

LOCAL LAW FILING

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STATE RECORDS  
JUL 25 2019  
DEPARTMENT OF STATE

Village of Copenhagen

Local Law No. 2 of the year 2019

**ARTICLE 1. INTRODUCTION.**

**A Local Law to to provide regulations for land use activity within the Village of Copenhagen.**  
Be it enacted by the Board of Trustees of the Village of Copenhagen as follows:

**Section 110. Enacting Clause**

Pursuant to the authority conferred by Article 7 of the Village Law and Articles 2 and 3 of Municipal Home Rule Law of the State of New York, the Village Board of the Village of Copenhagen hereby adopts and enacts this local law.

**Section 120. Title**

This law shall be known as the "Village of Copenhagen Site Plan Review Law".

**Section 130. Purpose.**

The purpose of this law is to provide for orderly growth; to lessen congestion on the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to protect historical and recreational attributes; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to promote the health, safety, and general welfare of the public. This law has been made with reasonable consideration, among other things, as to the character of the Village of Copenhagen and its suitability for properly developed uses, and with a view to conserving the Village's character and encouraging the appropriate use of land throughout the Village.

**ARTICLE 2. PERMITS REQUIRED**

**Section 210. Activities Requiring a Land Use Permit and Site Plan Approval**

1. All commercial and industrial uses, manufactured home parks, multiple dwellings, and campgrounds within the Village which have not been substantially constructed by the effective date of this law shall require a site plan review and approval by the Village Board prior to issuance of a land use permit by the enforcement officer.
2. All commercial and industrial uses, manufactured home parks, multiple dwellings, and campgrounds within the Village which have been established prior to the effective date of this law, which are altered to increase their exterior ground coverage by more than 25% shall require a site plan review and approval by the Village Board prior to issuance of a land use permit by the enforcement officer.
- 3.

**Section 220. Activities Specifically Exempted from Site Plan Approval**

The following land use activities are specifically exempted from site plan approval:

1. Minor home businesses, as defined by this law,

2. Interior alterations.

### **ARTICLE 3. VILLAGE BOARD REVIEW PROCESS**

#### **Section 310. Purpose**

It is the intent of this article to promote the health, safety, and general welfare of the Village through project review. A clean, wholesome, attractive environment is declared to be of importance to the health and safety of the inhabitants of the Village, and in addition, such an environment is deemed essential to the maintenance and continued development of the economy of the Village and the general welfare of its inhabitants. It is intended for the Village Board to attach reasonable safeguards and conditions to those uses that might otherwise produce deleterious effects on the environment, the rural and scenic character of the Village or the Village residents' health, safety and welfare.

#### **Section 320. Site Plan Review**

1. Authority: Pursuant to authority delegated in accordance with Section 7-725-a of the Village Law of the State of New York, the Village Board is hereby authorized to review and approve, approve with modification, approve with conditions or disapprove site plans.
2. Applicability: Site plan review uses shall be controlled by the regulations in this article in addition to the regulations that apply for specific uses. No land use permit or certificate of compliance shall be issued for any use or structure requiring site plan review until approval has been granted by the Village Board.

#### **Section 330. Submission Requirements**

1. Pre-Submission Conference: The applicant is encouraged to request and attend a pre-submission conference with the Village Board prior to formal submission of an application. This conference may be used to discuss rough conceptual drawings, proposed uses, the possible waiver of submission requirements, the review procedure and the criteria that the project must meet.
2. Application Contents: An application for project review shall be made on forms prescribed by the Village. Five copies, minimum, of all materials shall be submitted to the board by the applicant. Extra copies as may be deemed necessary by the Village Board may be required. The following information shall be required of all applications, unless specifically waived by the Village Board:
  - a. Name and address of applicant and owner, if different, and of the person responsible for the preparation of such drawing;
  - b. Date, north arrow, written and graphic scale;
  - c. Boundaries of the area plotted to scale, including distances, bearings, and areas;
  - d. A complete outline of existing or proposed deed restrictions or covenants applying to the property;
  - e. Location and ownership of all adjacent lands as shown on the latest tax records;
  - f. A written description of all proposed uses and activities on the site, including the number and distribution by type of all dwelling units;
  - g. Location, name, and existing width and right-of-way of adjacent roads, including traffic circulation patterns;
  - h. Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to public use adjoining the property;
  - i. Location, size, and design of the following: existing, proposed, and alterations to buildings, driveways, parking and loading areas, outdoor storage areas, sidewalks or pedestrian paths, drainage facilities, sewage facilities, water facilities, signs, outdoor lighting, landscaping or screening, buffer areas, snow storage areas; walls and fences, energy distribution facilities, fire lanes and other emergency zones;
  - j. Plans for controlling soil erosion and sedimentation during development;
  - k. Plans for grading and drainage showing existing and proposed contours of five foot intervals;
  - l. Significant or outstanding natural features of the property (e.g. wetlands, streams, high-water lines, cliffs, dense vegetation, etc.);
  - m. Designation of the amount of gross floor area and gross leasable area proposed for each nonresidential use;

