

(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 Lyndonville  
~~Town~~  
Village

Local Law No. 1 of the year 19 91

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

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

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

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 Lyndonville shall be known collectively as the "Code of the Village of Lyndonville," 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 Lyndonville" 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 below, 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 Lyndonville, 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 Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.

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

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

- A. All local laws and ordinances of a general and permanent nature of the Village of Lyndonville 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 Lyndonville prior to the effective date of this local law, or any action or proceeding brought for the enforcement of such right or liability.
- B. An offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Lyndonville, 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 Lyndonville.
- D. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Lyndonville.
- E. Any local law or ordinance of the Village of Lyndonville 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 Lyndonville or any portion thereof.
- F. Any local law or ordinance of the Village of Lyndonville 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 Lyndonville 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 or obligation.
- H. The levy or imposition of special assessments or charges.

- I. The dedication of property.
- J. Any legislation relating to salaries.
- K. Any local law or ordinance amending the Zoning Map.
- L. All legislation regulating traffic.
- M. Any legislation adopted subsequent to January 1, 1989.

**§ 1-5. Severability.**

If any clause, sentence, paragraph, section, Article 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 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 Lyndonville 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 to by the Village Clerk of the Village of Lyndonville by impressing thereon the Seal of the Village of Lyndonville, 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 the 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 Lyndonville," 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 Lyndonville 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 may be purchased from the Village Clerk of the Village of Lyndonville upon the payment of a fee to be set by resolution of the Board of Trustees, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

**§ 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 Lyndonville, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Village of Lyndonville 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 two hundred fifty dollars (\$250.) or imprisonment for a term of not more than fifteen (15) days, or both.

**§ 1-11. Changes in previously adopted legislation.**

- A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Lyndonville, 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 (1) 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 following changes, amendments or revisions are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

- (1) Section 5-2B (original Section 2B of L.L. No. 3-1987) is amended to change the words "Constables" to "Sheriff's deputies."
- (2) Section 25-5 (original Section 5 of an ordinance adopted 10-19-1970) is amended to read as follows:

**§ 25-5. Copies to be distributed.**

The Mayor of the Village of Lyndonville, Orleans County, New York, shall cause a copy of this Code of Ethics to be distributed to every officer and employee of said Village of Lyndonville, Orleans County, New York, within thirty (30) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of the provisions thereof.

- (3) Section 72-3 (original Section 3 of L.L. No. 1-1987) is amended to add the definition of "Unsafe Building" as follows:

**UNSAFE BUILDING** — Includes conditions of structures or buildings such as but not limited to the following:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show thirty-three percent (33%) or more of damage or deterioration of the supporting member or members or fifty percent (50%) of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this village.
- E. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

- (4) Original Section 12 of L.L. No. 1-1987, regarding compensation for appointed surveyors, is hereby deleted.
- (5) Section 90-9 (original Section 9 of L.L. No. 3-1988) is amended to read as follows:

**§ 90-9. Penalties for offenses.**

Except as otherwise provided in Article 7 of the Agriculture and Markets Law, any person convicted of a violation of this chapter shall be liable to a civil penalty not exceeding twenty-five dollars (\$25.) for a first violation, not exceeding fifty dollars (\$50.) for a second violation within the preceding one (1) year and not exceeding one hundred dollars (\$100.) for each subsequent violation within the preceding one (1) year.

- (6) Original Section 7 of L.L. No. 2-1985, regarding penalties, is hereby deleted.
- (7) Section 190-1 (original Section 1 of L.L. No. 1-1981) is amended to change the definition of "VACANT LOT" to "VACANT PARCEL."
- (8) Section 190-6G (original Section 4-7 of L.L. No. 1-1981) is amended to change the reference to ASTM specification A74-42 to ASTM Specification A74-82.
- (9) Section 190-7C(12) (original Section 5-3-h of L.L. No. 1-1981) is amended to change the reference to the Clean Air Act to the Clean Water Act.
- (10) Section 190-7J (original Section 5-10 of L.L. No. 1-1981) is amended to read as follows:

J. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in §§ 190-7C and F shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in § 190-7I or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. The owner shall pay the full cost of all required sampling and testing.

- (11) Original Section 6 of L.L. No. 1-1981, regarding protection from damage, is hereby deleted.

