

**Code  
of the  
Town of Patterson**

COUNTY OF PUTNAM

STATE OF NEW YORK

GENERAL CODE PUBLISHERS CORP.

72 Hinchey Road

Rochester, New York 14624

Published 1980

Republished 2005

Checked and updated December 9, 2024

## Chapter DL

### DISPOSITION LIST

| <u>Local Law<br/>Number</u> | <u>Adoption<br/>Date</u> | <u>Subject</u>  | <u>Chapter</u>    | <u>Date Incorporated</u> |
|-----------------------------|--------------------------|---|-------------------|--------------------------|
| 1-2005                      | 1/26/2005                | Interim Development Law   |                   |                          |
| 2-2005                      | 4/13/2005                | Unsafe Buildings  | Ch. 67            |                          |
| 3-2005                      | 4/13/2005                | Fees  | Ch. 87            |                          |
| 4-2005                      | 4/13/2005                | Noise   | Ch. 109           |                          |
| 5-2005                      | 4/13/2005                | Sewer Use   | Ch. 130           |                          |
| 6-2006                      | 4/13/2005                | Stormwater, Soil Erosion<br>and Sediment Control                        | Ch. 133           |                          |
| 7-2005                      | 4/13/2005                | Subdivision of Land   | Ch. 138           |                          |
| 8-2005                      | 4/13/2005                | Zoning  | Ch. 154           |                          |
| 9 - 2005                    | 4/13/2005                | Adoption of Code  | Ch. 1, Art.I      |                          |
| 10-2005                     | 6/8/2005                 | Vehicles and traffic amendment  | Ch. 150           | 4/23/06                  |
| 11 - 2005                   | 9/14/2005                | Parks; dogs   | Ch. 115-9(G)      | 4/23/06                  |
| 12 - 2005                   | 11/16/2005               | Zoning amendment  | Ch. 154           | 4/23/06                  |
| 13 - 2005                   | 12/14/2005               | Taxation; exemption for persons<br>with disabilities and limited income | Ch. 142           | 4/23/06                  |
| 14 - 2005                   | 12/28/2005               | Taxation; veterans exemption<br>Amendment                               | Ch. 142           | 4/23/06                  |
| 1-2006                      | 3/22/06                  | Information, Private  | Ch. 36            | 4/25/06                  |
| 2-2006                      |                          | Accessory Setback in GB<br>Zoning District                              |                   |                          |
| 3-2006                      | 6/14/06                  | All Terrain Vehicles  | Ch. 45            | 6/15/06                  |
| 4-2006                      |                          | Zoning Map Amendment  |                   |                          |
| 5-2006                      | 8-9-2006                 | Hobby Kennels   | Ch.154            | 10/26/06                 |
| 6-2006                      | 8-9-2006                 | Alcoholic Beverages, Consumption<br>by Minors on Private Premises       | Ch. 44            | 10/26/06                 |
| 7-2006                      |                          | Abandoned Vehicles  | Ch.147            | 10/26/06                 |
| 8-2006                      |                          | Alternate Board Members   | Ch. 2             | 10/26/06                 |
| 9-2006                      |                          | Burning Permits and<br>Outdoor Burning                                  | Ch.68             | 10/26/06                 |
| 10-2006                     | 11/15/06                 | Zoning  | Ch. 154           | 11/16/06                 |
| 1-2007                      |                          | Zoning - Number of Dogs permitted                                       | Ch.154            | 3/31/07                  |
| 2-2007                      | 2/28/07                  | Parks- Hunting Not Permitted  | Ch.115<br>3/22/07 |                          |
| 3-2007                      | 2/28/07                  | Maximum Tax Exemption<br>Established                                    | Ch 142            | 3/31/07                  |
| 4-2007                      |                          | Vehicles and Traffic -Leibell Pl.                                       | Ch 150            | 3/22/07                  |
| 5-2007                      | 3/14/07                  | Building Construction   | Ch 64             | 3/31/07                  |
| 6-2007                      |                          | Vehicles and Traffic - Town Roads                                       | Ch. 150           |                          |
| 7-2007                      |                          | Vehicles and Traffic - Old Rt.22  | Ch. 150           |                          |
| 8-2007                      | 5/23/07                  | Building Construction   | Ch. 64            | 11/1/07                  |
| 9-2007                      | 9/26/07                  | Rental Registration   | Ch. 129           | 1/30/08                  |
| 10-2007                     | 12/12/07                 | Vehicles and Traffic  | Ch. 150           | 1/30/08                  |
| 1-2008                      | 1/23/08                  | Taxation  | Ch. 142           | 3/11/08                  |
| 2-2008                      | 7/23/08                  | Vehicle and Traffic   | Ch. 150           | 9/9/08                   |
| 1-2009                      | 2/11/09                  | Chronic Public Nuisance Abatement                                       | Ch. 72            | 4/3/09                   |
| 2-2009                      | 2/11/09                  | Vehicles and Traffic (Penalties)  | Ch. 150           | 9/15/09                  |
| 3-2009                      | 2/25/09                  | Fees  | Ch. 87            | 9/14/09                  |

|        |           |  |                      |          |
|--------|-----------|--|----------------------|----------|
| 4-2009 | 2/25/09   | Zoning (Bonds)   | Ch. 154              | 9/15/09  |
| 5-2009 | 2/25/09   | Zoning (Control of Animals)                                | Ch. 154              | 9/14/09  |
| 6-2009 | 7/22/09   | Zoning (Signs)   | Ch. 154              | 9/14/09  |
| 7-2009 | 7/22/09   | Zoning (Permitted Uses)                                    | Ch. 154              | 9/15/09  |
| 1-2010 | 1/27/10   | Zoning (Apartments)  | Ch. 154              | 2/9/10   |
| 2-2010 | 1/27/10   | Taxation   | Ch. 142              | 2/9/10   |
| 3-2010 | 4/14/10   | Livery and Taxicab Services                                | Ch. 154              | 7/16/12  |
| 4-2010 |           | Interim Development Law                                    | Not in Code Book     |          |
| 5-2010 | 10/27/10  | Clubs  | Ch. 154              | 7/16/12  |
| 6-2010 | 10/27/10  | Research & Development                                     | Ch. 154              | 7/16/12  |
| 1-2011 | 11/17/10  | Zoning - TM#35.-5-37                                       | Ch. 154              | 7/16/12  |
| 2-2011 | 12/8/2011 | Licensing, identification<br>and control of dogs amendment | Ch. 76               | 7/14/12  |
| 3-2011 | 4/27/2011 | Recycling  | Ch. 128              | 7/14/12  |
| 4-2011 | 4/27/2011 | On-Site Sanitary Systems                                   | Ch. 113              | 7/14/12  |
| 5-2011 | 6/8/2011  | Zoning - Multi-family Housing                              | Ch. 154              | 7/16/12  |
| 6-2011 | 8/10/2011 | Fees - §87-4   | Ch. 87               | 7/14/12  |
| 7-2011 | 8/10/2011 | Zoning - Gas Stations                                      | Ch. 154              | 7/14/12  |
| 1-2012 | 2/8/2012  | Zoning - TM#35.-5-32 & 33                                  | Ch.154               | 7/16/12  |
| 2-2012 | 6/27/12   | Zoning - Code Violations                                   | Ch. 154              | 8/16/12  |
| 3-2012 | 6/27/12   | Building Const., Code Violations                           | Ch. 64               | 8/16/12  |
| 4-2012 | 6/27/12   | Building Const., Elevators                                 | Ch. 64               | 8/16/12  |
| 5-2012 | 9/12/12   | Taxation (§142-2)  | Ch.142               | 11/16/12 |
| 6-2012 | 9/26/12   | Ethics, Code of  | Ch. 17               | 11/16/12 |
| 7-2012 | 9/26/12   | Parks  | Ch. 115              | 8/27/13  |
| 8-2012 | 9/26/12   | Putnam Lake Park District                                  | Ch. 116              | 8/27/13  |
| 1-2013 |           | Flood Damage Prevention                                    | Ch. 91               | 8/27/13  |
| 2-2013 |           | Tax Exemption for Firefighters                             | Ch. 142, Article VI, | 9/6/13   |
| 3-2013 |           | Vehicles and Traffic, Parking                              | Ch. 150              | 9/6/13   |
| 4-2013 |           | Ethics, Code of  | Ch.17                | 9/6/13   |
| 5-2013 |           | Signs  | Ch.154               | 9/27/13  |
| 6-2013 |           | Political Signs  | Ch. 124              | 8/27/13  |
| 1-2014 | 3/26/14   | Putnam Lake Park District                                  | Ch. 116              | 3/27/14  |
| 2-2014 | 12/3/14   | Bamboo   | Ch. 53               | 4/17/15  |
| 1-2015 | 4/22/15   | Alternate Board Members                                    | Ch. 2                | 7/13/15  |
| 2-2015 | 7/22/15   | Zoning, Restaurants  | Ch. 154              | 7/23/15  |
| 3-2015 | 7/22/15   | Zoning, Commercial Trade Operations                        | Ch. 154              | 7/23/15  |
| 2-2016 |           | Veteran's Exemptions                                       | Ch. 142              | Not Done |
| 3-2016 |           | Appearance Tickets   | Ch. 4                | Not Done |
| 4-2016 |           | Dogs   | Ch.76                | Not Done |
| 5-2016 |           | Burning and Outdoor Fireplaces                             |                      | Not Done |
| 1-2017 | 5/24/17   | Zoning   | Ch. 154              | 8/11/17  |
| 1-2018 | 1/24/18   | Taxation   | Ch. 142              | 6/21/21  |
| 2-2018 | 1/24/18   | Taxation   | Ch. 142              | 6/21/21  |

