both	Entire length
Mechanic Street	North	From South Main Street to the light pole
North Main Street	East	From Mechanic Street to Baldwin Avenue except where stalls are painted
Park Street	South	Entire length, except parallel only from curb to Park Avenue
Prospect Street	Both	From New Street to dead end
South Main Street	East	From Bicknell Street to Mechanic Street except where stalls are painted
South Main Street	East	From the driveway of 38 South Main Street north for 30 feet
Spring Street	West	From Spruce Street to River Street with the exception of 2 marked parallel parking spaces

- H. In § 190-36, the Mechanic Street entry is amended to change the "Side" column from North to South, and to add "All days" under the "Hours/Days" column.
- I. § 190-37 is amended to delete the former entry for Mechanic Street.
- J. § 190-38 is amended to delete the sole entry so that the Schedule is "reserved."

Chapter 195, Water.

- A. Original § 195-2, Permit limitations, is deleted.
- B. Original § 195-16, Payments of water rates, is deleted as duplicative of § 195-24.
- C. The following sections are revised to delete references to the "Water Committee" and replace them, where appropriate, with references to the "consent of the Superintendent of Public Works", or to delete the reference altogether: §§ 195-23A, E, H and I and 195-24E(3).

Chapter 197, Woodburning Furnaces, Outdoor.

This chapter is adopted to read as follows:

Chapter 197

WOODBURNING FURNACES, OUTDOOR

§ 197-1. Legislative authority.

This chapter is adopted pursuant to the authority of Article 2, § 10, of the New York State Municipal Home Rule Law, and Article 4, § 4-412, of the New York State Village Law.

§ 197-2. Enforcement.

The Village of Norwood Code Enforcement Officer, or any other person who may hereafter be designated by resolution of the Village Board of Trustees, is hereby authorized in the name and on behalf of the Village of Norwood to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this chapter.

§ 197-3. Purpose.

It is generally recognized that the types of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this chapter, it is the intention of the Village of Norwood Board of Trustees to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants.

§ 197-4. Definitions.

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

OUTDOOR WOODBURNING FURNACE — An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

SEASONED FIREWOOD —

VIOLATOR or ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER — Any person who owns or occupies the property at the time the outdoor woodburning furnace has been installed and/or operated.

§ 197-5. Construction and operation prohibited.

The construction and operation of outdoor woodburning furnaces are hereby prohibited within the Village of Norwood.

§ 197-6. Nonconforming uses.

- A. Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this chapter may be continued, although such use does not conform to the provisions of this chapter, subject to the following restrictions:
- (1) The only permitted time frame for operation of said nonconforming outdoor woodburning furnace shall be between May 15 and October 15 of any year.
 - (2) The only acceptable burning material permitted for use as fuel in an outdoor woodburning furnace is seasoned firewood. Criteria for determining whether firewood is "seasoned" include the following:
 - (a) Hardwood that has been allowed to dry for six to 12 months, i.e., cut wood which has been stored in the sun and wind with plenty of air circulation for six to 12 months to reduce its water content.
 - (b) Freshly cut green wood can be up to 45% water. Green wood is difficult to start, does not give much heat and smokes a lot, creating creosote buildup. At the other extreme, super-dry wood burns too hot and fast and gives off a lot of sparks. Well-seasoned firewood is "just

right" with about 20% to 25% moisture. It is easy to start, produces good heat and burns clean.

- (c) Well-seasoned firewood generally has darkened ends with cracks or splits visible, is relatively lightweight and makes a clear "clunk" when two pieces are beat together. Green wood, on the other hand, is very heavy, the ends look fresher, and it tends to make a dull "thud" when struck.

(3) No non-conforming woodburning furnace (indoor or outdoor) shall be operated in such a manner as to be a nuisance.

- B. No outdoor woodburning furnace existing at the time of the adoption of this chapter shall thereafter be extended or enlarged.
- C. Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of seven consecutive heating months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.
- (1) If the property owner fails to remove the outdoor woodburning furnace by the end of said seven-consecutive-heating-month period, the Village of Norwood Code Enforcement Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor woodburning furnace is located. Such notice shall provide that said owner shall remove the outdoor woodburning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner.
- (2) Should the outdoor woodburning furnace not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.
- (3) The costs incurred by the Village to effect said removal (including any attorney's fees incurred by the Village to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property.
- D. No existing outdoor woodburning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value for Village of Norwood tax purposes shall be repaired or rebuilt.