(12) Section 190-9A (original Section 8-1 of L.L. No. 1-1981) is amended to read as follows:

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

(13) Section 190-10 (original Section 9 of L.L. No. 1-1981) is amended to read as follows:

**§ 190-10. Effect of other provisions.**

Applicable provisions of the New York State Uniform Fire Prevention and Building Code, with revisions, remain in effect.

(14) Section 190-11A (original Section 11-1 of L.L. No. 1-1981) is amended to read as follows:

- A. Every new industrial sewer service connection to the public sewer will be made by the Superintendent or his agent, extending to the property line in accordance with § 190-6, and shall be subject to a one-time charge of two hundred fifty dollars. (\$250.).

(15) Section 210-5 (original Section 4-F of L.L. No. 3-1980) is amended to read as follows:

**§ 210-5. Penalties for offenses.**

Any person who violates the provisions of this chapter or fails to comply with the requirements hereof shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

(16) Section 215-1 (original Section 2 of L.L. No. 3-1986) is amended to read as follows:

**§ 215-1. Exemptions reduced.**

Pursuant to the authority of Paragraph (d) of Subdivision 2 of § 458-a of the Real Property Tax Law, the amount of the exemption provided by Paragraphs (a), (b) and (c) of such Subdivision 2 is hereby reduced as follows:

- A. Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided, however, that such exemption shall not exceed six thousand dollars (\$6,000.) or the product of six thousand dollars (\$6,000.) multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property; provided, however, that such exemption shall not exceed four thousand dollars (\$4,000.) or the product of four thousand dollars (\$4,000.) multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the class ratio, whichever is less.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veterans' Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty percent (50%) of the veteran's disability rating; provided, however, that such exemption shall not exceed twenty thousand dollars (\$20,000.) or the product of twenty thousand dollars (\$20,000.) multiplied by the latest state equalization rate for the assessing unit or, in the case of a special assessing unit, the latest class ratio, whichever is less.

(17) Section 230-4 is hereby added to read as follows:

**§ 230-4. Connection fees inside village.**

Water connection fees inside the village shall be one hundred seventy dollars (\$170.) on the waterline side and two hundred fifty dollars (\$250.) on the opposite side of the road from the waterline.

(18) Section 230-6A (original Section 5 of L.L. No. 2-1981) is amended to change the reference to § 330 of the Village Law to § 21-2100 of the Village Law.

(19) Section 230-7 (original Section 6 of L.L. No. 2-1981) is amended to read as follows:

**§ 230-7. Shutoff and turn-on charges.**

If the meter at any individual service is shut off at the request of the property owner or for any reason set forth in this Article or in Article II of the Village Law, except for emergency repairs made by the Water Department or for repairs made by the consumer, there shall be a shut-off charge of ten dollars (\$10.) made to the property owner and a charge of ten dollars (\$10.) for turning on the water.



(19.1) Section 230-9 (original Section 8 of L.L. No. 2-1981) is amended to add the following sentence: "All new water services and all existing water services that are to be replaced must have suitable backflow preventers installed at the owner's expense."

(19.2) Section 230-15D (original Section 14, Subdivision 4, of L.L. No. 2-1981) is hereby amended to read as follows:

D. Where a meter is installed outside of the corporate limits of the village, the consumers shall pay an installation charge of one hundred fifty dollars (\$150.), plus the cost of materials, when the consumer's property is located on the side of the road on which the water line is located. When the consumer's property is located on the opposite side of the road from the water line, the consumer shall pay an installation charge of two hundred fifty dollars (\$250.), plus the cost of materials. In each instance, the new water meter so installed shall remain the property of the Village Water Department.

(20) Section 230-18 (original Section 17 of L.L. No. 2-1981) is amended to read as follows:

**§ 230-18. Discontinuance of service.**

Water may be turned off, at the direction of the Board of Water Commissioners, by an authorized representative of the Department of Public Works because of failure of payment by any consumer sixty (60) days after the end of a period, and a charge of ten dollars (\$10.) will be made in addition to the payment of all bills then in arrears before the water will again be turned on.