|        |          |                                   |              |          |
|--------|----------|-----------------------------------|--------------|----------|
| 3-2018 | 2/14/18  | Zoning                            | Ch. 154      | 6/21/21  |
| 4-2018 | 6/13/18  | Vehicles and Traffic              | Ch. 154-12   | 6/21/21  |
| 5-2018 | 9/12/18  | Zoning                            | Ch. 154      | 12/5/20  |
| 6-2018 | 11/28/18 | Vehicles and Traffic              | Ch. 154-11   | 6/21/21  |
| 1-2019 | 4/24/19  | Zoning                            | Ch. 154, map | 6/21/21  |
| 2-2019 | 10/9/19  | Zoning                            | Ch. 154      | 6/21/21  |
| 1-2020 | 2/12/20  | Streets                           | Ch. 135-11   | 6/21/21  |
| 2-2020 | 8/26/20  | Real Property Tax Bills           | Ch. 29       | 6/22/21  |
| 1-2021 | 4/14/21  | Vehicles and Traffic              | Ch. 154-12   | 6/21/21  |
| 2-2021 | 8/11/21  | Zoning                            | Ch. 154      | 9/23/21  |
| 3-2021 | 8/25/21  | Cannabis                          | Ch. 69       | 1/19/22  |
| 1-2022 | 5/11/22  | Zoning                            | Ch. 154      | 12/19/22 |
| 2-2022 | 6/8/22   | Park District: Putnam Lake        | Ch.116       | 12/19/22 |
| 1-2023 | 1/11/23  | Zoning                            | Ch. 154      | 1/18/23  |
| 2-2023 | 12/28/22 | Vehicles & Traffic                | Ch. 150      | 1/18/23  |
| 3-2023 | 1/25/23  | Taxation                          | Ch. 142      | 1/26/23  |
| 4-2023 | 5/10/23  | Taxation, Firefighters Exemption  | Ch. 142      | 4/4/24   |
| 5-2023 | 8/23/23  | Vehicles and Traffic              | Ch. 150      | 11/30/23 |
| 6-2023 | 11/29/23 | Zoning                            | Ch. 154      | 11/30/23 |
| 1-2024 | 2/28/24  | Zoning (Tobacco Shops)            | Ch. 154      | 4/5/24   |
| 2-2024 | 5/22/24  | Zoning                            | Ch. 145      | 12/9/24  |
| 3-2024 | 8/14/24  | Illicit Discharges to Storm Sewer | Ch. 99       | 12/9/24  |
| 4-2024 | 11/20/24 | Vehicles and Traffic (§154-12.A)  | Ch. 150      | 12/9/24  |

## **PREFACE**

The Town of Patterson has, over the years, passed through a process of legislative change common to many American communities. While only a few simple laws were necessary at the time of the incorporation of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed legislation for the proper function and government of the Town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Town Board ordered the following codification of the Town's Legislation.

## **Contents of Code**

The various chapters of the Code contain all currently effective legislation of a general and permanent nature enacted by the Town Board of the Town of Patterson including revisions or amendments to existing legislation deemed necessary by the Town Board in the course of codification.

## **Division of Code**

The Code is divided into parts. Part I, Administrative Legislation, contains all Town legislation of an administrative nature, namely, that dealing with the administration of government, that establishing or regulating municipal boards or departments and that affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other Town legislation of a regulatory nature. Items of legislation in this part generally imposes penalties for violation of their provisions, whereas that in Part I does not.

## **Histories**

At the end of the Scheme (list of titles) in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived, including the enactment number (e.g., ordinance number, local law number, bylaw number, resolution number, etc.), if pertinent, and the date of adoption. In the case of chapters containing parts or articles derived from more than one item of legislation, the source of each part of article is indicated in the text, under its title. Amendments to individual sections or subsections are indicated by histories where appropriate in the text.

## **General References; Editor's Notes**

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters. Editor's Notes are used in the text to provide supplementary information and cross-references to related provisions in other chapters.

## **Appendix**

Certain forms of local legislation do not fall into the categories as established for Parts I and

II of the Code, but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

### **Disposition List**

The Disposition List is a chronological listing of legislation, indicating its inclusion in the publication or the reason for its exclusion. The Disposition List will be updated with each supplement to the Code to include the legislation reviewed with said supplement.

### **Index**

The Index is a guide to information. Since it is likely that this publication will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index will be supplemented and revised from time to time as new legislation is added.

### **Instructions for Amending the Code**

All changes to the Code, whether they are amendments, deletions, or additions, should be adopted as amendments to the Code. In doing so, existing material that is not being substantively altered should not be renumbered.

**Adding new sections.** Where new sections are to be added to a chapter, they can be added at the end of the existing material (continuing the numbering sequence) or inserted between existing sections as decimal numbers (e.g., a new section between §§65-5 and 65-6 should be designated §65-5.1).

**Adding new chapters.** New chapters should be added in the proper alphabetical sequence in the appropriate division or part (e.g. Part I Administrative Legislation, or Part II, General Legislation), utilizing the reserved chapter numbers. New chapter titles should begin with the key word for the alphabetical listing (e.g., new legislation on abandoned vehicles should be titled “Vehicles, Abandoned” under “V: in the Table of Contents, and a new enactment on coin-operated amusement devices should be “Amusement Devices” or “Amusement Device, Coin-Operated” under “A” in the Table of Contents). Where a reserved number is not available, an “A” chapter should be used (e.g., a new chapter to be included between Chapters 166 and 167 should be designated Chapter 166A).

**Adding new articles.** New articles may be inserted between existing articles in a chapter (e.g., adding a new district to the Zoning Regulations) by the use of “A” articles (e.g., a new article to be included between Articles XVI and XVII should be designated Article XVIA). The section numbers would be as indicated above (e.g. if the new Article XVIA contains six sections and existing Article XVI ends with §166-30 and Article XVII begins with §166-31, Article XVIA should contain §§166-30.1 through 166-30.6).

### **Supplementation**

Supplementation of the Code will follow the adoption of new legislation. New legislation or amendments to existing legislation will be included and repeals will be indicated as soon as possible after passage. Supplemental pages should be inserted as soon as they are received and old pages removed, in accordance with the Instruction Page which accompanies each supplement.

# TABLE OF CONTENTS

**Tools for Finding Information** - In addition to the municipality's legislation, this publication contains tools to help locate information; table of contents, index, chapter outlines (schemes), and a disposition list.

**Chapters** - Chapters are generally discrete pieces of legislation, but can also be made up of several individual pieces on a related topic. In that case, the individual pieces are arranged into articles or parts within the chapter. The article or part titles can be found in the chapter scheme or by subject in the index. If you are familiar with a former number or title, look for it chronologically in the disposition list.

**Reserved Chapters** - In the numbering of chapters, space has been provided for the convenient insertion, alphabetically, of later enactments. Help in selecting an appropriate number for a new chapter is available from the editor. See also the "Instruction for Amending the Code" in the Preface.

**Section Numbering** - A chapter-related section-numbering system is employed. Each section of every item of legislation is assigned a number which indicates both the number of the chapter in which the item of legislation is located and the location of the section within that chapter. Thus, the fourth section of Chapter 6 is § 6-4.

**Scheme** - The scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

**Page Numbers** - A unique page-numbering system has been used in which each chapter forms an autonomous unit. The first page of each chapter is the number of that chapter followed by a colon and the numeral "1." Thus, Chapter 6 begins on page 6:1. By the use of this system, it is possible to add or to change pages in any chapter, or add new chapters, without affecting the sequence of subsequent pages.

**TABLE OF CONTENTS**  
**PART I**  
**ADMINISTRATIVE LEGISLATION**

| CHAPTER   | PAGE |
|---|------|
| 1. General Provisions<br>Article I Adoption of Code               |      |
| 2. Alternate Board Members  |      |
| 3. (Reserved)   |      |
| 4. Appearance Tickets   |      |
| 5. (Reserved)   |      |
| 6. (Reserved)   |      |
| 7. Assessments  |      |
| 8. (Reserved)   |      |
| 9. (Reserved)   |      |
| 10. (Reserved)  |      |
| 11. Defense and Indemnification                                   |      |
| 12. (Reserved)  |      |
| 13. (Reserved)  |      |
| 14. Environmental Conservation Commission.                        |      |
| 15. (Reserved).   |      |
| 16. (Reserved)  |      |
| 17. Ethics, Code of.  |      |
| 18. (Reserved).   |      |
| 19. (Reserved)  |      |
| 20. (Reserved)  |      |
| 21. Health Insurance.<br>Article I Payments in Lieu of Coverage.  |      |
| 22. (Reserved)  |      |
| 23. Information, Private<br>Article 1 Notice of Security Breaches |      |
| 24. (Reserved)  |      |



- 25. (Reserved)
- 26. (Reserved)
- 27. (Reserved)                      formerly Notice of Defects      Move to Chapter 110
- 28. (Reserved)
- 29. Real Property Tax Bills
- 30. (Reserved).
- 31. (Reserved)                      Formerly Ordinances, Publication of Deleted \_\_\_\_\_
- 32. (Reserved)
- 33. (Reserved)
- 34. (Reserved)
- 35. Records.
  - Article I    Public Access
  - Article II    Management

**PART II**  
**GENERAL LEGISLATION**

- 41. (Reserved) Formerly Adult Entertainment Deleted on \_\_\_\_\_
- 42. (Reserved)
- 43. Alarms
- 44. Alcoholic Beverages  
Article I Consumption by Minors on Private Premises
- 45. All-Terrain Vehicles
- 46. (Reserved)
- 47. (Reserved) formerly Amusements Move to Chapter 109 - Noise, Article I
- 48. (Reserved)
- 49. (Reserved)
- 50. (Reserved)
- 51. Assemblies, Public
- 52. (Reserved)
- 53. Bamboo
- 54. (Reserved)
- 55. Bingo
- 56. (Reserved)
- 57. (Reserved)
- 58. (Reserved)
- 59. (Reserved)
- 60. (Reserved)
- 61. Boats.
- 62. (Reserved)
- 63. (Reserved)
- 64. Building Construction
- 65. (Reserved)
- 66. (Reserved)

- 67. Buildings, Unsafe
- 68. Burning Permits and Outdoor Fireplaces
- 69. Cannabis  
Article I      Retail Dispensaries and On-Site Consumption Sites
- 70. Christmas Tree Sales
- 71. (Reserved)
- 72. Chronic Public Nuisance Abatement
- 73. (Reserved)
- 74. (Reserved)
- 75. (Reserved)
- 76. Dogs and Other Animals  
Article I      Licensing, Identification and Control of Dogs
- 77. (Reserved)
- 78. (Reserved)
- 79. Dumps and Dumping  
Article I      Sanitary Landfill Regulations  
Article II      Private Dumps
- 80. (Reserved)
- 81. (Reserved)
- 82. (Reserved)
- 83. (Reserved)      Formerly Energy Conservation Deleted on \_\_\_\_\_
- 84. Entertainment Establishments  
Article I      Indecent Exposure
- 85. (Reserved)
- 86. (Reserved)
- 87. Fees.
- 88. (Reserved)
- 89. (Reserved)
- 90. (Reserved)
- 91. Flood Damage Prevention
- 92. (Reserved)