§ 197-7. Penalties for offenses.

- A. Any person who shall violate any provision of this chapter shall be guilty of an offense and shall, upon conviction, be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.
- B. Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this chapter shall also be subject to a civil penalty of not more than \$500, to be recovered by the Village in a civil action. Each week's continued violation shall be, for this purpose, a separate and distinct violation.
- C. In the event the Village is required to take legal action to enforce this chapter, the violator will be responsible for any and all necessary costs incurred by the Village relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from

the date it is determined and assessed by the Court, such expense shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property

Chapter 200, Zoning.

A. In § 200-2, Definitions:

- (1) The defined term "height" is revised to read "fence height."
- (2) The definition of "manufactured home" is added to read as follows:

MANUFACTURED HOME — A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or forty body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include a "mobile home" as defined in Subsection B of the definition of "mobile home," and shall include a structure which meets all the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development.

- (3) Subsection B is added to the definition of "mobile home," said Subsection B to read as follows:

B. A movable or portable unit, manufactured prior to January 1, 1976, designed and constructed to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed and constructed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing. "Mobile home" shall mean units designed to be used exclusively for residential purposes, excluding travel trailers.

- (4) The definition of "nonconforming use" is amended to read as follows:

NONCONFORMING USE — Any lawful building or structure or any lawful use of land, premises, building or structure which does not conform to the regulations of this chapter for the district in which such building, structure or use is located either at the effective date of this chapter or as a result of subsequent amendments thereto.

- (5) The terms "outdoor water pool, commercial" and "outdoor water pool, private" are revised to delete the word "water" therefrom so they now read "outdoor pool, commercial" and "outdoor pool, private."

- (6) The definition of "side yard" is amended to read as follows:

SIDE YARD — An open space extending from the front yard to the rear yard between any building and the side lot line, unoccupied and unobstructed by buildings or structures from the ground upward. The required width of side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of any building.

(7) The definition of "yard" is amended to read as follows:*

YARD — The open space which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed except where accessory structures are permitted under this chapter.

- B. The following sections are amended to delete references to "outdoor theater": §§ 200-2 (to delete definition of "theater, outdoor drive-in"); 200-11C(6) and original Subsection F of § 200-15.
- C. § 200-4 is amended to revise "R Residential District" in Subsection A to read "R1 Residential District" and "R2 Residential District"; and to revise the "CD Coordinated Development District" to read "EDZ Empire Zone" in Subsection B.
- D. References to "CD District" and "Coordinated Development District" are revised to read "EDZ Empire Zone" in the following additional sections: §§ 200-7A(3), 200-9A, 200-11A, 200-13, and 200-76B and C.
- E. § 200-9 is amended to include provisions for an R1 and an R2 District, rather than a single R District, and to revise said provisions, to read as follows:*
- F. § 200-10D is added to read as follows:
- D. No apartment shall be permitted on the ground floor of any mixed use.
- G. Original § 200-11C(7), Junkyard, sanitary landfill, is deleted.
- H. § 200-27 is added to read as follows:

§ 200-27. Home occupations.

- A. **Purpose.** The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.
- B. **Authorization.** Except as otherwise expressly provided or limited in this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation by the provisions of this section shall be

determined by the Code Enforcement Officer pursuant to his authority to interpret the provisions of this chapter.

- C. Certificate of compliance required. No home occupation shall be established or maintained unless a certificate of compliance evidencing the compliance of such home occupation with the provisions of this section and other applicable provisions of this chapter shall have first been issued by the Code Enforcement Officer.
- D. Use limitations. In addition to all of the use limitations applicable in the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
- (1) Not more than one person who is not a resident on the premises shall be employed, and then only as a clerical assistant.
 - (2) No more than 25% or 400 square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.
 - (3) No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
 - (4) No stock-in-trade shall be displayed or sold on the premises.
 - (5) The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted private garage accessory thereto, and in no event shall such use be apparent from any public way.
 - (6) There shall be no outdoor storage of equipment or materials used in the home occupation.
 - (7) Not more than one vehicle used in commerce shall be permitted in connection with any home occupation, and any such vehicle shall be stored in an enclosed garage at all times.
 - (8) No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
 - (9) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
 - (10) No sign, other than one unlighted sign not over one square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- E. Particular home occupations permitted. Except as provided in Subsection F below, customary home occupations include all occupations which meet the purposes, standards and requirements of Subsections A through D of this section and, in particular, include, but are not necessarily limited to, the following list of examples:
- (1) Providing instruction to not more than two students at a time, except for occasional groups.
 - (2) Day care of not more than six nonresident children.
 - (3) Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents, realtors and members of similar professions.
 - (4) Consultation or emergency treatment by a doctor or a dentist, but not the

general practice of his profession.