- n. Project construction schedule and staging phases, if applicable;
  - o. An Environmental Assessment Form (EAF) or draft Environmental Impact Statement (EIS), pursuant to 6 NYCRR Part 617 (State Environmental Quality Review Act regulations), where required;
  - p. A statement with the name, address and the nature and extent of the interest of any state employee, or any officer or employee of the Village in the application pursuant to General Municipal Law Section 809, when applicable;
  - q. An agricultural data statement pursuant to Town Law Section 283-a, when applicable;
  - r. Other elements integral to the proposed development as considered necessary by the Village Board including identification of any federal, state, or county permits required for the project's execution;
  - s. Application fee as stated in the fee schedule adopted by the Village.
3. **Waiver of Submission Requirements:** The Village Board is empowered to waive, when reasonable, any application requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Such waiver may be exercised in the event requirements are found not to be requisite in the interest of the public health, safety or general welfare and inappropriate to a particular site plan. The reasons for, and the scope of any such waiver granted by the Village Board shall be in writing and entered into the minutes of the board.
  4. **State Environmental Quality Review:** The Village Board shall be responsible for the completion of an environmental assessment form (EAF) for each application, and for compliance with 6 NYCRR Part 617 (State Environmental Quality Review Act regulations) in cooperation with other involved agencies in the review of any application. The Village Board shall complete its environmental review and make an environmental determination prior to acceptance of a complete application.

#### **Section 340. Review Procedure**

1. **Public Hearing:** Once a completed application has been formally accepted by the Village Board at a public meeting of the board, the board shall have a maximum of 62 days to hold a public hearing on the application to entertain public comment, unless the hearing is waived. This time period may be extended upon the mutual consent of the Village Board and the applicant. A waiver of the hearing shall NOT be allowed in any one of the following circumstances:
  - a. the use is a Type I action according to the State Environmental Quality Review Act;
  - b. the use is over 2,000 square feet of floor or ground area;
  - c. the use is over 35 feet in height;
  - d. the use requires an increase or change in public water supply facilities, sewerage facilities, drainage facilities, sidewalks, roads, curbs, gutters, or other public improvements;
  - e. the applicant has requested a public hearing.
2. **Public Hearing Notice:** At least five days advance public notice of the hearing shall be published in a newspaper in general circulation in the Village. A notice of the hearing shall be mailed to the applicant at least ten days before the hearing. Where the location of the site is within 500 feet of an adjacent municipality, notice by mail or electronic transmission must be made to the clerk of the adjacent municipality at least ten days before the hearing.
3. **County Planning Board Review:** Before taking final actions on any application that falls within the description contained in Section 239-m(3)(b) of the General Municipal Law, the Village Board shall refer such matter to the Lewis County Planning Board for its review
4. **County Planning Board Response:** If the county planning board does not respond within 30 days from the time it received a full statement on the referral matter, then the Village Board may act without such report. However, any county planning board report received after such 30 days but two or more days prior to final action by the referring body, shall be subject to the provisions of an extraordinary vote upon recommendation of modification or disapproval. If the county planning board recommends modification or disapproval of a proposed action, the