- 93. (Reserved)
- 94. Games of Chance
- 95. (Reserved)
- 96. (Reserved)
- 97. Garbage, Rubbish and Refuse
- 98. (Reserved)
- 99. Illicit Discharges to Storm Sewers
- 100. (Reserved)
- 101. Landmarks and Historic Districts
- 102. (Reserved)
- 103. Littering
- 104. (Reserved)
- 105. (Reserved)
- 106. (Reserved)
- 107. Loitering
- 108. (Reserved)
- 109. Noise
- 110. Notice of Defects                      formerly Chapter 27  
Nuisances - See Ch. 72
- 111. (Reserved)
- 112. Numbering of Streets and Buildings
- 113. On-Site Sewer Systems
- 114. (Reserved)
- 115. Parks
- 116. Park District: Putnam Lake
- 117. (Reserved)      Formerly Peace and Good Order  
Article I, Trespassing Moved to Chapter 145  
Article II, Noise Moved to Chapter 109  
Article III, Disorderly Conduct Deleted on 3-22-95  
Article IV, Bathing and Street Attire Deleted on 3-22-95

- 118. (Reserved)
- 119. (Reserved)
- 120. (Reserved)
- 121. Peddling and Soliciting
- 122. (Reserved)
- 123. (Reserved)
- 124. Reserved (formerly Political Advertising)
- 125. (Reserved)
- 126. (Reserved) Formerly Racetracks Deleted on \_\_\_\_\_
- 127. (Reserved)
- 128. Recycling
- 129. Rental Registration
- 130. Sewer Use
- 131. Sidewalks
- 132. (Reserved)
- 133. Stormwater, Soil Erosion and Sediment Control
- 134. (Reserved)
- 135. Streets
- 136. (Reserved)
- 137. (Reserved)
- 138. Subdivision of Land
  - Part 1 Subdivision Regulations
  - Part 2 Additional Subdivision Requirements
- 139. (Reserved)
- 140. (Reserved)
- 141. (Reserved)
- 142. Taxation
  - Article I Senior Citizens Tax Exemption
  - Article II Exemption on Improvements for Physically Disabled
  - Article III Veterans Exemption
  - Article IV Solar- and Wind-Energy System Exemptions
  - Article V Exemption for Persons With Disabilities and Limited Incomes
  - Article VI Tax Exemption for Qualified Members of Volunteer Fire

Departments and Ambulance Corp.

- 143. (Reserved)
- 144. (Reserved)
- 145. Trespassing Formerly Peace and Good Order, Article I, Trespassing
- 146. (Reserved)
- 147. Vehicles, Abandoned
- 148. (Reserved)
- 149. (Reserved)
- 150. Vehicles and Traffic
- 151. (Reserved)
- 152. (Reserved)
- 153. (Reserved)
- 154. Zoning

**APPENDIX**  
**DISPOSITION LIST**  
**INDEX**

**TOWN CODE  
TOWN OF PATTERSON**

**PART I**

**ADMINISTRATIVE  
LEGISLATION**

## Chapter 1

### **GENERAL PROVISIONS**

#### **ARTICLE I Adoption of Code**

**§ 1-1. Legislative intent.**

**§ 1-2. Continuation of existing provisions.**

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

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

**§ 1-5. Severability.**

**§ 1-6. Copy of Code on file.**

**§ 1-7. Amendments to Code.**

**§ 1-8. Code Book to be kept up-to-date.**

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

**§ 1-10. Penalties for tampering with Code.**

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

**§ 1-12. Incorporation of provisions into Code.**

**§ 1-13. When effective.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No. 9-2005. Amendments noted where applicable.]**



ARTICLE I  
**Adoption of Code**  
**[Adopted 11-12-80 as L.L.No. 4-1980]**

Be it enacted by the Town Board of the Town of Patterson as follows:

**§1-1. Legislative intent.**

In accordance with Subdivision 3 of §20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Town of Patterson, as contained herein and adopted by the Town Board of the Town of Patterson on April 13, 2005, consisting of Chapters 1 through Chapters 154, together with the Schedule of Dimensional Zoning Requirements, the Zoning Map, and the Appendix and any subsequent amendments thereto, shall be known collectively as the "Code of the Town of Patterson," hereafter termed the "Code." Wherever reference is made in any of the local laws, ordinances and resolutions contained in the "Code of the Town of Patterson" to any other local law, ordinance or resolution appearing in said Code, such reference shall be changed to the appropriate chapter title, chapter number, article number or section number appearing in the Code as if such local law, ordinance or resolution had been formally amended to so read.

**§1-2. Continuation of existing provisions.**

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

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

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

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

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of Patterson prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Town of Patterson or any penalty, punishment or forfeitures which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgement

rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Town of Patterson.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of Patterson.

E. Any local law or ordinance of the Town of Patterson providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of Patterson or any portion thereof.

F. Any local law or ordinance of the Town of Patterson appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of Patterson or other instruments or evidence of the town's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any local law or ordinance relating to or establishing a pension plan or pension fund for town employees.

M. Any local law adopted subsequent to April 13, 2005.

#### **§1-5. Severability.**

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

#### **§1-6. Copy of Code on file.**

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

#### **§1-7. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to any of the local laws, ordinances and resolutions known collectively as the "Code of the Town of Patterson" or any new

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

#### **§1-8. Code Book to be kept up-to-date.**

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

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

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

#### **§1-10. Penalties for tampering with Code.**

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

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

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

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

#### **§1-12. Incorporation of provisions into Code.**

The provisions of this local law are hereby made Article I of Chapter 1 of the Code of the Town of Patterson, 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.

## Chapter 2

### **ALTERNATE BOARD MEMBERS**

#### **ARTICLE 1**

#### **Alternate Planning Board Members**

**§2-1. Legislative intent.**

**§2-2. Short title and applicability.**

**§2-3. Definitions.**

**§2-4. Authorization and effect.**

**§2-5. Supersession of Town Law.**

**§2-6. Severability.**

**§2-7. When effective.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-27-2006 by L.L. No. 8-2006; amended in its entirety 4-22-2015 by Local Law No. 1 of 2015. Amendment noted where applicable.]**

#### **GENERAL REFERENCES**

Defense and indemnification - See Ch. 11.

Code of Ethics - See Ch. 17.

Parks - See Ch. ch.115

Park District: Putnam Lake - See Ch. 116

Subdivision of land - See Ch. 138.

Zoning - See Ch. 154.

ARTICLE I  
**Alternate Planning Board Members**  
**[Adopted 9-27-2006 by L.L. No. 8-2006]**

**§2-1. Legislative intent.**

The Town Board of the Town of Patterson recognizes that it is sometimes difficult to maintain a quorum on the Planning Board, Zoning Board of Appeals, Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board because members are ill, are on extended vacation or find that they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or impede adherence to required timeliness. The use of alternate members in the absence of members from one or more of these Boards is hereby authorized pursuant to the provisions of this local law.

**§2-2. Short title; applicability.**

A. Short Title: "Alternate Board Members Act."

B. This chapter shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board, Zoning Board of Appeals, Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board in the Town of Patterson.

**§2-3. Definitions.**

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

ALTERNATE MEMBER - an individual appointed by the Patterson Town Board to serve on the Planning Board, Zoning Board of Appeals, Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board when a regular member is unable to participate on an application or matter before said Board, as provided herein.

MEMBER - an individual appointed by the Patterson Town Board to serve on one of the Boards enumerated in this Chapter pursuant to the provisions of the local law or ordinance which first established such Board.

PLANNING BOARD - the Planning Board of the Town of Patterson as established by the Town Board of the Town of Patterson pursuant to the provisions of § 271 of the Town Law of the State of New York.

PUTNAM LAKE PARK ADVISORY BOARD - the Putnam Lake Park Advisory Board of the Town of Patterson as established by the Town Board of the Town of Patterson pursuant to the provisions of Chapter 116 of the Patterson Town Code.

VETERANS MEMORIAL PARK ADVISORY BOARD - the Putnam Lake Park Advisory Board of the Town of Patterson as established by the Town Board of the Town of Patterson pursuant to the provisions of Chapter 115 of the Patterson Town Code.

ZONING BOARD OF APPEALS - the Planning Board of the Town of Patterson as established by the Town Board of the Town of Patterson pursuant to the provisions of § 267 of the Town Law of the State of New York.

#### **§2-4. Authorization and effect.**

A. The Town Board of the Town of Patterson hereby enacts this chapter to provide a process for appointing alternate members of the Planning Board, the Zoning Board of Appeals, the Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board . Such alternate member would serve when members of the said Board are absent or unable to participate on an application or matter before their respective Board.

B. Alternate members of the Planning Board, the Zoning Board of Appeals, the Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board shall be appointed by resolution of the Patterson Town Board, for a term of one (1) year.

C. The Chairperson of each Board may designate an alternate member to substitute for a member of their Board when such member is unable to participate in an application or matter before their respective Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of that respective Board. Such designation shall be entered into the minutes of the initial meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board, Zoning Board of Appeals, Veterans Memorial Park Advisory Board or the Putnam Lake Park Advisory Board member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

#### **§2-5. Supersession of Town Law.**

This local law is hereby adopted pursuant to the provisions of § 10 of the New York State Municipal Home Rule Law and § 10 of the New York State Statute of Local Governments. It is the intent of the Town Board of the Town of Patterson pursuant to § 10 of the New York State Municipal Home Rule Law to supersede the provisions of § 271 of the New York State Town Law.

#### **§2-6. Severability.**

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local law shall remain in full force and effect.

#### **§2-7. Effective Date.**

This chapter shall take effect immediately upon the filing with the Secretary of State.

## Chapter 4

### APPEARANCE TICKETS

**§ 4-1. Purpose**

**§ 4-2. Definitions**

**§ 4-3. Officials authorized to issue tickets.**

**§ 4-4. Penalties for offenses.**

**§ 4-5. Alternative methods of enforcement**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 11-14-79 as L.L. No. 5-1979. (Readopted 4-13-2005 by L.L. No. 9-2005); amended in its entirety 3-9-2016 by L.L. No. 3-2016. Subsequent amendments noted where applicable.]**

### GENERAL REFERENCES

**Building construction --- See Ch. 64.**

**Unsafe building --- See Ch. 67.**

**Dogs and other animal --- See Ch. 76.**

---

#### **§ 4-1. Purpose**

The purpose of this chapter is to authorize, pursuant to Article 150 of the Criminal Procedure Law and § 10, Subdivisions 4(a), of the Municipal Home Rule Law, certain public servants to issue and serve appearance tickets in connection with violations of New York State Building and fire code, as well as the Code of the Town of Patterson, local laws, ordinances and/or rules and regulations of the Town of Patterson which the employees are authorized or required to enforce.