- (5) Office facilities for ministers, priests and rabbis.
 - (6) Office facilities for salesmen, sales representatives and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
 - (7) Studio of an artist, photographer, craftsman, writer, composer or similar person.
 - (8) Shop of a beautician, barber, hair stylist, dressmaker, tailor or similar person.
 - (9) Home-bound employment of a physically, mentally or emotionally handicapped person who is unable to work away from home by reason of his disability.
 - (10) The letting for hire by a resident owner of rooming units for residential use for a total of not more than two persons.
- F. Particular occupations prohibited. Permitted home occupations shall not, in any event, be deemed to include:
- (1) Nursing homes.
 - (2) Funeral homes, mortuaries and embalming establishments.
 - (3) Restaurants.
 - (4) Stables, kennels or veterinary hospitals.
 - (5) Tourist homes or the letting of more than two rooming units.
 - (6) Clinics, hospitals or the general practice of medicine or dentistry.
 - (7) Clubs, including fraternities and sororities.
 - (8) Instruction of more than two students at a time except for occasional groups.
 - (9) Day care for more than six nonresident children.
 - (10) Retail or wholesale businesses of any kind involving transactions on the premises.

I. § 200-28 is added to read as follows:

§ 200-28. Outside storage of recreational vehicles.

- A. No recreational vehicle shall be stored outside at any place in the Village on public property, or parked outside on public property for more than 24 hours.
- B. One recreational vehicle, less than nine feet in height and less than 20 feet in length, may be stored on the driveway no closer than 20 feet from the public street; however, no storage is permitted in the rest of the front yard area.
- C. A recreational vehicle may be stored in the side yard, provided that it shall:
 - (1) Be stored parallel to and adjacent to the structure;
 - (2) Not exceed the dimension of the structure plus six feet or a maximum of 35 feet, whichever is less;

- (3) Be provided with either an evergreen screening or a solid fence eight feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of four feet high and be allowed to grow and be maintained a minimum of eight feet high; and
 - (4) Be set back a minimum of four feet from the property line.
- D. A recreational vehicle may be stored in the rear yard, provided that it shall:
- (1) Be stored parallel to and adjacent to the structure;
 - (2) Not exceed the dimension of the structure plus six feet or a maximum of 35 feet, whichever is less;
 - (3) Be provided with either an evergreen screening or a solid fence eight feet high, planted or installed between the vehicle and the property line. Plantings shall be planted a minimum of four feet high and be allowed to grow and be maintained a minimum of eight feet high; and
 - (4) Meet the applicable setbacks.
- E. A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Only one such vehicle may be equal to or greater than nine feet in height or 20 feet in length. Such vehicles must be owned or leased by the property owner or the property tenant, except that on lots of five acres or larger, the option shall exist that both of the two allowed recreational vehicles may be equal to or greater than nine feet in height or 20 feet in length. Additionally, on such lots, one such vehicle may be owned or leased by someone other than the property owner. Recreational vehicles stored on such lots shall be stored in the rear yard area within the applicable setbacks.
- F. A recreational vehicle may be stored unlicensed, in accordance with Subsections B, C, D and E above, for a period of time not to exceed six months.
- G. No camper/RV, camper trailer or boat shall be used for residential purposes, except that visitors with such vehicles may sleep in them for a period not to exceed nine days.
- H. A special permit may be granted by the Board of Appeals in accordance with Article VIII, Board of Appeals; Variances, of this chapter to allow relief from the requirements found in Subsections B, C, D and E above. These permits may be granted for a defined time period, as determined by the Board of Appeals.
- I. The storage of recreational vehicles defined herein or the granting of special permits defined herein shall not preempt existing tract restrictions or restrictive covenants.
- J. Visitor permits may be granted by the Code Enforcement Officer, for a time period not to exceed 16 days each, to allow for relief from the requirements found in Subsection G above to allow for the extended stay of visitors.
- J. § 200-29 is added to read as follows:*

§ 200-29. Outside storage or parking of commercial or construction vehicles.