(21) Section 230-21 (original Section 20 of L.L. No. 2-1981) is amended to read as follows:

**§ 230-21. Rate schedule.**

Water rents or rates shall be as established from time to time by the Board of Trustees. The present rate schedule is as follows:

- A. Inside the village: a minimum fee of twelve dollars and thirty cents (\$12.30) for six thousand (6,000) gallons, plus two dollars and five cents (\$2.05) per one thousand (1,000) gallons thereafter.
- B. Outside the village: rural full-use metered service: A minimum fee of twenty-one dollars and sixty cents (\$21.60) for six thousand (6,000) gallons, plus three dollars and sixty cents (\$3.60) per one thousand (1,000) gallons thereafter.
- C. Seasonal cottages: May 1 to November 1, water recorded at the master meter; billing June 1, September 1 and December 1.
- D. Tank use: eight dollars (\$8.) per one thousand (1,000) gallons upon application to and approval of the Superintendent of Public Works.

(21.1) Section 230-30C (original Section 3.3 of L.L. No. 1-1985) is amended to read as follows:

- C. An acceptable backflow-prevention device shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being serviced, but in all cases before the first branch line leading off the service line. When a meter cannot be reasonably installed inside the building, a new meter pit at the property line shall be installed at the customer's sole expense.

(22) Section 240-2A (original Section 2 of an ordinance adopted 7-11-1958) is amended to read as follows:

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future tense, and the singular includes the plural; the word "lot" includes the words "plot" and "parcel"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; the word "may" is intended to be permissive; and the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

- (23) Section 240-2B (original Section 2 of an ordinance adopted 7-11-1958), definitions of "building" and "story" are amended to read as follows:

BUILDING — A structure having a roof supported by columns or walls, and when separated by a party wall without openings, it shall be deemed a separate "building."

STORY — That portion of a building which is between one (1) floor level and the next higher floor or level.

- (24) Section 240-6F (original Section 16-6 of an ordinance adopted 7-11-1958) is amended to add the words "For new construction" at the beginning of the subsection.
- (25) Original Section 16-13 of an ordinance adopted 7-11-1958, regarding billboards and advertising signs, is hereby deleted.
- (26) Section 240-6L (original Section 16-14 of an ordinance adopted 7-11-1958) is amended to read as follows:

L. The Board of Appeals may, after public hearing, grant variances for structures in any district, subject to such fire protection and other safety requirements as the Board of Appeals shall deem necessary for the purposes of this chapter for the health, safety and general welfare of the people of the village.

- (27) Section 240-6M is hereby added to read as follows:

M. No cellar or basement of a building shall be occupied for residential habitat unless in conformity with Part 711 of the New York State Uniform Fire Prevention and Building Code.

- (28) Section 240-7A (original Section 17-a of an ordinance adopted 7-11-1958) is amended to read as follows:

A. Where undue hardship is imposed by regulations applicable to the size, shape, width, area and topography of lots having, at the time of the enactment of this chapter, an area, width or elevation less than required by this chapter, the Board of Appeals may vary the application of such regulations so as to conform the case as nearly as practical to the intent and purposes of this chapter.

(29) Section 240-8A(1) (original Section 21A-1 of an ordinance adopted 7-11-1958) is amended to read as follows:

(1) One-family dwellings.

(30) Section 240-8A(5) (original Section 21A-5 of an ordinance adopted 7-11-1958) is amended to read as follows:

(5) Customary home occupations.

(31) Section 240-8B(1)(g) is hereby added to read as follows:

(g) Two-family dwellings.

(32) Section 240-8B(2) (original Section 21B-2 of an ordinance adopted 7-11-1958) is amended to read as follows:

(2) The Board of Appeals, after public hearing, may authorize the issuance of a permit or of a certificate for the conversion of a one- or two-family dwelling existing at the time of the enactment of this chapter to a multiple dwelling, provided that the structure as a multiple dwelling shall have a lot area of not less than five thousand (5,000) square feet for each dwelling unit.

(33) Section 240-8D(1) (original Section 21D-1 of an ordinance adopted 7-11-1958) is amended to read as follows:

(1) No one-family dwelling or two-family dwelling shall be established on a lot having a width of less than ninety (90) feet and an area of less than twelve thousand five hundred (12,500) square feet.

(34) Section 240-8G(2) is hereby added to read as follows:

(2) No unlicensed motor vehicles shall be stored on the open areas of residential property.

(35) Section 240-8H is hereby added to read as follows:

H. Foundations. All dwellings in the R Districts shall have a masonry or concrete foundation around the perimeter of the dwelling, minimum depth below grade to be thirty-six (36) inches.