#### **§ 4-2. Definitions**

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

**APPEARANCE TICKET** – A written notice issued and subscribed by a police officer or other public servant authorized by state or local law enacted pursuant to the provisions of the Municipal Home Rule Law to issue the same directing a designated person to appear in a designated local criminal court at a designated future time in connection with his alleged commission of a designated offense. A notice conforming to such definition constitutes an “appearance ticket,” regardless of whether it is referred to in some other provision of laws as a summons by any other name or title.

**CODES OF COMPLIANCE OFFICER** – The person designated by the Town Board of the Town of Patterson to serve in said capacity.

**DIRECTOR OF CODES ENFORCEMENT** – The Director of Codes Enforcement appointed by the Town Board of the Town of Patterson to serve in said capacity. For the purpose of administration and enforcement of the Town Code of The Town of Patterson, the term “Director of Codes Enforcement” shall be synonymous with “Building Inspector”, “Code Enforcement Officer” and “Code Enforcement Official”.

**FIRE INSPECTOR** – The Fire Inspector appointed by the Town Board of the Town of Patterson. For the purpose of administration and enforcement of the Town Code of the Town of Patterson, the term “Fire Inspector” shall be synonymous with “Fire Code Enforcement Official” and “Building



Safety Inspector” as such terms are used in the Uniform Fire Prevention and Building Code.

INSPECTOR – One or more inspectors as may be appointed by the Town Board of the Town of Patterson pursuant to Town Code Chapter 64, § 64-3C. The inspector(s) shall be under the supervision and direction of the Director of Codes Enforcement.

**§ 4-3. Official authorized to issue tickets.**

A. The following public servants are hereby authorized to issue and serve appearance tickets with respect to violations of New York State Statutes and/or rules and regulations as well as the Town Code, local laws, ordinances and/or rules and regulations of The Town of Patterson:

- (1) Highway Superintendent for the violation of Town Code Chapter 135, entitled “Streets,” and Article VI of Chapter 150 of the Patterson Town Code.
- (2) Dog Control Officer for violation of Town Code Chapter 76, entitled “Dogs and Other Animals,” and the New York State Agriculture and Markets Law.
- (3) Director of Codes Enforcement for a violation of any ordinance or local law of the Town Code of the Town of Patterson, or of the New York State Uniform Fire Prevention and Building Code.
- (4) Fire Inspector for a violation of any ordinance or local law of the Town Code of the Town of Patterson, or of the New York State Uniform Fire Prevention and Building Code.
- (5) Codes Compliance Officer for a violation of the following chapters of the Patterson Town Code:
  - (a) Chapter 45, All-Terrain Vehicles.
  - (b) Chapter 61, Boats.
  - (c) Chapter 72, Chronic Public Nuisance Abatement.
  - (d) Chapter 79, Dumps.
  - (e) Chapter 97, Garbage, Rubbish and Refuse.
  - (f) Chapter 103, Littering.
  - (g) Chapter 109, Noise.
  - (h) Chapter 115, Parks.
  - (i) Chapter 116, Park District: Putnam Lake.
  - (j) Chapter 128, Recycling.
  - (k) Chapter 145, Trespassing.
  - (l) Chapter 147, Vehicles, Abandoned.
  - (m) Chapter 150, Vehicles and Traffic.

- (6) Environmental Conservation Officer for a violation of Patterson Zoning Code §154-18, entitled “Wetlands and Watercourses”.
- (7) Town Planner for a violation of Town Code Chapter 91, entitled “Flood Damage Prevention” and of Chapter 133, “Stormwater, Soil Erosion and Sediment Control.”
- (8) Putnam County Sheriff or New York State Police for a violation of any ordinance or local law of the Town Code of the Town of Patterson.
- (9) Inspector for a violation of Town Code Chapter 64, entitled “Building Construction.”

#### **§ 4-4. Penalties for offenses.**

- A. Except where any chapter of the Patterson Town Code provides otherwise, any person or corporation, whether as owner, lessee, principal agent, employee or otherwise, which violates any of the provisions of the Patterson Town Code, or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than \$700 not more than \$1,000 or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of the Patterson Town Code or any part thereof or any condition or requirement imposed as a result of administration of a section of the Patterson town code shall be deemed misdemeanors. Each week’s continued violation shall constitute a separate additional violation.

#### **§ 4-5. Alternative methods of enforcement.**

The authority to use appearance tickets returnable in the Town Justice court shall not infringe upon the authority of the aforementioned public servants to use any alternative methods of enforcing the statutes, local laws, ordinances, rules or regulations of the State of New York and the Town of Patterson, as may be provided by law.

## Chapter 7

### ASSESSMENTS

#### **§ 7-1. Coordinated assessment program.**

#### **§ 7-2. Municipal cooperative agreement.**

#### **§ 7-3. Amendments to agreement.**

#### **§ 7-4. Termination of CAP.**

#### **§ 7-5. Withdrawal from CAP.**

#### **§ 7-6. Filing.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-27-1971 as L.L. No. 1-1971, approved by electors 6-26-1971; amended in its entirety 8-28-1991 by L.L. No. 6-1991; amended in its entirety 12-22-1998 by L.L. No. 3-1998. (readopted 4-13-2005 by L.L. No. 9-2005) Subsequent amendments noted where applicable.]**

#### **§ 7-1. Coordinated assessment program.**

In accordance with § 579 of the Real Property Tax Law (RPTL), there shall be established by the Town of Kent and the Town of Patterson a coordinated assessment program (CAP), which shall be implemented no later than January 1, 1999

#### **§ 7-2. Municipal cooperative agreement.**

A. In connection with the establishment of such CAP, and in accordance with RPTL § 576 and Article 5-G of the General Municipal Law (GML), the Town of Kent and the Town of Patterson shall enter into a municipal cooperative agreement, which shall be for a term no greater than five years (hereinafter, the CAP agreement).

B. Notwithstanding any other provisions which may be agreed upon, the CAP agreement shall provide that:

(1) Effective no later than 60 days after the date on which the CAP agreement is effective, the same individual shall be appointed to hold the office of Assessor in all of the assessing units participating in the CAP.

(2) Upon the expiration of the term of the Assessor so appointed, or in the event that the Assessor so appointed shall resign or otherwise be unable to remain in office, a single individual shall be appointed to succeed him or her in all the participating assessing units.

(3) Effective with the first assessment roll produced pursuant to the CAP agreement, all real property shall be assessed at the same uniform percentage of value in all of the assessing units participating in the CAP throughout the term of the agreement. Such percentage may be expressly prescribed by the CAP agreement.

(4) The dates applicable to the assessment process in each participating assessment unit, including the taxable status date and the dates for filing of the tentative and final assessment rolls, shall be as provided in Article 3 and 5 of the Real Property Tax Law.

(5) The Towns of Kent and Patterson shall have two separate and distinct Boards of Assessment Review (BAR). [Amended 3-10-1999 by L.L. No. 1-1999]

### **§ 7-3. Amendments.**

The CAP agreement may be amended at any time to add one or more eligible assessing units to the program. Such amended CAP agreement shall be approved in the same manner as the original CAP agreement, provided that any local law approving the amended CAP agreement must be adopted at least one year before the effective date thereof.

### **§ 7-4. Termination of CAP.**

The CAP established hereunder may be terminated by the adoption of local laws providing for the termination of the program by at least fifty percent of the participating assessing units, provided that the local laws providing for termination must be adopted at least one year before they are to be effective.

### **§ 7-5. Withdrawal from CAP.**

An assessing unit may withdraw from the CAP by local law, provided that the local law providing for the withdrawal must be adopted at least one year before it is to be effective.

### **§ 7-6. Filing.<sup>1</sup>**

A Copy of this chapter shall be filed with the Office of Real Property Services.

---

<sup>1</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

## **Chapter 11**

### **DEFENSE AND INDEMNIFICATION**

- § 11-1. Definitions.**
- § 11-2. Defense by Town authorized; attorney; avoidance of default judgment.**
- § 11-3. Conditions.**
- § 11-4. Limitation of applicability.**
- § 11-5. Extension of benefits to certain employees restricted..**
- § 11-6. Extension to members of Industrial Development Agency authorized.**
- § 11-7. Extension to members of Housing Authority authorized.**
- § 11-8. Effect on insurers.**
- § 11-9. Construal of provisions.**
- §11-10. Effect on pending proceedings.**
- §11-11. Indemnification of Town Employees.**
- §11-12. Limitations on indemnification.**
- §11-13. Cooperation of employee.**
- §11-14. Payment of judgements or claims**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 7-9-80 as L.L. No. 2-1980. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Code of Ethics - See Ch. 17**

## **§ 11-1. Definitions.**

As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings indicated:

**EMPLOYEE** - Any person holding a position by election, appointment or employment in the service of the town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative.

**TOWN** - The Town of Patterson, Putnam County, New York.

## **§11-2 Provisions for defense by town.**

A. Upon compliance by the employee with the provisions of § 11-3 of this chapter, the town shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his public employment or duties. Such defense shall not be provided where such civil action or proceeding is brought by or on behalf of the town.

B. Subject to the conditions set forth in Subsection A of this section, the employee shall be entitled to be represented by the Town Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Town Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Town Attorney would be inappropriate, or whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Town Attorney shall notify the employee in writing of such determination that the employee is entitled to be represented by private counsel of his choice. The Town Attorney may require, as a condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of this section, the Town Attorney shall so certify to the Town Board. Reasonable attorney's fees and litigation expenses shall be paid by the Town to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation under the terms and conditions of this section by the need of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Town Accountant. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorney's fees shall be resolved by the court upon motion or by way of a special proceeding.<sup>1</sup>

C. Where the employee delivers process and a request for a defense to the Town Attorney or the Town Supervisor, as required by § 11-3 of this chapter, the Town Attorney or Town Supervisor, as the case may be, shall take the necessary steps, including the retention of an attorney under the terms and conditions provided in Subsection B of this section, on behalf of the employee to avoid entry of a default judgment, pending resolution of any question relating to the obligation of the town to provide for a defense.

---

<sup>1</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

### **§ 11-3. Conditions.**

The duties to defend provided in this chapter shall be contingent upon delivery to the Town Supervisor and if appointed, the Town Attorney or his assistant, at his office by the employee the original or a copy of any summons, complaint, process, notice, demand or pleading within five (5) days after he is served with such document and the full cooperation of the employee in the defense of such action or proceeding and defense of any action or proceeding against the town based upon the same act or omission and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the town provide for his defense pursuant to this chapter, unless the employee shall state in writing that a defense is not requested.