- A. No commercial or construction vehicle of any length shall be stored outside on any public property within the Village for a period in excess of eight hours, unless used in conjunction with construction on said property.

- B. No commercial vehicle having an overall length in excess of 20 feet, nor any semitractor, semi-tractor-trailer, semitrailer or construction vehicle of any length shall be parked on any public or private property in a Residential District unless temporarily in connection with a bona fide commercial service, sales or delivery to such property.
- C. A commercial vehicle which is not a semitractor, semi-tractor-trailer, semitrailer or construction vehicle having an overall length of 20 feet or less may be parked or stored outside on private property in a Residential District subject to the following regulations:
- (1) Only one such vehicle per family may be parked or stored on any lot containing the dwelling of such family.
 - (2) Such vehicle shall only be parked or stored on the driveway or in the garage.
 - (3) The parking or storage of such vehicle shall be in full compliance with the requirements with this chapter and any other applicable provisions of the Code of the Village of Norwood and shall not preempt the use of space needed for the off-street parking of other vehicles.
 - (4) Such vehicle shall belong to an owner or occupant of the premises upon which it is being parked or stored.
- K. Article VI, §§ 200-30 through 200-47, is amended throughout to apply to commercial campgrounds as well as mobile home parks, by adding "and commerical campgrounds" (or similar wording) at all instances of "mobile home park" (except § 200-42, which already provided for applicability to campgrounds). Additional specific amendments in this article are as follows:
- (1) In § 200-33, the term "home unit" is revised to read "manufactured or mobile home unit."
 - (2) § 200-40K is amended to add the phrase "as determined by local fire codes shall be available" to the end thereof.
 - (3) In § 200-40S, the phrase "Board of Fire Underwriters" is revised to read "Board of Fire Underwriters or other electrical inspection agency."
 - (4) In § 200-47, the term "other statutes or ordinances" is revised to read "other statutes or laws."
- L. In § 200-48A, the phrase "permit therefor has been reviewed by the Code Enforcement Officer" is revised to read "permit therefor has been issued by the Code Enforcement Officer."
- M. § 200-52 is added to read as follows:
- § 200-52. Filing of decisions.**
- Each order, requirement, decision, interpretation or determination of the Code

Enforcement Officer shall be filed in the office of the Village Clerk and shall be a public record.

N. § 200-53B and C are added to read as follows:

B. Terms of office; vacancies; removal of members; Chairperson duties. Board of Appeals members' terms of office, vacancies, removal of members and Chairperson duties shall be as set forth in Village Law § 7-712.

C. Alternate members.

(1) From time to time the Zoning Board of Appeals of the Village of Norwood has experienced difficulty in securing a quorum necessary for the conducting of business due either to conflict of interest, absence, illness or inability of some members to attend meetings. In order to alleviate that problem, the Board of Trustees of the Village of Norwood deems that it is necessary to appoint additional and alternate Board members to function as set forth below.

(2) Authorization to appoint. The Board of Trustees is hereby authorized to appoint two additional and alternate members to the Zoning Board of Appeals. When sitting as a regular member, the additional and alternate members shall have the same qualifications, authority and power as a duly and regularly appointed member of the Board.

(3) Powers. The additional and alternate Board members shall sit as members of the Board, exercising full power as if they were regular members, when regular members on the Board are unable to attend, so as to make up a quorum for the Board to conduct business. When such additional and alternate Board member shall sit as a full member of the Board, the Village Clerk or the Secretary of the Board shall make an entry in the minutes of the Board meeting certifying that a regular member or members of the Board were unable to attend and that the alternate and additional member or members were sitting as a full member of the Board and giving the date, time, place and purpose of such meeting. The additional and alternate members shall receive the same compensation for attendance as regular Board members, whether in an official capacity or not.

O. § 200-60B and C are added to read as follows:

B. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal.

C. Upon the hearing, any party may appear in person, or by agent or attorney.

P. Article XI, Telecommunications Facilities, is added to read as follows:

ARTICLE XI
Telecommunications Facilities

§ 200-81. Purpose and goals.