(36) Section 240-9C (original Section 22C of an ordinance adopted 7-11-1958) is amended to read as follows:

C. Minimum lot area and lot width. The minimum lot size shall be fifty by one hundred (50 x 100) feet.

(37) Section 240-10D (original Section 23D of an ordinance adopted 7-11-1958) is amended to read as follows:

D. Building height limitations. Building height shall not exceed forty (40) feet.

(38) Original Sections 34-1 and 2, regarding submission and review of plot plans, is hereby deleted.

(39) Section 240-14A (original Section 34-3 of an ordinance adopted 7-11-1958) is amended to read as follows:

A. A certificate of occupancy shall not be required when a one- or two-family dwelling is located in an R Residential Use District and used exclusively for residential purposes.

(40) Section 240-15B (original Section 35-2 of an ordinance adopted 7-11-1958) is amended to read as follows:

B. A building permit shall not be issued for the construction or placing of a building for dwelling purposes unless said building or structure shall have a ground floor area, measured at the outside of the foundation walls, exclusive of any area for the garaging or storage of motor vehicles, of not less than one thousand one hundred fifty (1,150) square feet for a one-story building and of not less than nine hundred (900) square feet for a building one and one-half (1½) stories or more than one and one-half (1½) stories in height.

(41) Chapter 240, Article VI is hereby added to read as follows:

**ARTICLE VI**  
**Tourist and Trailer Camps**

**§ 240-16. Permit required.**

No person shall maintain or operate any tourist camp or trailer camp in the village without obtaining a written permit therefor from the Village Board.

**§ 240-17. Permit application and issuance.**

Application for permits set forth in § 240-16 of this Article must be made in writing to the Village Board, and no such permit shall be issued for a period of more than thirty (30) days in any one (1) year. The Village Board shall have the right to refuse to grant any such permit at its discretion.

**§ 240-18. Penalties for offenses.**

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be liable to a fine of not more than fifty dollars (\$50.), and each day upon which any such violation shall continue shall constitute a separate offense.

(42) Chapter 240, Article VII is hereby added to read as follows:

**ARTICLE VII  
Signs**

**§ 240-19. Permit and bond required.**

No person, persons or corporation shall erect or maintain any sign or signs extending over any street, sidewalk or public alley in the village without first obtaining a permit from the Village Board therefor; and the Village Board may require as a condition of issuing such permit that the applicant furnish a surety company bond in the penalty of five thousand dollars (\$5,000.) running to the village, conditioned to save the village harmless from any and all claims against the village arising directly or indirectly from the erection and/or maintenance of any such sign or signs.

(43) Chapter 240, Article VIII is hereby added to read as follows:

ARTICLE VIII  
Trees

§ 240-20. Permit required; right of removal.

- A. No person shall cut down or plant any tree on any street, public alley or public ground in the village without first obtaining a permit from the Village Board therefor.
- B. If, in the opinion of the Village Board, any tree or shrub shall be so situated that it may cause interference with traffic or injury or damage to pedestrians or property, the Superintendent of Streets shall have the right to remove or trim such tree or shrub and to enter upon any premises in the village without let or hindrance for that purpose.

§ 240-21. Poplar trees.

It shall be unlawful for any person to plant poplar trees in the village.

(44) Chapter 240, Article IX is hereby added to read as follows:

ARTICLE IX  
Fences and Hedges

§ 240-22. General provisions.

It shall be unlawful for any person or corporation to construct a board and/or wire enclosure around any property in the village, which shall extend more than six (6) feet in height from the ground, or to construct or grow a board, wire fence, shrubbery or hedge within fifteen (15) feet of any street or road intersection which shall extend more than three and one-half (3½) feet in height from the ground; and all shrubbery and hedges must be trimmed so that the same shall not obstruct any sidewalk or interfere with pedestrians using the same.

(45) Original Section 42-1 of an ordinance adopted 7-11-1958 is hereby deleted.

(46) Original Section 42-3 of an ordinance adopted 7-11-1958 is hereby deleted.

(47) Section 240-37A (original Section 46-1 of an ordinance adopted 7-11-1958) is amended to read as follows:

- A. If separated from a municipality which, at the date of annexation, had no Zoning Ordinance, each parcel of land annexed to the Village of Lyndonville shall be considered as being in the Residential Use District. When the uses of land or of structures would, under the provisions of this chapter, be prohibited uses in the Residential Use District, they shall be classified as being legal nonconforming uses.