### **§ 11-4. Limitation of applicability.**

The benefits of this chapter will inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party, nor shall any provision of this chapter be construed to affect, alter or repeal any provisions of the Worker's Compensation Law.

### **§ 11-5. Extension of benefits to certain employees restricted.**

The benefits of this chapter shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, Article 14, only if such agreement expressly so provides

### **§ 11-6. Extension to members of Industrial Development Agency authorized.**

The benefits of this chapter shall be extended to members of the Town of Patterson, Putnam County, New York, Industrial Development Agency, whose members are not compensated for their work.

### **§ 11-7. Extension to members of Housing Authority authorized. [Added 3-13-1996 by L.L. No. 2-1996]**

The benefits of this chapter shall be extended to members of the Town of Patterson, Putnam County, New York, Housing Authority, whose members are not compensated for their work.

### **§ 11-8. Effect on insurers.**

The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

### **§ 11-9. Construal of provisions.**

As otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the town or any right to defense provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

## **§ 11-10. Effect on pending proceedings.**

The provisions of this chapter shall apply to all actions and proceedings specified herein which have been commenced, instituted or brought on or after the effective date of this chapter.

## **§ 11-11. Indemnification of Town employees.<sup>2</sup>**

A. The Town shall indemnify and save harmless its employees in the amount of any judgement obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, provided that the act of omission from which such judgement or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless prescribed by this subsection shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.

B. An employee represented by private counsel shall cause to be submitted to the Town Board any proposed settlement which may be subject to indemnification by the Town and if not inconsistent with the provisions of this section the Board shall certify such settlement and submit such settlement and certification to the Town Attorney. The Attorney shall review such proposed settlement as to form and amount and shall give his approval if in his judgement the settlement is in the best interest of the Town. Nothing in this subsection shall be construed to authorize the Town to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Town Attorney.

C. Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall cause to be served a copy of such judgement or settlement personally or by certified or registered mail within 30 days of the date of entry or settlement upon the Board; and if not inconsistent with the provisions of this section such judgement or settlement shall be certified for payment by such Board. If the Attorney concurs in such certification the judgement or settlement shall be paid upon the audit and warrant of the Town Accountant.

## **§ 11-12. Limitations on indemnification.<sup>3</sup>**

Nothing in this chapter shall authorize the Town to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to §51 or the General Municipal Law; provided, however, that the Town shall indemnify and save harmless its employees in the amount of any costs, attorneys fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States.

---

<sup>2</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

<sup>3</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).



### **§ 11-13. Cooperation of employee required.<sup>4</sup>**

The duty to defend or indemnify and save harmless provided by this chapter shall be conditioned upon delivery to the Town Attorney, or his assistant, at his office, by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleadings within five days after he is served with such documents; and the full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Town based upon the same act or omission, and in the prosecution of any appeal. Such delivery shall be deemed a request by the employee that the Town provide defense pursuant to the chapter.

### **§ 11-14. Payment of judgements or claims.<sup>5</sup>**

Upon entry of a final judgement against the employee, or upon the settlement of the claim, the employee shall serve a copy of such judgement or settlement, personally or by certified or registered mail within 30 days of the date of entry or settlement, upon the Town Board; and if not inconsistent with the provision of this Chapter, the amount of such judgement or settlement shall be paid by the Town.

---

<sup>4</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

<sup>5</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

## **Chapter 14**

### **ENVIRONMENTAL CONSERVATION COMMISSION**

**§ 14-1. Legislative intent.**

**§ 14-2. Establishment of Commission.**

**§ 14-3. Membership; vacancies.**

**§ 14-4. Officers; rules of procedure.**

**§ 14-5. Powers and duties.**

**§ 14-6. Reports.**

**§ 14-7. Compensation and reimbursement of expenses budget.**

**§ 14-8. Interpretation.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 6-12-74 as L.L. No. 1-1974, effective 7-1-74. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Dumps and dumping - See Ch. 79**

**Flood damage prevention - See Ch. 91**

**Soil Erosion and sediment control - See Ch. 133**

**Subdivision - See Ch. 138**

**Zoning - See Ch. 154**

#### **§ 14-1. Legislative intent.**

The preservation and improvement of the quality of the natural and man-made environment within the Town of Patterson, in the face of population growth, urbanization and technologic change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of Patterson. It is recognized that the biologic integrity of the natural environment on which man is dependent for survival and the natural and functional beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the town working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a commission for conservation of the environment is a necessary step in fostering unified action on environmental problems.

#### **§ 14-2. Establishment of Commission. [Amended 2-8-89 by L.L No. 3-1989]**

The Town Board of the Town of Patterson hereby creates a commission which shall be known as the "Environmental Conservation Commission of the Town of Patterson," hereinafter called the "Commission."

#### **§ 14-3. Membership; vacancies. [Amended 12-29-77 by L.L. No. 5-1977]**

A. The Commission shall consist of seven (7) members, of which seven (7) shall be appointed by the Town Board and who shall serve at the pleasure of the Town Board for a period of two (2) years or as otherwise provided herein, with such terms to expire on December 31 of such year. Of the members first appointed to the Commission, three (3) shall hold the office for a term of one (1) year and four (4) shall hold the office for a term of two (2) years from and after their appointment. Their successors shall be appointed for a term of two (2) years from and after the expiration of the terms of their predecessors in office. Persons residing within the Town of Patterson who are interested in improvement and preservation of the environmental quality shall be eligible for appointment as members of the Commission; however, no more than two (2) members of the Commission may be between the ages of sixteen (16) years of age and twenty-one (21) years of age. It is the intention of the Town Board to encourage membership and representation on this Commission among the youth of our community.

B. Vacancies on the Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of a term of office shall be filled only for the remainder of the unexpired term of office.

#### **§ 14-4 Officers; rules of procedure.**

The Town Board shall designate a member of the Commission to act as Chairman thereof. At the first meeting of the Commission, its members shall elect from among themselves a Recording Secretary. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities and shall file a semiannual report as provided in § 14-6.

#### **§ 14-5. Powers and duties.**

The powers and duties of the Commission shall be to:

A. Advise the Town Board on matters affecting the preservation, development and use of the natural and man-made features and conditions of the Town of Patterson insofar as beauty, quality, biologic integrity and other environmental factors are concerned and, in the case of man's activities

and developments, with regard to any major threats posed to environmental quality, so as to enhance the long-range value of the environment to the people of the town.

B. Develop and, after receiving general approval by resolution of the Town Board, conduct a program of public information in the community which shall be designed to foster increased understanding of the nature of environmental problems and issues and support for their solutions.

C. Conduct studies, surveys and inventories of the natural and man-made features within the Town of Patterson and such other studies and surveys as may be necessary to carry out the general purposes of this chapter.

D. Maintain an up-to-date inventory or index of all open spaces in public or private ownership within the municipality, including but not limited to natural landmarks, glacial and other geomorphic or physiographic features; streams and their floodplains, swamps, marshlands and other wetlands; unique biotic communities; scenic and other open areas of natural or ecological value; and of the ownership, present use and proposed use of such open areas, so as to provide a base of information for recommendations by the Commission for their preservation and/or use.

E. Seek to coordinate, assist and unify the efforts of private groups, institutions and individuals within the Town of Patterson in accord with the purposes of this chapter.

F. Maintain liaison and communications with public and private agencies and organizations of local, state and national scope whose programs and activities have an impact on the quality of the environment or who can be of assistance to the Commission.

G. Working in cooperation with the Planning Board, recommend from time to time to the Town Board features, plans and programs relating to environmental improvement for inclusion in the Comprehensive Plan of the Town of Patterson and, similarly, recommend to the Town Board appropriate and desirable changes in existing local laws and ordinances relating to environmental control or recommend new local laws and ordinances.<sup>1</sup>

H. Prepare, print and distribute books, maps, charts and pamphlets in accord with the purposes of this chapter.

I. Obtain and maintain in orderly fashion maps, reports, books and other publications to support the necessary researches of the Commission into local environmental conditions.

J. When authorized by resolution of the Town Board of the Town of Patterson, accept by gift, grant, devise, bequest or otherwise property, both real and personal, in the name of the Town of Patterson, as may be necessary to conserve and otherwise properly utilize open spaces and other land and water resources within the boundaries of the Town of Patterson. Such real property may be accepted in fee for land and water rights, or as any lesser interest, development right, easement, including conservation easement, covenant or other contractual right, including conveyance with limitations or reversions.

K. Carry out such other duties as may be assigned from time to time by the Town Board.

#### **§ 14-6. Reports.**

The Commission shall submit a semiannual report to the Town Board not later than the first day of April and October of each year, concerning the activities and work of the Commission, and

---

<sup>1</sup> Edition's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Article I).

from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this chapter.

**§ 14-7. Compensation and reimbursement of expenses; budget. [Amended 12-30-1991 by LL No. 8-1991]**

The Town Board may, by resolution, provide for compensation to be paid to the Chairman and/or other members of the Commission. The members of the Commission shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties within the appropriations made available therefor. The Commission shall submit an annual proposed budget request in the manner prescribed by the Town Board.

**§ 14-8. Interpretation.**

This chapter shall be deemed an exercise of the powers of the Town of Patterson to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

## Chapter 17

### CODE OF ETHICS

- § 17-1. Purpose; Declaration of policy**
- § 17-2. Definitions.**
- § 17-3. Standards of conduct.**
- § 17-4. Eligibility for appointment to boards.**
- § 17-5. Establishment of Board of Ethics.**
- § 17-6. Powers and duties of Board.**
- § 17-7. Penalties for offenses.**
- § 17-8. Distribution of code.**
- § 17-9. Word Usage**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-2012 by L.L No. 6-2012.<sup>1</sup> Amendments noted where applicable.]**

1. Editor's Note: This local law supersede former Ch. 17, Ethics, Code of, Which comprised Art. I Standards of conduct, adopted 12-22-1970 by L.L. No. 1-1970; readopted 4-13-2005 by L.L. No. 9-2005; and Art. II, Board of Ethics, adopted 12-22-1970; readopted 4-13-2005 by L.L. No. 9-2005.

## **§ 17-1. Purpose; Declaration of policy.**

The proper operation of the Town government requires that its officers and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; that public officers and employees observe in their official acts the highest standards of ethics and discharge faithfully the duties of their public office regardless of personal consideration; and that the public have confidence in the integrity of its government and the officers and employees thereof.