referring board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

5. **Final Decision:** The final decision by the Village Board must be made within 62 days following the close of the public hearing, or where the public hearing has been waived, within 62 days of the acceptance of a completed application. The decision shall be in writing, specifying any conditions that may be attached to an approval; the reasons that the Village Board approved, approved with modifications or disapproved the proposal; and the motions/vote of the Village Board. This time period may also be extended upon the mutual consent of the Village Board and the applicant.
6. **Conditions on Approval:** In its approval, the Village Board shall have the authority to impose such reasonable conditions and restrictions on the issuance of a land use permit for the application as are directly related to and incidental to a proposed site plan. Upon approval of the project, any such conditions must be met in connection with the issuance of a certificate of compliance by the enforcement officer.
7. **Waiver of Requirements:** The Village Board may, when reasonable, waive any requirements for the approval or approval with modification of site plans. Such waiver may be exercised in the event any such requirements are found not to be requisite in the interests of the public health, safety or general welfare or inappropriate to a particular use.
8. **Filing of Decision:** All decisions shall be filed in the office of the Village Clerk within five business days of final action, and a copy mailed to the applicant. Within 30 days of final action on any matter referred to the county planning board, the Village Board shall file a report of the final action with the county planning board.
9. **Expiration of Site Plan Reviews:** Site plan review decisions shall expire six months from the date of issue unless substantial progress has been made towards carrying out the terms of Village Board decision. The applicant shall have two years to complete the terms of the decision, or all work shall cease at the site.
10. **Modification of an Approved Site Plan:** Modifications to a site plan shall be classified as minor, moderate or major and shall require additional review as provided in this section.
  - a. A minor modification shall be a technical adjustment to a plan already approved by the Village Board which does not:
    - 1) Change the total building footprint or total building area.
    - 2) Encroach on required setbacks.
    - 3) Reduce required buffering.
    - 4) Add impervious surface.
    - 5) Result in moving any structure more than ten feet in any direction.
    - 6) Change the proposed use.

A plan with a minor modification must be submitted to the enforcement officer, who will review the plan for potential impacts. The enforcement officer must approve minor modifications before work commences. The modified plan must be signed by the enforcement officer, dated and filed with the Village Clerk.

- b. A moderate modification shall be a change to an approved plan which results in:
  - 1) An increase in any building footprint dimension of up to 5% or an increase in the area of the proposed building of up to 10%; or
  - 2) An increase in impervious surface; or
  - 3) Moving any structure more than ten feet but less than 20 feet in any direction.A plan with a moderate modification must be reviewed and approved by the Village Board but does not require a public hearing or public notification. The mayor must sign and date the revised plan. The signed, revised plan must be filed with the Village Clerk.

- d. A major modification shall be any change which is not a minor or moderate modification. A plan with a major modification must be resubmitted for full Village Board review and approval.

## ARTICLE 4. SITE PLAN REVIEW STANDARDS

### Section 410. General Review Criteria

1. **Purpose:** Uses subject to site plan review are appropriate in the district in which they are allowed, but require the review of the Village Board to ensure the adequacy and proper arrangement of the proposed improvements to the site.
2. **Village Board Actions, Waivers, Conditions:** The Village Board may approve, approve with modifications or disapprove an application for a site plan based on the criteria of this law. The Village Board is hereby authorized to waive any requirements of this law pertaining to site plan review and approval when such waiver is reasonable and where the requirements of this law are not requisite in the interest of the public health, safety or general welfare or are inappropriate to a particular site plan review. The Village Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed site plan.
3. **Site Plan Review Approval Criteria:** The Village Board shall require that all site plans comply with the following general review criteria:
  - a. the site is designed so as to be consistent with the comprehensive plan for the community;
  - b. parking, queuing and loading areas are adequate for the intended level of use, and arranged so as to minimize negative impacts on adjacent properties and the public street system;
  - c. access to the site is safe and convenient and relates in an appropriate way to both the internal circulation on the site as well as the public street system;
  - d. the internal circulation of the site is arranged so as to provide safe access to parking, queuing and loading areas; provide access for emergency and service vehicles; provide adequate separation of pedestrian and vehicular movements; and minimize impacts on the public street system;
  - e. pedestrian ways are safe and adequate, and are properly integrated with the pedestrian ways of adjacent properties and the neighborhood;
  - f. site lighting is adequate for the intended use of the property, is designed to minimize impact on neighboring properties, and is appropriate for the character of the neighborhood;
  - g. the designs, locations, dimensions and architectural styles of buildings, structures and signs are in keeping with the character of the neighborhood;
  - h. the site is suitably landscaped and appropriately screened from adjacent properties and the public street at all seasons of the year so as to protect the visual character of the area and to minimize negative impacts on adjacent properties and the neighborhood;
  - i. activities which are incompatible with adjacent properties are suitably buffered so as to minimize negative impacts on such adjacent properties;
  - j. changes to existing drainage patterns, or increased drainage due to development activity have no negative impacts on adjacent property, community drainage systems, or streams and wetlands;
  - k. on-site activities are designed and conducted so as to minimize soil erosion and sedimentation;
  - l. water supply and sewage disposal facilities are safe and adequate;
  - m. existing vegetation, natural features and landform are preserved to the extent practical;
  - n. residential sites contain adequate and appropriate open space and recreation areas for the residents of the site;
  - o. the integrity of scenic, historic and archeological sites are preserved where practical.