This article is enacted in order to establish general guidelines for the siting of

telecommunications towers and antennas and to enhance and fulfill the following goals:

- A. Preserve the authority of the Village of Norwood to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- B. Reduce adverse impacts such facilities may create, including but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property and prosperity through protection of property values.
- C. Provide for collocation and minimal impact siting options through an assessment of technology, current locational options, future available locations, innovative siting techniques and siting possibilities beyond the political jurisdiction of the Village.
- D. Permit the construction of new towers only where all other reasonable opportunities have been exhausted and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- E. Require cooperation and collocation, to the highest extent possible, between competitors in order to reduce cumulative negative impacts upon the Village.
- F. Provide constant maintenance and safety inspections for any and all facilities.
- G. Provide for the removal of abandoned facilities that are no longer inspected for safety concerns and Code compliance and provide a mechanism for the Village of Norwood to remove these abandoned towers to protect the citizens from imminent harm and danger.
- H. Provide for the removal or upgrade of facilities that are technologically outdated.

§ 200-82. Definitions.

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

ALTERNATIVE TOWER STRUCTURE — Innovative siting techniques that shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANTENNA — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

FAA — An acronym that shall mean the Federal Aviation Administration.

FCC — An acronym that shall mean the Federal Communications Commission.

HEIGHT — When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

PREEXISTING FACILITIES — Any tower or antenna lawfully constructed or permitted prior to the adoption of this article and any tower or antenna lawfully constructed in accordance with this article.

TELECOMMUNICATIONS FACILITIES — Any structure, antenna, tower or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR) and personal communications service (PCS) and common carrier wireless exchange access services.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

§ 200-83. Siting standards.

- A. **General.** The principal and secondary uses listed in this section are deemed to be uses permitted by special exception, subject to Article IV, Permitted Special Uses, of this chapter. In addition, all such uses must comply with other applicable laws and regulations of the Village of Norwood (including site plan review). Subject to this article, an applicant who successfully obtains permission to site under this article as a second and permitted use may construct telecommunications facilities in addition to the existing permitted use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure, nor shall such facilities be deemed to be an accessory use.
- B. **Height requirements.** These requirements and limitations shall preempt all other height limitations as required by this Zoning Chapter and shall apply only to telecommunications facilities. These height requirements may be waived through the conditional use permit process only if the intent of this article is preserved (e.g., where a two-hundred-foot tower would not increase adverse impacts but provide a greater opportunity for collocation).
- (1) **Commercial Districts.**
- (a) New tower construction: 180 feet.
 - (b) Collocation on preexisting tower: current height plus 30 feet.
 - (c) Collocation on existing structure: current height plus 20 feet.
- (2) **Residential Districts.**
- (a) New tower construction: not applicable.
 - (b) Collocation on preexisting tower: current height.
 - (c) Collocation on existing structure: current height plus 10 feet.

§ 200-84. Applicability.

- A. **Public property.** Antennas or towers located on property owned, leased, or otherwise controlled by the Village may be exempt from the requirements of this article.
- B. **Amateur radios; receive-only antennas.** This article shall not govern any tower or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

- C. Essential services and public utilities. Telecommunications facilities shall not be considered infrastructure, essential services or public utilities, as defined or used elsewhere in the Village's laws and regulations. Siting for telecommunications facilities is a use of land and is addressed by this article.

§ 200-85. Construction performance requirements.

- A. Aesthetics and lighting. The guidelines in this Subsection A shall govern the location of all towers and the installation of all antennas.
- (1) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment. These buildings and facilities shall also be subject to all other site plan review regulation requirements.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - (5) Towers shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind.
- B. Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with § 200-88, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.
- C. Building codes; safety standards. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Village concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with § 200-88, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

- D. Additional requirements for telecommunications facilities. These requirements shall supersede any and all other applicable standards found elsewhere in Village laws or regulations that are less strict.
- (1) Setbacks and separation.
 - (a) Towers must be set back a distance equal to 125% of the height of the tower from any off-site structure.
 - (b) Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements.
 - (c) Towers over 90 feet in height shall not be located within 1/4 mile of any existing tower that is over 90 feet in height.
 - (2) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device.
 - (3) Landscaping.
 - (a) Towers shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound. Natural vegetation is preferred.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived entirely.
 - (c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

§ 200-86. Special use permits.