It is the policy of the Town of Patterson and the purpose of this chapter to establish standards and guidelines for ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of standards is another step toward providing the highest integrity of public administration for the Town and ensuring that government decisions are made impartially and free of conflict of interests, thereby increasing confidence in public officials. It is also the purpose of this chapter to protect officials and employees from unwarranted assaults on their integrity by separating real conflict from the inconsequential, recognizing that for local government to attract and hold competent administrators, public service must not require a complete divesting of all proprietary interests. In recognition of these goals, there is hereby established a Code of Ethics for all officers and for all employees of the Town of Patterson. In the event of any conflict between the provisions of this code and provisions of Article 18 of the General Municipal Law, the latter shall control.

## **§ 17-2. Definitions.**

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

**BOARD OF ETHICS** - The Board of Ethics as may be created under this chapter.

**CONFIDENTIAL INFORMATION** - Any information, proprietary or otherwise, which by law, rule or regulation, or by agreement, is not available to the public.

**CONFLICT OF INTEREST** - When a Town official or employee uses, or receives an application, petition, request or invitation to act in, his official office or position for the purpose of obtaining a pecuniary and/or other benefit for himself, or any other person to the detriment, or potential detriment, of the interests of the Town.

**CONTRACT** - Any claim, account or demand against or agreement with the Town, express or implied.

**INTEREST** -

A. A participation, connection or involvement of any sort, whether direct or indirect, pecuniary or non-pecuniary, which may result in a benefit, of whatever type or nature. For the purposes of this chapter, the interests of a Town official or employee shall be deemed to include the interests of:

- (1) His spouse, domestic partner or children.
- (2) Any person with whom he has a substantial debtor-creditor or other financial relationship.
- (3) Any person by whom he is employed or of which he is an officer, director, stockholder or member.
- (4) Any person, other than an individual, of which the stock or other legal or beneficial ownership is owned by him; provided, however;

B. For the purpose of this chapter, a Town officer or employee shall also be deemed to have an interest in a matter if he or any person described in Subsection A(1) through (4) above is a party to an agreement, expressed or implied, with any applicant before any board of the Town, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of any such application, petition or request by any Town Body.

**OFFICIAL ACT OR ACTION** - Any legislative, administrative, quasi-judicial, appointive or discretionary act of a Town officer or employee or a Town Body.

**PERSON** - Any individual, firm, sole proprietorship, corporation, partnership, limited liability company, limited liability partnership, association, venture, individual appointed to and acting in a representative or fiduciary capacity, estate, trust or other entity.

**TOWN** - The Town of Patterson.

**TOWN BODY** - The Town of Patterson or any board, commission, district, council or other agency, department or unit thereof.

**TOWN OFFICER OR EMPLOYEE** - Any officer or employee of the Town, whether full- or part-time and whether or not compensated for his services, including members of any Town body. No person shall be deemed to be an officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a Fire Chief or Assistant Fire Chief.

**TRANSACTION** - Any activity, application or proceeding which requires or may require an official act or action of a Town Officer or Employee or a Town Body.

### **§ 17-3. Standards of conduct.**

A. No Town Officer or Employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in conflict with, or might reasonably tend to conflict with, the proper discharge of his duties in the public interest. Any Town Officer or Employee who has a direct or indirect financial or other private interest in any matter before any Town Body shall publicly disclose in writing on the official record of such Town Body the nature and extent of such interest prior to participating in the discussion or before making a recommendation or giving an opinion to such Town Body on such matter.

B. No Town Officer or Employee shall represent private interests before any Town Body, nor represent private interests in any action or proceeding against the interests of the Town or in any litigation to which the Town is a party. The preceding sentence shall not preclude any such Town Officers or Employees from appearing in the performance of public or civic obligations or on their own behalf with respect to matters of a personal nature. All persons appearing parties before any Town Body shall make a disclosure as provided under § 809 of Article 18 of the General Municipal Law. Every application, petition or request submitted to a Town Body for any approval, license, variance or permit pursuant to any provision of the Patterson Town Code or as otherwise authorized by law in which a Town Officer or Employee has an interest as defined in this chapter shall state the name, residence and the nature and extent of the interest of any Town Officer or Employee, in connection with such application, petition or request.

C. No Town Officer or Employee shall, directly or indirectly, solicit, accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the Town or under circumstances in which it could reasonably be inferred that the gift was intended to influence



him or could reasonably be expected to influence him in the performance of his official duties or was intended as a reward for any official action on his part. Nothing contained herein shall be deemed to prohibit any Town Officer or Employee from borrowing money from any bank or banks designated as depositories by the Town Board. The \$75 limit applies to an aggregate total of gifts made over a period of 12 months.

D. No Town Officer or Employee shall:

(1) Accept employment or engage in any business or professional activity which will require him to disclose confidential information gathered in connection with the performance of his duties in his capacity as a Town Officer or Employee.

(2) Disclose any confidential information or use confidential information gathered in connection with the performance of his duties in his capacity as a Town Officer or Employee to further his personal interests or the personal interests of others.

E. No Town officer, employee or appointee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create a conflict between his public duty and his private interest.

F. No Town Officer or Employee shall take official action upon any application, petition, transaction, contract or questions in which he or any member of his immediate family has an interest, and shall recuse himself from any discussion, vote or decision on any such matter. This provision shall not preclude such Town Officer or Employee from participation in any public hearing or discussion on such a matter provided that (i) he removes himself from the dais at which the Town Officers or Employees sit in consideration of such matter; and (ii) states clearly for the record that he is commenting on such matter in his individual capacity only.

G. No Town Officer or Employee, whether paid or unpaid, shall engage in or accept private employment, render services for private interests, or enter into contracts when such employment, service, or contract is in conflict with the proper discharge of his official duties.

H. No Town Officer or Employee shall accept employment by any person with whom or which he, or his department, office or agency is engaged with on behalf of the Town in the transaction of business which is or may be affected by his official action. The provisions herein shall be limited to a period of one (1) year for any Town Officer or Employee after termination of service or employment. No Town Officer or Employee shall, after the termination of service or employment with the Town, appear before any Town Body in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

I. No Town Officer or Employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others, or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

J. No Town Officer or Employee shall, by his conduct, give reasonable basis for the impression that any person can unduly influence him, or improperly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

K. No Town Officer or Employee shall direct or cause any Town Officer or Employee to do or perform any service or work outside of the scope of his official duties or employment, or accept any such service or work, nor shall any Town Officer or Employee offer to or perform any such service or work for any person outside the scope of his official duties or employment.

L. No Town Officer or Employee shall request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit. When such vehicles, equipment, materials or property are provided as Town policy and by order of the Town administration for the use of such Town Officer or Employee, they may be used only in the conduct of official business.

M. No Town Officer or Employee shall directly solicit, accept or receive any contribution to or for any political party or any candidate for public office including himself from any other Town Officer or Employee or from any person which is interested, directly or indirectly, in any manner whatsoever, in business dealings with the Town.

N. The Town Attorney or Town Counsel shall accept no employment from any person, firm, partnership, corporation, municipality or other entity which will create a conflict of interest or the appearance of a conflict of interest with the interests of the Town.

#### **§ 17-4. Eligibility for appointment to boards.**

A. Any person who holds an office or leadership position (defined as Chairman, President, Vice Chairman, Vice President, Treasurer, Comptroller, Secretary or any other title or position of authority whose duties include those commonly recognized as the duties of those official titles or positions) in a political party, as defined in the Election Law of the State of New York, § 1-104, Subdivision 3, specifically excluding official positions and titles of authority in political party structures on the state or national level, shall not be eligible for appointment to the Planning Board, the Zoning Board of Appeals, the Board of Assessment Review, the Environmental Conservation Commission or the Board of Ethics of the Town of Patterson.

B. Any person who holds the chief executive position (defined as chairman, president or any other title or position of authority whose duties include those commonly recognized as the duties of those official titles or positions) in any organization, a purpose of which is to represent the interests of a geographic area that is inclusive of part but not all of the Town of Patterson, shall not be eligible for appointment to the Planning Board, the Zoning Board of Appeals, the Board of Assessment Review, the Environmental Conservation Commission or the Board of Ethics of the Town of Patterson.

#### **§ 17-5. Establishment of Board of Ethics. [Amended on 7/10/13 by Local Law No.4 of 2013]**

A. The Town Board shall establish a Board of Ethics, pursuant to § 808 of Article 18 of the General Municipal Law, to be composed of three (3) members, none of whom may be Town Officers or Employees. The members of the Board of Ethics shall be appointed by the Town Board to serve at the Town Board's pleasure and shall receive no salary or compensation for their services as members of such Board. Should the Town Board not establish a Board of Ethics, the Town Board may exercise and discharge all powers and duties of the Board of Ethics until such time as a Board of Ethics is established under this section, and the term "Board of Ethics" as used herein shall be read as the "Town Board" until such time as a Board of Ethics is duly established and constituted.

B. One alternate member of the Ethics Board shall be appointed by resolution of the Patterson Town Board, for a term of one (1) year. The alternate member shall substitute for a member of the Ethics Board when one of its members is unable to participate in an application or matter before the Board.

(1) The alternate member shall possess all the powers and responsibilities of such member of the Ethics Board. Such designation shall be entered into the minutes of the initial Ethics Board meeting at which the substitution is made.

(2) All provisions of this section, and state law relating to an Ethics Board member's eligibility, vacancy in office, removal, compatibility of office and service on other boards,

as well as any provisions of a local law relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

(3) When appointed by the Town Board, the alternate member may sit as a non-voting member through all proceedings of the Ethics Board.

#### **§ 17-6. Powers and duties of Board.**

A. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the Town Officers and Employees, pursuant to a written request, with respect to Article 18 of the General Municipal Law.

B. The Board of Ethics shall render advisory opinions to Town Officers and Employees with respect to this code pursuant to a written request by a Town Officer or Employee. In no event shall the identity of the Town Officer or Employee requesting such an opinion be disclosed.

C. An advisory opinion regarding this Code of Ethics shall be provided to the person requesting same. Opinions shall be forwarded by the Board of Ethics to the Town Supervisor and Town Councilpersons following the rendering of such opinion.

D. In addition to the other powers and duties granted to the Board of Ethics, the Board shall have the authority to receive from any person a written complaint questioning the compliance of any Town Officer or Employee with the provisions of this article. The Board of Ethics may prescribe a form for such complaint. The Board of Ethics may on its own motion conduct an inquiry of a Town Officer's or Employee's alleged noncompliance with the provisions of the Code of Ethics upon receipt of substantial, reliable evidence, including, but not limited to, documents, written material, or other forms of proof. The Board of Ethics shall also have the power to initiate complaints as a result of information discovered during the course of its duties.