### **Section 420. Access Standards**

Access shall be provided as follows:

1. Private streets and driveways shall be finished with a surface that will assure that it will be maintained free of dust and debris. Surface materials may include oil and chip, compact gravel, or blacktop.
2. There shall be a minimum distance of 35 feet between proposed and existing driveways on public streets.
3. Driveways shall be combined wherever possible to minimize the number of access points onto public streets.
4. No driveway centerline shall intersect a street less than 70 feet from the intersection of any two streets.
  - a. Driveway grade and width shall be such that adequate and safe access is provided for emergency and service vehicles during all seasons.
  - b. The minimum maintained width of driveways shall 20 feet which allows for incoming and outgoing vehicles to pass one another safely.
  - c. The additional traffic generated, together with existing traffic, shall not exceed the capacity of the highway(s) that serve the development.

### **Section 430. Parking/Loading Standards**

The following off-street loading standards shall be met by the applicant unless otherwise waived or modified by the Village Board:

1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
  - a. Adequate off-street parking must be provided.
  - b. Minimum dimensions of parking spaces shall be eight feet by 18 feet. Car loading spaces shall be at least 15 feet in width and at least 25 feet in length, exclusive of access and turning areas. Truck loading spaces shall be at least 15 feet in width and at least 60 feet in length, exclusive of access and turning areas.
  - c. Curbing may be required along frontage to delineate access points.
  - d. Where possible, parking/loading areas should be located to the sides or rear of the use.
  - e. Any loading dock facing a street front shall be sufficiently far back from the street to enable the largest permitted tractor trailer to maneuver into said loading dock without obstructing traffic.
  - f.

### **Section 440. Buffering, Landscaping and Screening**

1. Along a property line facing a residential property, a 20 foot wide buffer area of evergreen planting shall be provided to effectively buffer and screen the use from noise and view. Existing vegetation shall be used to the greatest extent possible.
  - a. Where appropriate, a wall, fence, or earthen berm of location, height, and design approved by the Village Board, may be substituted for the required planting. Where the existing topography and/or landscaping provides adequate screening, the Village Board may modify the planting and/or buffer area requirements.

### **Section 450. Lighting**

Adequate lighting shall be provided on a site to ensure safe movement of persons and vehicles and for security purposes. All lighting shall be designed and arranged so as to minimize glare and reflection on adjacent properties and streets. The maximum height of free standing lights should be the same as the principal building but not exceeding 25 feet. Where lights will be visible to adjacent residents, the light sources should be appropriately shielded from view. Spotlight-type fixtures attached to buildings should be avoided.

### **Section 460. Drainage**

1. To the extent practicable, all development shall conform to the natural contours of the land, and pre-existing manmade drainageways shall remain undisturbed. Wherever practicable, the drainage system of a development shall be coordinated with the connections to the drainage

1. systems or drainageways on surrounding properties or streets. The natural state of watercourses, swales, or rights-of-way shall be maintained as nearly as possible.
2. All drainage facilities shall be designed for a 100-year storm, minimum. The Village Board may require facilities sized for more intensive storms should development conditions in the vicinity of the site warrant a greater degree of protection.
3. Surface water runoff shall be minimized and detained on-site as long as possible and practicable to facilitate groundwater recharge.
4. All developments shall be constructed and maintained so that adjacent properties are not substantially impacted by surface waters as a result of such developments. No development shall be constructed or maintained so that such development impedes the natural flow of water thereby causing damage to any adjacent properties, or unreasonably collects and channels surface water onto adjacent properties at such locations or at such volume as to cause substantial damage to such lower adjacent properties.