(48) Section 240-38 (original Section 52 of an ordinance adopted 7-11-1958) is amended to read as follows:

**§ 240-38. Penalties for offenses.**

For penalty provisions, see § 20-2006 of the Village Law.

(49) Section 54-4 (original Section 4 of Article X of the 9-24-1947 Ordinances) is amended to read as follows:

The following fees are established for licenses:

- A. Circuses and carnivals: twenty-five dollars (\$25.) per day.
- B. Theaters: twenty-five dollars (\$25.) per day.
- C. Music boxes: twenty-five dollars (\$25.) per year.
- D. Public dances: twenty-five dollars (\$25.) per day or night.
- E. Bowling alleys: twenty-five dollars (\$25.) for each alley per year.
- F. Billiard rooms and pocket-billiard rooms: twenty-five dollars (\$25.) for each table per year.
- G. Restaurants and eating places: twenty-five dollars (\$25.) per year.

(50) Section 101-6A (original Section 6A of L.L. No. 2-1985) is amended to add the following: "The maximum fee for a building permit shall be in the amount of two hundred fifty dollars (\$250.)."



(51) Chapter 224 is hereby added to read as follows:

Chapter 224

VEHICLES, ALL-TERRAIN, AND OTHER MOTORIZED VEHICLES

§ 224-1. Legislative intent.

It is the intent of this chapter to regulate the use of motorized sportbikes throughout the Village of Lyndonville. The increased use of such bikes, often operated without regard to the noise, dust and dirt created with their use to the annoyance of village residents, prompts the village to enact this chapter for the general peace and harmony of its residents and to protect residents and property owners from such intrusion.

§ 224-2. Definitions.

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

MOTORIZED SPORT BIKE -- Any all-terrain vehicle (ATV) that is motor-propelled or contains a motor to assist the operation of said vehicle, and which vehicles are commonly referred to as "dirt bikes," "mini-bikes" and "mopeds," which, by their nature and design, are not intended to be used and operated along paved roads and highways, but are intended instead to be operated in dirt, sand, up and down hills, along trails and in similar kinds of areas.

PRIVATE PROPERTY -- All land and buildings in the Village of Lyndonville not included in the definition below of "public property" nor part of the public road system.

PUBLIC PROPERTY -- Lands and buildings owned or leased by the Village of Lyndonville or Town of Yates within the village, any school district, the County of Orleans or the State of New York or any equivalent public body. This definition specifically excludes any public roadways owned or maintained by any of the aforementioned public entities.

§ 224-3. Prohibited acts.

It shall be unlawful:

- A. To operate an ATV upon public property at any time without express consent or permit issued by the governmental agency in control of said property.
- B. To operate an ATV on private property, other than that private property owned by the family of the operator, without the written consent of all of the owners of the private property.

- C. To operate an ATV for sport or recreation during the period of 9:00 p.m. to 9:00 a.m.
- D. To operate an ATV that does not comply with the requirements and regulations of the Department of Motor Vehicles of the State of New York. Should the Department of Motor Vehicles require registration or licensing of said vehicles, then it shall be unlawful to operate said vehicle without proper registration and licensing.
- E. To operate an ATV that causes noises that are disturbing and bothersome to adjoining property owners.
- F. To operate an ATV so as to cause it to propel sand, dirt, dust, rocks, gravel or other similar materials into the air so as to be likely to injure persons and/or damage property.
- G. To operate an ATV on public or private property in such a way as to harass, worry or disturb farm animals, domestic livestock or wildlife or further to destroy or damage crops or farm produce.
- H. To operate an ATV without the ATV containing a muffler or other similar device to reduce the sound coming from the engine of the vehicle.
- I. To operate an ATV near any public roadway so that the operation of said ATV would cause operators of automobiles, motorcycles or trucks to have to take evasive or irregular action to move away from said ATV.
- J. To operate an ATV without the ATV being in proper operating condition, which means that all of the original operating equipment specified by the original manufacturer must be present on the bike or replacement equipment equal to the specifications of the original manufacturer's equipment is present and in operating condition at least equal to the manufacturer's requirements for the proper operation thereof.
- K. To operate an ATV on any private street or right-of-way within the Village of Lyndonville without the written permission of the owner of the private street or right-of-way.
- L. To operate an ATV in a careless, reckless or negligent manner which endangers the safety of any person, including the operator himself, or the property of any person.
- M. To operate an ATV while under the influence of liquor or drugs.
- N. For a parent or guardian to authorize or knowingly permit a child or ward, if under sixteen (16) years of age, to operate an ATV in violation of any provision of this chapter or any rules or regulation promulgated thereunder.
- O. For the owner or other person in possession of any ATV to authorize or knowingly permit any person under sixteen (16) years of age to operate such vehicle in violation of any provisions of this chapter.