E. The Board of Ethics shall have the authority to take testimony under oath under possible penalties of perjury.

F. The Board of Ethics may promulgate its own rules and regulations as to its forms and procedures and shall maintain appropriate records of its opinions and proceedings in compliance with state statute. All such rules and regulations shall be in compliance with applicable state statutes, shall guarantee due process and shall be reviewed and approved by the Town Counsel. The procedure for receipt and investigation of complaints shall be as follows:

(1) The written complaint must be signed, must include the individual complainant's address, telephone number and electronic mail address, and set forth reasonable detail and documentation, if any, of the facts alleged to constitute the violation(s).

(2) The written complaint shall be filed with the Board of Ethics. Upon receipt of said complaint, the Board of Ethics shall acknowledge receipt to the complainant and forward the complaint simultaneously to the Town Officer or Employee who is the subject of the complaint; the Town Counsel and the Town Clerk. In the event that a Board of Ethics has been created and duly constituted, the complaint shall also be forwarded to the Town Board.

(3) The Board of Ethics shall then conduct a preliminary analysis of the complaint and determine in writing whether there is probable cause for the complaint. In the event that the Board of Ethics finds no probable cause to support the allegations in the complaint, the complaint shall be dismissed by the Board of Ethics sua sponte. The Board of Ethics shall then notify the complainant, the Town Officer or Employee who is the subject of the complaint and the Town Board of the disposition of the complaint.

(4) In the event that the Board of Ethics should find probable cause for the complaint, the Board of Ethics shall forward to the Town Board a copy of its probable cause decision together with any information and documentation acquired by the Board of Ethics regarding the complaint.

(5) The Board of Ethics shall then conduct an investigation and hearing on said complaint.

(6) Upon the request of a majority vote of the total voting membership of the Board of Ethics, the Board of Ethics may issue subpoenas to compel the attendance of necessary witnesses and the production of documents and other materials pertinent to the investigation. The Town Counsel will assist the Board of Ethics in the preparation and issuance of subpoena(s).

(7) The Town Officer or Employee who is the subject of the complaint shall have the right to notice of and to be present at all deliberations of the Board of Ethics and be represented by counsel at any required appearance before the Board of Ethics.

(8) A copy of the transcript of the testimony of the Town Officer or Employee who is the subject of the complaint shall be provided to the Town Officer or Employee at his cost and expense.

(9) The Board of Ethics may require a written, sworn response from the Town Officer or Employee who is the subject of the complaint in lieu of an appearance before the Board of Ethics.

(10) After the complaint has been filed and prior to any investigation undertaken of a complaint before the Board of Ethics, no member of the Board of Ethics or any of the Board's authorized agents may communicate directly or indirectly with any party or other persons about any issue of fact or law regarding the complaint, except that:

(a) The members of the Board of Ethics may obtain legal advice from the Town Counsel or special counsel as the case may be;

(b) The members of the Board of Ethics may conduct private deliberations regarding the complaint; and

(c) If any person attempts to influence a Board of Ethics member regarding the pending complaint, the Board member shall report the substance of the communication to the Board of Ethics at the next regular meeting of the Board of Ethics.

(11) At the conclusion of its investigation and hearing on said complaint, the Board of Ethics shall then furnish the complainant, the Town Officer or Employee who is subject of the complaint and the Town Board with notice of the disposition of the complaint and its recommendation for action made to the Town Board. The Town Board shall determine whether to take, and the nature of, any official action on such recommendation within thirty (30) days of receipt and shall, immediately following the taking of such action, make it, including the recommendation of the Board of Ethics, public.

G. All actions, decisions and recommendations of the Board of Ethics shall be by majority vote of the fully constituted Board of Ethics.

H. The Town Board of Ethics shall have such other powers and duties as shall be provided by or pursuant to Article 18 of the General Municipal Law of the State of New York.

I. Except as otherwise provided herein, to the extent allowed by law, the Town Board of Ethics shall be exempt from the Freedom of Information Law and from the Open Meetings Law.<sup>2</sup>

J. Discussions held in Executive Session shall remain confidential and will not be disclosed.

K. Except to the extent such records must be disclosed under the Freedom of Information Law and except as provided in § 17-6F(11), the complaint, records and other proceedings related thereto shall remain confidential.

L. The members of the Board of Ethics shall have the right to obtain opinions from qualified people other than themselves, provided that the majority of the members of the Board of Ethics agree with such a course of action and the names of the individuals involved in the complaint are withheld.

#### **§ 17-7. Penalties for offenses.**

In addition to any penalty contained in any other provision of law, any violation of the provisions of this Code of Ethics shall constitute cause for suspension or removal from Town office or employment or such other disciplinary action as the Town Board may consider advisable after any hearing required pursuant to law currently in effect.

#### **§ 17-8. Distribution of code.**

The Town Supervisor shall cause a copy of Article 18 of the General Municipal Law and this Code of Ethics to be distributed to every Town Officer and Employee within twenty (20) days after the effective date of this Chapter. Each Town Officer and Employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Every Town Officer or Employee shall sign a written receipt indicating receipt of said documents. Said original receipts shall be filed in the Town Clerk's office and a photocopy shall be filed in the Town Officer's or Employee's personnel folder and with the Board of Ethics.

#### **§ 17-9. Word Usage.**

The masculine number as used herein is for convenience only and shall be read as the feminine or neuter gender whenever the context hereof requires and as necessary in order to give full effect to the terms and provisions hereof.

2. Editor's Note: See Arts.6 and 7 of the Public Officers Law.

## **Chapter 21**

### **HEALTH INSURANCE**

#### **ARTICLE I Payments in Lieu of Coverage**

**§ 21-1. Purpose.**

**§ 21-2. Definitions.**

**§ 21-3. Extension of benefits.**

**§ 21-4. Construal of provisions.**

**§ 21-5. Limitation on applicability.**

**§ 21-6. Extension of benefits to certain employees restricted.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 6-10-1992 as L.L. No. 3-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

**ARTICLE I**  
**Payments in Lieu of Coverage**  
**[Adopted 6-10-1992 as LL. No. 3-1992]**

**§ 21-1. Purpose.**

To provide an alternate or substitute fringe benefit to eligible employees of the town otherwise entitled to receive health insurance coverage from the town, it has been determined to be in the best interest of the town to offer annually to such eligible employees cash payments in lieu of health insurance, subject, however, to law and prevailing contractual obligations of the Town.

**§ 21-2. Definitions.**

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

**EMPLOYEES** - Any person holding a position by election, appointment or employment in the service of the town, but shall not include a volunteer, any person not compensated for his services or an independent contractor. The term "employee" shall include a former retired employee.

**TOWN** - The Town of Patterson, County of Putnam, State of New York.

**21-3. Extension of benefits.**

A. Upon compliance by the employee with the provisions of this Article and subject to all laws, rules, regulations and contractual obligations of the town, the town shall provide to the town's eligible employees, a cash payment in lieu of entitlement from the town of health insurance coverage.

B. The cash payment in lieu of medical insurance shall represent an amount equal to fifty percent (50%) of the total annual gross amount paid by the town of health insurance on behalf of such employee. The Town Board may, by resolution, modify and change the annual cash payment allocation for town employees, but in no event shall the annual cash payment in lieu of medical insurance exceed fifty percent (50%) of the total annual gross amount paid for health insurance coverage. Payment for credit of waived benefits accrued for the calendar year will be made in one (1) payment at the end of the same year.

C. An eligible employee entitled to receive health insurance coverage as a benefit of his or her employment shall deliver to the Personnel Department, each year, an original signed statement of waiver of health insurance benefits from the town, for the current calendar year, on a form to be provided by the town. Such delivery shall be deemed a request by the eligible employee that the town not provide health insurance benefits for such employee for the then-current calendar year and that such eligible employee opts instead to receive, at the end of such calendar year, a cash payment in lieu of medical benefits. A town employee exercising such option shall receive credit for each full calendar month of waived benefits for that calendar year. All credit shall terminate upon the effective date of health insurance benefits if such employee reenters the health insurance program provided by the town.

D. A town employee exercising the option to waive entitlement to health insurance coverage and to receive a cash payment in lieu of medical insurance benefits may cancel such waiver at any time during the calendar year by written notice delivered to the Personnel Department. A town employee canceling and terminating a waiver of health insurance by the town may make written application to reenter the health insurance program provided by the town.

**§ 21-4. Construal of provisions.**

Insofar as the provisions of this Article are inconsistent with the provision of any other law or contractual obligation of the town, the provisions of such other law, act or contractual obligation shall be controlling.

**§ 21-5. Limitation on applicability.**

The benefits of this Article will inure only to employees as defined herein, or as otherwise defined by the Town Board of the town as eligible and entitled to receive health insurance as a benefit of employment and shall not enlarge or diminish the rights of any other party, nor shall any provision of this Article be construed to affect, alter or repeal any provision of the Worker's Compensation Law.

**§ 21-6. Extension of benefits to certain employees restricted.**

The benefits of this Article shall be extended to an employee of a negotiating unit for which an agreement has been negotiated pursuant to Civil Service Law, only if such agreement expressly so provides.



**Chapter 23**  
**INFORMATION, PRIVATE**  
**Article I**  
**Notice of Security Breaches**

**§ 23-1. Legislative intent.**

**§ 23-2. Definitions.**

**§ 23-3. Disclosure.**

**§ 23-4. Notification.**

**§ 23-5. Delay of notification for law enforcement purposes.**

**§ 23-6. Methods of notification.**

**§ 23-7. Content of notification.**

**§ 23-8. Other required notifications.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-22-2006 by L.L. No. 1-2006]**

Article I  
**Notice of Security Breaches**  
**[Adopted 3-22-2006 by L.L. No. 1-2006]**

**§ 23-1. Legislative intent.**

It is the intent of the Legislature of the Town of Patterson to enact this Chapter 23 of the Patterson Town Code in accordance with § 208, Subdivision 8, of the New York State Technology Law, to establish the procedures to follow in order to protect the residents of the Town of Patterson in the case in which a person without valid authorization has acquired private information from the records of the Town of Patterson.

**§ 23-2. Definitions.**

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

**BREACH OF SECURITY OF THE SYSTEM** - Unauthorized acquisition or acquisition without valid authorization of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by a municipal entity. Good faith acquisition of personal information by an employee or agent of a municipal entity for the purposes of the agency is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, such municipal entity may consider the following factors, among others:

- A. Indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or
- B. Indications that the information has been downloaded or copied; or
- C. Indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.