#### **Section 470. Erosion and Sediment Control**

1. An erosion and sediment control plan shall be submitted for any development which disturbs one acre or more of land, or is to be conducted on a site which has a slope anywhere on the site that averages 15 percent or more over a horizontal distance of at least 100 feet. For purposes of this section, "disturbed" land shall mean any use of the land by any use requiring site plan approval which results in a change to the natural cover or topography and that may cause or contribute to sedimentation.
2. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Every effort shall be made by the applicant to minimize velocities of water runoff and retain sedimentation within the development site as near and as soon as possible following disturbances.

### **ARTICLE 5. DEVELOPMENT GUARANTEES**

#### **Section 510. General**

In order that the Village has the assurance that the construction and installation of such improvements as storm sewer, water supply, sewage disposal, landscaping, noise abatement equipment and facilities, street signs, sidewalks, parking, access facilities, and street surfacing will be constructed, the Village Board may require that the applicant enter into one of the following agreements with the Village:

2. Furnish bond executed by a surety company equal to the cost of construction of such improvements as shown on the plans and based on an estimate furnished by the applicant and approved by the Village Board.
3. In lieu of the bond, the applicant may deposit cash, certified check, an irrevocable bank letter of credit, a certificate of deposit, or other forms of financial security acceptable to the Village. Acceptable substitutes, if furnished, shall be kept on deposit with the Village for the duration of the bond period.
4. Construct all improvements required in any existing permit and any additional improvements required by the Village Board prior to issuance of the land use permit.

#### **Section 520. Conditions**

Before a land use permit is approved, the applicant shall have executed a contract with the Village, if required, and a performance bond, certified check, or bank letter of credit shall have been deposited covering the estimated cost of the required improvements that have been designated by the Village Board. The performance bond, certified check, or bank letter shall be to the Village and shall provide that the applicant, his heirs, successors, and assigns, and their agent or servants, will comply with all applicable terms, conditions, provisions, and requirements of this law; will faithfully perform and complete the work of constructing and installing such facilities or improvements in accordance with the land use permit. Any such bond shall require the approval of the Village Board and the Village attorney as to form, sufficiency, manner of execution and surety. Wherever a certified check is made, the same shall be made payable to the Village.

### **Section 530. Extension of Time**

The construction or installation of any improvements or facilities, for which guarantee has been made by the applicant shall be completed within two years from the date of approval of the site plan. The applicant may request an extension of time, provided he can show reasonable cause for inability to perform said improvements within the required time, at the end of which time the Village may use as much of the guarantee to construct the improvements as necessary. The same shall apply whenever construction of improvements is not performed in accordance with applicable standards and specifications.

### **Section 540. Schedule of Improvements**

When any one of the guarantees is issued pursuant to the preceding sections, the Village and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However, 10% of the guarantee shall not be repaid to the applicant until one year following the completion and inspection by the Village of all construction and installation covered by the guarantee.

## **ARTICLE 6. ADMINISTRATION**

### **Section 610. Enforcement Officer**

The Village Board shall utilize the Lewis County Building Codes Department as its enforcement officer to carry out specific administrative functions as designated in this law, and to enforce this law. The Village Board shall enter into an Inter Municipal Agreement upon the adoption of this Local Law. The duties of the enforcement officer shall include the following:

1. Issue land use permits upon approval of the Village Board, and approve or disapprove certificates of compliance;
2. Refer appropriate matters to the Village Board;
3. Revoke land use permits or certificates of compliance where there is false, misleading or insufficient information or where the applicant has varied from the terms of the application;
4. Investigate violations, issue stop work orders, and refer violations to the town justice and the Village Board;
5. Maintain records of active permit applications and active enforcement actions.

### **Section 620. Application Procedure for Land Use Permits**

Applications for land use permits shall be submitted to the enforcement officer and shall include the information required in Section 340 of this law. This information and other relevant application data shall be provided on forms issued by the Village Clerk or enforcement officer. The enforcement officer shall make a preliminary review the application for completeness, and immediately forward the application to the Village Board for site plan review and approval. Upon site plan review and approval by the Village Board, the enforcement officer shall issue a land use permit.

### **Section 630. Permit Fees**

A fee as determined by Village Board resolution shall be paid for each application for a land use permit or site plan review. No land use permit shall be issued until full payment has been received by the Village Clerk.