§ 224-4. General regulations.

- A. The operator of an ATV shall wear a helmet upon his head and goggles or face shields on his face, such as are approved by the Department of Motor Vehicles of the State of New York.
- B. No person operating an ATV or motorcycle shall engage in fancy or trick riding or ride without maintaining full control of the ATV or remove both hands from the handlebar.
- C. No person operating an ATV shall carry any other person on it except in a place designated for such purpose and equipped for such purpose and equipped for such purpose as part of the original manufacture for said purpose.

§ 224-5. Impoundment.

- A. A police officer may impound any ATV if:
  - (1) The identity of the operator or owner of the ATV is unknown to the officer.
  - (2) The operator of the ATV has no evidence of permission to operate the same on private property.
  - (3) The operator is in violation of this chapter.
  - (4) The ATV was involved in an accident causing serious injury or death while operated in violation of this chapter.
- B. The period of impoundment for the ATV shall be for such period of time as is necessary for police purposes, which shall include use of the vehicle for identification in any court action. Any person wishing to have an ATV released from impoundment must make motion before the appropriate court, and said ATV shall only be released upon court order. Upon receipt of said court order, the ATV shall be released by the Orleans County Sheriff's Department upon payment of an impoundment fee of two hundred fifty dollars (\$250.), which sum shall be payable to the Village Clerk, and any storage fees as incurred by the Orleans County Sheriff's Department.
- C. The Orleans County Sheriff's Department, upon the order of the Orleans County Sheriff or his duly authorized subordinate, may, of his own violation, without court order, release such ATV if it deems that it has no further need of the vehicle for purposes of identification, but only after payment of the impoundment fee of two hundred fifty dollars (\$250.) and storage fees as above.

**§ 224-6. Penalties for offenses.**

For any violation of the terms of this chapter, the offender shall be liable for a penalty of not more than one hundred dollars (\$100.) for a first offense and two hundred fifty dollars (\$250.) for a second offense. An offense shall be considered a second, third, fourth, fifth, etc., offense if, during a period within ten (10) years of the conviction for the first offense against this chapter, a person is convicted of another offense of violating this chapter.

**§ 224-7. Applicability.**

This chapter shall not apply to the operation of ATV's on premises owned by the operator in the course of his business or by employees of the owner on the business of the owner nor to the operation of ATV's under circumstances regulated by any agency of the State of New York.

**§ 224-8. Conflict with state law.**

In the event that this chapter or any of the provisions herein shall conflict or vary with existing or prevalent state law involving the operation of ATV's such inconsistencies, conflicts or variations shall be governed or controlled in favor of the state law.

C. Code Enforcement Officer. The following sections are amended to replace the words "Zoning Enforcement Officer" or "Enforcement Officer" with "Code Enforcement Officer":

§ 106-10 (original Section 4.1 of L.L. No. 2-1987)

§ 240-6H (original Section 16-8 of an ordinance adopted 7-11-1958).

§ 240-32A (original Section 41-1 of an ordinance adopted 7-11-1958).

§ 240-32B (original Section 41-2 of an ordinance adopted 7-11-1958).

**§ 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 Lyndonville, 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.

(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. \_\_\_\_\_ of 1991 of the ~~(County)(City)(Town)~~(Village) of Lyndonville was duly passed by the Board of Trustees on January 14 1991, 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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. 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 \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

**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 19\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 19\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body) (Elective Chief Executive Officer\*)

\*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 chairman 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 of 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 1., above.

*Deirdre M. Aaron*

~~Clerk of the County Legislature, City, Town or Village Clerk~~  
~~or other designated by local legislative body~~

(Seal)

Date: January 14, 1991

(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 ORLEANS

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

Village Attorney  
\_\_\_\_\_  
Title

~~County~~  
~~City~~ of Lyndonville, New York  
~~Town~~  
Village

Date: January 14, 1991