- A. General. All applications under this article shall apply to the Planning Board as a use permitted by special exception, in accordance with Article IV, Permitted Special Uses, of this chapter. In addition, applications under this article shall also be required to submit the information provided for in this section.
- B. Issuance of permits.
- (1) In approving the special use permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties and preserve the intent of this article.
 - (2) Decisions. Possible decisions rendered by the Planning Board include approval, approval with conditions or denial. All decisions shall be rendered in writing, and a denial shall be in writing and based upon substantial evidence contained in the written record.
 - (3) Factors considered in granting decisions:
 - (a) Height of proposed tower or other structure.
 - (b) Proximity of tower telecommunications facility to residential development or zones.

- (c) Nature of uses on adjacent and nearby properties.
 - (d) Surrounding topography.
 - (e) Surrounding tree coverage and foliage.
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (g) Proposed ingress and egress to the site.
 - (h) Availability of suitable existing towers and other structures as discussed in Subsection C(3).
 - (i) Visual impacts on viewsheds, ridgelines and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
 - (j) Availability of alternative tower structures and alternative siting locations.
- C. Information required. Each applicant requesting a conditional use permit under this article shall submit a scaled plan in accordance with the site plan review regulations and further information including: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses (up to 220 feet away) and any other information deemed necessary by the Planning Board to assess compliance with this article. Furthermore, the applicant shall submit the following prior to any approval by the Board:
- (1) The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
 - (2) The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and NEPA, submission of the EA or EIS to the Board prior to the beginning of the federal thirty-day comment period, and the Village process, shall become part of the application requirements.
 - (3) Each applicant for an antenna and/or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of the Village and those within two miles of the border thereof, including specific information about the location, height and design of each tower, as well as economic and technological feasibility for collocation on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this article or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:
 - (a) Substantial evidence that no existing towers or structures are located

- within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.
- (b) Substantial evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements and why.
 - (c) Substantial evidence that the existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (d) Substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) Substantial evidence that the fees, costs or contractual provisions required by the owner in order to share the existing tower or structure are reasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) Substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.
- (4) The applicant proposing to build a new tower shall submit an agreement with the Village that allows for the maximum allowance of collocation upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available collocation for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Village of Norwood and grounds for a denial.
- (5) (5) The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may have any submitted information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations or any other matter required by the application. Cost for this review shall be borne by the applicant.

§ 200-87. Bonding and security; insurance.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with § 200-88; all security shall be maintained for the life of the tower. Bonding and surety shall be consistent with Village requirements. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

§ 200-88. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Village notifying the owner of such abandonment. A declaration of abandonment shall

only be issued following a public hearing, noticed per Village regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the Village may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 200-89. Enforcement; penalties for offenses.

Enforcement of this article shall be in accordance with Article VII, Administration and Enforcement, of this chapter. Any person in violation of this article of this chapter shall be subject to punishment in accordance with Article X, Violations and Penalties, of this chapter.

- Q. Zoning Schedule A, Schedule of Zoning District Regulations, at the end of Chapter 200, is amended to bring it into compliance with Chapter 200, as revised. Said schedule now reads as follows:

(See attached four pages.)

ZONING

200 Attachment I

Village of Norwood

Zoning Schedule A
Schedule of District Regulations

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

District	Principal Permitted Uses	Uses Permitted By Special Exception	Minimum Area	Minimum Yards From Lot Line to Building Line (feet)			Rear	Minimum Mandatory Off-Street Parking Space	Minimum Mandatory Off-Street Loading Space	Signs Permitted For Each Lot
				Width (feet)	Side One	Side Both				
R1 Residential	One-family dwelling, but specifically excluding mobile homes Outdoor pool	--	8,000' square feet	80	10	25	25	2 per dwelling unit	--	--
				80	10	25	25	2 per dwelling unit	--	
R2 Residential	One- or two-family dwelling, but specifically excluding mobile homes Home occupation	--	8,000' square feet	80	10	25	25	2 per dwelling unit	--	--
				80	10	25	25	2 per dwelling unit	--	
CC Commercial Center	Accessory building or use -- Multiple-family dwelling	Nursery school Private outdoor pool Church or similar places of worship, parish house	8,000' square feet 2 acres 8 d.u./acre'	80	4	25	10	2 per classroom	--	1 professional sign not to exceed 2 square feet of visible surface area in connection with home occupations and identifications, permitted in nonresidential uses
				200	15	35	25	1 per 5 permanent seats	--	1 illuminated, nonflashing, nonanimated on-premises signs of total surface area not to exceed 32 square feet either freestanding or attached to the wall of the building in which identified activity is carried on