### **Section 640. Certificate of Compliance**

3. No use requiring a land use permit shall be used, or occupied, until a certificate of compliance has been issued by the enforcement officer stating that the building, structure, or proposed use complies with the conditions of the land use permit and provisions of this law.
6. All certificates of compliance shall be applied for coincidentally with the application for a land use permit. The certificate shall be issued within ten days after the building, structure or

proposed use has been completed in accordance with the conditions of the site plan approval, and state that the use complies with the provisions of this law.

7. The Village Clerk shall maintain a record of all certificates of compliance and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building and/or property affected.

## **ARTICLE 7. ENFORCEMENT**

### **Section 710. Violations**

1. Whenever a violation of this law occurs, any person may initiate a complaint. All complaints shall be in writing and delivered to the Village Clerk or enforcement officer. The enforcement officer shall accurately record the complaint, file it appropriately, and investigate it.
2. If the complaint is found to be valid, the enforcement officer shall then inform the owner of the premises that there is a violation of the law. The owner shall be notified by certified mail with a return receipt requested, or be personally served, as to the manner of the violation. Mail shall be sent to the address of the property owner as stated on the last completed tax roll. The owner will have fourteen days, minimum, to remedy the situation from the date of the mailing, except in the case of imminent peril to life or property.
3. An order to stop use/work may be issued to the owner in the same manner as a notice of violation. Such order shall require that all construction stop immediately.
4. If a violation persists, the enforcement officer may file an "information and complaint" with the town justice charging the owner with violating one or more sections of this law. The town justice shall then issue a summons for the violator to appear in court.
5. Alternatively to section 4 above, pursuant to NYS Criminal Procedure Law Section 150.20 (3), the enforcement officer is hereby authorized to issue an appearance ticket to any person causing a violation of this law, and, if a violation persists, shall cause such person to appear before the town justice.

### **Section 720. Penalties**

1. Pursuant to NYS Municipal Home Rule Law Section 10 and NYS Village Law Section 7-714, any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this law shall, upon conviction, be deemed guilty of a violation and subject to fine. Any violation of this law is an offense punishable by a fine not exceeding \$350 for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$750 nor more than \$1000. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
2. The Village Board may maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this law.

## **ARTICLE 8. MISCELLANEOUS PROVISIONS**

### **Section 810. Previous Laws**

This law shall replace and supersede the Village of Copenhagen Site Plan Review Law, Local Law No. 1 of 1985. This law shall repeal A Local Law to Establish a Moratorium on Land Use Activities, Local Law No. 1 of 2019.

### **Section 820. Amendments**

The Village Board may amend the provisions of this law pursuant to NYS Village Law Section 7-708 and NYS Municipal Home Rule Law Article 3 after public notice, public hearing, compliance with the State Environmental Quality Review Act regulations (6 NYCRR Part 617), and following appropriate referral to the Lewis County Planning Board pursuant to NYS General Municipal Law Section 239-m.

### **Section 830. Interpretation**

Interpretation and application of the provisions of this law shall be held to be minimal requirements, adopted for the promotion of the public health, safety, or the general welfare. Whenever the requirements of this law differ from the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

### **Section 840. Separability**

Should any article, section, subsection, sentence or clause of this law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

### **Section 850. Effective Date**

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

## **ARTICLE 9. DEFINITIONS**

**Access:** An entranceway for vehicles to leave or enter a property or lot from a public street or private street.

**Buffer Area:** An undeveloped part of a lot or an entire lot specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties.

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

**Campgrounds:** Land on which are located three or more cabins, travel trailers, tents, campsites, shelters, or other accommodations suitable for seasonal or temporary living purposes, excluding manufactured homes.

**Commercial Use:** This shall include but not be limited to the following; all wholesale and retail sales and services, and also including sales and service for new and used automobiles, trucks, manufactured homes, boats, recreational vehicles, farm machinery, and other large items; businesses, providers of overnight accommodations; institutional residences, care or confinement facilities; tree nurseries, storage and parking facilities, Laundromats, restaurants, wholesale and retail gasoline outlets, animal hospitals, airports, essential facilities, slaughterhouses, motor vehicle repair/paint shops, personal and professional services, professional offices, warehouses, etc.

**Driveway:** The established or traveled way leading to a particular building from the margin of a public or private street.

**Dwelling:** A building or part thereof used as family living quarters. The terms "dwelling", "one-family dwelling", "two-family dwelling", or "multiple-family dwelling" shall not include a motel, hotel, boarding house, or tourist home.

**Dwelling Unit:** A complete self-contained residential unit, with living, sleeping, cooking and sanitary facilities within the unit, for use by one family.

**Dwelling, Multiple:** A building containing three dwelling units or more.

**Enforcement Officer:** An individual designated by resolution of the Village Board to assume, undertake, and exercise the duties and responsibilities as provided for this office in this law.

**Home Business, Minor:** A nonresidential activity conducted for financial gain within a dwelling unit or in a building or structure accessory to a dwelling unit which is clearly incidental and

secondary to the use of the dwelling unit for residential purposes; and meets one or more of the following criteria:

1. no more than one nonresidents is employed;
2. total floor area devoted to the business does not exceeds 400 square feet;
3. the business is not open to off-street customer or client traffic;
4. no more than two or more customers, clients or delivery people are present on the site at one time;
5. There are no operations outside of buildings;
6. The exterior of the structure as a residence has not been changed;
7. signs that are flush with buildings do not exceed 10 square feet, free-standing signs do not exceed four square feet;
8. any manufacturing and assembly do not exceed 3 horsepower tools;
9. customer parking shall is provided on-site and off the public right-of-way.

Any minor home business activity exceeding the standards and criteria above shall be considered a commercial use subject to site plan approval.

**Industrial Use:** The utilization of a building, or of land to manufacture, process, store, or generate products or goods for commercial use or sale, or to store, treat, or dispose of a by-product of such an activity, including utility facilities, incinerators, and contaminated soils recycling facilities.

**Land Use Permit:** A permit issued under this law allowing the placement, alteration or construction of a use or structure after site plan review and approval by the Village Board.

**Lot:** A parcel of land whose boundaries are established by deed or survey, and entirely owned by the same person or persons.

**Manufactured Home:** A factory-manufactured dwelling unit built on or after June 15, 1976, and conforming to the requirements of the Department of Housing and Urban Development (HUD), Manufactured Home Construction and Safety Standards, 24 CFR Part 3208, 4/1/93, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m<sup>2</sup>) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Federal Department of Housing and Urban Development and complies with the standards established under the national Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreational vehicle. This definition shall not include factory manufactured homes known as "modular homes" as regulated by the NYS Department of Housing and Community Renewal.

**Manufactured Home Park:** Land on which are located, or which is maintained for use by two or more manufactured homes.

**Parking Space:** An area reserved for the parking of a motor vehicle.

**Person:** Any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Screening:** Vegetation, fencing, or earthen materials used to block, in part or whole, visibility toward and/or away from a site. Screening may also be used to lessen noise impacts from a particular site or from adjacent land uses.

**Site Plan:** Maps, drawings, supportive data describing the project proposal or development plan on which are shown the existing or proposed conditions of the lot.

**Street, Private:** A deeded, established or proposed route, other than a public street, which affords vehicular access to multiple lots.

**Street, Public:** An established route for vehicular traffic which, under applicable law, constitutes a municipal, state, or federal highway.

**Street Right-of-Way:** The extreme margins of potential development of a street, as determined by deed, dedication, or other public record. In the absence of a definitive public record, a street's margins shall be deemed to be 25 feet from its centerline.

**Structure:** Anything constructed or built; or building of any kind, which requires location on the ground, or is attached to something having a location on the ground, including but without limitation, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc. excepting outdoor areas, such as paved areas and walkways.

(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. 2 of 2019 of the Village of Copenhagen was duly passed by the Board of Trustees on July 18, 2019, in accordance with the applicable Board of Trustees provisions of law.

~~**2. (Passage by local legislative body and final adoption by Chief Executive Officer 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)(Village)(Copenhagen) 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)(Village)(Copenhagen) 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)(Village)(Copenhagen) of \_\_\_\_\_ was duly passed by \_\_\_\_\_ 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 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 Copenhagen, or the supervisor of a Village when 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.)**

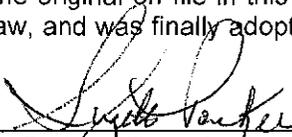
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the 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 county considered as a unit voting as a unit, 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 1 above.

  
\_\_\_\_\_  
Sue Parker Village Clerk, of the  
Village of Copenhagen

(seal)

Date: July 18, 2019

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

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 Joseph W. Russell, Attorney  
Village of Copenhagen

Date: July 18, 2019