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District	Principal Permitted Uses	Uses Permitted By Special Exception	Minimum Area		Minimum Width (feet)	Minimum Yards From Lot Line to Building Line (feet)			Minimum Mandatory Off-Street Parking Space	Minimum Mandatory Off-Street Loading Space	Signs Permitted For Each Lot
			Area	Width (feet)		Front	Side One	Both			
	Retail store, personal service shop, offices, restaurant, hotel, bank	--	Not applicable	150	25	10	25	25	1 per 20,000 square feet or fraction thereof of interior floor space	--	1 temporary sign not to exceed 16 square feet pertaining to sale or lease; or during construction or alteration on the premises; for a period of not over 1 year
	Firehouse, public park, playground and other municipal use, public library, museum, philanthropic and eleemosynary institution and similar uses	--	50 acres	500	--	--	--	--	--	--	
	Golf course, membership club	--	2 acres	200	25	15	35	25	1 per 5 permanent seats	--	
	Church or similar places of worship, parish house	--	8 acres	300	50	25	50	50	2 per classroom for elementary; 2 per 10 students for Jr. or Sr. High, plus 1 per faculty or staff	1 for each building	--
	Public and parochial school, institution for higher education	--	--	--	--	--	--	--	--	--	

CI Commercial and Light Industrial

Public utility structure or use	As listed above	Area	Width (feet)	Front	Side One	Both	Rear	Minimum Mandatory Off-Street Parking Space	Minimum Mandatory Off-Street Loading Space	Signs Permitted For Each Lot
All uses permitted in the CC District as therein restricted, except dwellings or residences of any type		--	--	--	--	--	--	--	--	1 illuminated, nonflashing, nonilluminated on-premises signs of total surface area not to exceed 32 square feet attached either freestanding or attached to the wall of the building in which identified activity is carried on
Lumber, feed, fuel sales or storage		--	--	--	--	--	--	2 per 800 square feet of gross floor area	1 per 10,000 square feet or fraction thereof of interior floor space	--
Heating, plumbing, electrical, woodworking, metal or similar fabrication or welding shop		--	--	--	--	--	--	--	--	--
Concrete products		--	--	--	--	--	--	--	--	--
Machine shop		--	--	--	--	--	--	--	--	--
Light manufacturing or assembly		--	--	--	--	--	--	--	--	--
Wholesale, storage, warehouse or processing facility		1 acre	150	25	25	60	40	--	--	--

ZONING

District	Principal Permitted Uses	Uses Permitted By Special Exception	Minimum Area	Minimum Width (feet)	Minimum Yards From Lot Line to Building Line (feet)				Minimum Mandatory Off-Street Loading Space	Signs Permitted For Each Lot
					Front	Side One	Both	Rear		
		Light manufacturing of a similar and no more objectionable nature and character than the permitted uses for this district	1 acre	150	25	25	60	40	As listed above	--
		Animal hospital, kennel	80,000	200	25	25	60	40	--	--
		Drive-in restaurant or refreshment stand	80,000	200	25	25	60	40	--	--
		Automobile, boat, farm implement, sales or rental	--	200	25	25	60	40	--	--
		Gas station, garage	80,000	150	25	25	60	40	--	--
		Commercial recreation, golf driving ranger	24,000	300	--	--	--	--	--	--

LC Land Conservation

As determined by the Planning Board under the EDZ process

No building construction within 75 feet of the shoreline at normal water level except a one-story service or water-related building as permitted by the Planning Board

EDZ Empire Zone

Any uses deemed appropriate by the Planning Board of the Village and developed in accord with § 200-13

5 acres (except that the Planning Board may lower the minimum lot size to one acre upon a finding that the objectives of EDZ can be obtained)

All regulations will be determined for each planned unit in accordance with Article II

NORWOOD CODE

Notes for Zoning Schedule A, Schedule of District Regulations

NOTES:

- 1. With public water and sewer.
- 2. These minimums are further subject to the specific standards set forth in § 200-15.