**CONSUMER REPORTING AGENCY** - Any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. A list of consumer reporting agencies shall be compiled by the Town of Patterson and furnished upon request to municipal entities required to make a notification under §23-3 of this Chapter.

**MUNICIPAL ENTITY** - Any municipal board, bureau, division, committee, commission, council, department, public authority, public benefit corporation, office or other governmental entity performing a governmental or proprietary function for the Town of Patterson, except the judiciary.

**PRIVATE INFORMATION** --

A. Personal information in combination with any one or more of the following data elements, when either the personal information or the data element is not encrypted or encrypted with an encryption key that has also been acquired:

- (1) social security number;
- (2) driver's license number or non-driver identification card number; or
- (3) account number, credit or debit card number, in combination with any required

security code, access code, or password which would permit access to an individual's financial account.

B. "Private information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

### **§ 23-3. Disclosure.**

Any municipal entity of the Town of Patterson that owns or licenses computerized data that includes private information shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the system to any resident of the Town of Patterson whose private information was, or is reasonably believed to have been, acquired by a person without valid authorization. The disclosure shall be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subdivision 23-5 of this Chapter, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. The municipal entity shall immediately take appropriate measures to determine the scope of the breach and restoration measures.

### **§ 23-4. Notification.**

Any municipal entity that maintains computerized data that includes private information which such agency does not own shall notify the owner or licensee of the information of any breach of the security of the system immediately following discovery, if the private information was, or is reasonably believed to have been, acquired by a person without valid authorization.

### **§ 23-5. Delay of notification for law enforcement purposes.**

The notification required by this section may be delayed if a law enforcement agency determines that such notification impedes a criminal investigation. The notification required by this section shall be made after such law enforcement agency determines that such notification does not compromise such investigation.

### **§ 23-6. Methods of notification.**

The notice required by this section shall be directly provided to the affected persons by one of the following methods:

A. Written notice;

B. Electronic notice, provided that the person to whom notice is required has expressly consented to receiving said notice in electronic form and a log of each such notification is kept by the municipal entity who notifies affected persons in such form; provided further, however, that in no case shall any person or business require a person to consent to accepting said notice in said form as a condition of establishing any business relationship or engaging in any transaction;

C. Telephone notification provided that a log of each such notification is kept by the municipal entity who notifies affected persons; or

D. Substitute notice, if a municipal entity demonstrates to the state attorney general that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or such agency does not have

sufficient contact information. Substitute notice shall consist of all of the following:

- (1) e-mail notice when such municipal entity has an e-mail address for the subject persons;
- (2) conspicuous posting of the notice on such municipal entity's web site page, if such agency maintains one; and
- (3) notification to major countywide media.

**§ 23-7. Content of notification.**

Regardless of the method by which notice is provided, such notice shall include contact information for the municipal entity making the notification and a description of the categories of information that were, or are reasonably believed to have been, acquired by a person without valid authorization, including specification of which of the elements of personal information and private information were, or are reasonably believed to have been, so acquired.

**§ 23-8. Other required notifications.**

A. In the event that any Town of Patterson residents are to be notified, the municipal entity shall notify the state attorney general, the consumer protection board, and the state office of cyber security and critical infrastructure coordination as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected Town of Patterson residents.

B. In the event that more than five thousand Town of Patterson residents are to be notified at one time, the municipal entity shall also notify consumer reporting agencies as to the timing, content and distribution of the notices and approximate number of affected persons. Such notice shall be made without delaying notice to affected Town of Patterson residents.

## Chapter 29

### **REAL PROPERTY TAX BILLS**

#### **§ 29-1. Insertion of noncommercial, informational material permitted.**

[HISTORY: Adopted by the Town Board of the Town of Patterson 8-26-2020 by L.L. No. 2-2020. Amendments noted where applicable.]

#### **§ 29-1 Insertion of noncommercial, informational material permitted.**

Notwithstanding the provisions of any other federal, state or local law to the contrary, it shall be permissible to insert noncommercial, informational materials in envelopes used to mail real property tax bills to owners of real property situate within the Town of Patterson.

## Chapter 35

### **RECORDS**

#### **ARTICLE I Public Access**

- § 35-1. Rules and regulations authorized.**
- § 35-2. Records available for inspection.**
- § 35-3. Location of records.**
- § 35-4. Personnel in charge of records.**
- § 35-5. Designation of fiscal officer.**
- § 35-6. Procedure for procuring documents.**
- § 35-7. Denial of access to records; appeals.**
- § 35-8. Fees for copies.**
- § 35-9. Authority to amend regulations.**

#### **ARTICLE II Management**

- § 35-10. Establishment of program; responsibility of government employees.**
- § 35-11. Objectives.**
- § 35-12. Officer.**
- § 35-13. Powers and duties of RMO.**
- § 35-14. Records Advisory Board.**
- § 35-15. Custody.**
- § 35-16. Recovery; actions of replevin.**
- § 35-17. Disposal of records.**
- § 35-18. Definitions.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 9-8-1976 as L.L. No. 3-1976; Art. II, 8-12-1992 as L.L. No. 5-1992. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### **ARTICLE I**

**Public Access**  
**[Adopted 9-8-1976 as LL No. 3-1976]**

**§ 35-1. Rules and regulations authorized.**

The Town Board of the Town of Patterson shall be authorized from time to time to promulgate and publish such rules and regulations as it deems necessary to facilitate compliance with Article 6 of the Public Officers Law, which said Article is commonly known as the "Freedom of Information Law."

**§ 35-2. Records available for inspection.**

A. The Town Board of the Town of Patterson hereby designates, pursuant to the above-mentioned rules and regulations, that the following records shall be available for public inspection and copy, which records shall include the following information, and any additional records which the Town Board may designate from time to time:

- (1) Constable records, such as daily reports, arrests, accidents, complaints, blotter and booking records and miscellaneous reports, to the extent that said records are not determined by the Constables of the Town of Patterson to be of a confidential nature.
- (2) Final opinions, including concurring and dissenting opinions, as well as orders rendered by the Justice Court, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (3) Any statements of policy and interpretation which have been adopted by the Assessors, the Planning Board, the Zoning Board of Appeals, the Town Clerk and the Code Enforcement Officer of the Town of Patterson.
- (4) The minutes of any meetings held by the Town Board, the Assessors, the Planning Board, the Board of Zoning Appeals and the Code Enforcement Officer of the Town of Patterson.
- (5) Statistical or factual tabulations made by or for the Town of Patterson or any of its departments by the Department of Audit and Control of the State of New York or any other auditors.
- (6) Fire records as they may pertain to or be of interest to any member of the public.
- (7) Statistics and/or information pertaining to birth and death certificates and copies thereof.
- (8) Tax rolls, bills, water bills, assessments, budgets, payrolls, information pertaining to town bonding indebtedness, town ordinances, local laws and accounts payable and receivable of the Town of Patterson.

B. This article shall not apply to records that:

- (1) Are specifically exempted from disclosure by state or federal statute;
- (2) If disclosed would constitute an unwarranted invasion of personal privacy, as defined under Subdivision 2 of Public Officers Law §89 including:
  - (a) the disclosure of employment, medical or credit histories or personal references of applicants for employment;

- (b) the disclosure of items involving the medical or personal records of a client or patient in a medical facility;
  - (c) the sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
  - (d) the disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
  - (e) disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency;
  - (f) information of a personal nature contained in a workers' compensation record, except as provided by § 110-a of the Workers' Compensation Law.
- (3) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (4) Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (5) Are compiled for law enforcement purposes and which, if disclosed would:
  - (a) Interfere with law enforcement investigations or judicial proceedings;
  - (b) Deprive a person of a right to a fair trial or impartial adjudication;
  - (c) Identify a confidential source or disclose confidential information relating to a criminal investigation; or
  - (d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures;
- (6) If disclosed could endanger the life or safety of any person;
- (7) Are inter-agency or intra-agency materials which are not:
  - (a) Statistical or factual tabulations or data;
  - (b) Instructions to staff that affect the public;
  - (c) Final agency policy or determinations;
  - (d) External audits, including but not limited to audits performed by the comptroller and the federal government; or
- (8) Are examination questions or answers which are requested prior to the final administration of such questions.
- (9) If disclosed, would jeopardize an agency's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.



### **§ 35-3. Location of records.**

The above-mentioned records, documents and information pertaining to the Town of Patterson may presently be found in the following locations:

- A. Vital statistics, birth and death certificates are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- B. Fire Inspector records are in the custody of the Building Department, Town Hall, 1142 Route 311, Patterson, New York.
- C. Legal documents, actions pending for and against the Town of Patterson, contracts, deeds and other miscellaneous legal documents are on file in the office of the Town Clerk located at the Town Hall, 1142 Route 311, Patterson, New York.
- D. Decisions and opinions issued by the Town Justices of the Town of Patterson are on file in the office of the Town Justices, Donald B. Smith Building, 1167 Route 311, Patterson, New York.
- E. Tax information, tax rolls, exemptions, property transfers, grievances and disposition of same are on file in the office of the Town Assessors and Tax Collector, Town Hall, 1142 Route 311, Patterson, New York.
- F. Planning Board information, zoning maps, records of recommendations to the Town Board and other miscellaneous information pertaining to the Planning Board of the Town of Patterson are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.
- G. Zoning appeals decisions of the Zoning Board of Appeals in regards to variances requested are on file in the Planning Department, Town Hall, 1142 Route 311, Patterson, New York.
- H. Other miscellaneous documents, maps, bills and assessments, tax rolls, water bill assessments, budget records, minutes of the Town Board of the Town of Patterson, Zoning Board of Appeals and Planning Board, Zoning Board of Appeals decisions, ordinances and local laws are on file with the Town Clerk of the Town of Patterson, Town Hall, 1142 Route 311, Patterson, New York.
- I. Building and plumbing permits are on file with the Code Enforcement Officer of the Town of Patterson, Town Hall, 1142 Routes 311, Patterson, New York.
- J. Engineering diagrams, maps and other miscellaneous documents related to the Town Highway system are on file in the office of the Town Superintendent of Highways, Town Garage, 281 Cornwall Hill Road, Patterson, New York.

### **§35-4. Personnel in charge of records.**

The Town Board of the Town of Patterson is responsible for ensuring compliance with the regulations herein and designates the following persons as records access officers: Town Clerk and Deputy Town Clerk of the Town of Patterson, Town Hall, P.O. Box 470, 1142 Route 311, Patterson, New York. They shall be in charge of all records and documents presently belonging to the Town of Patterson and may from time to time arrange for the acquisition of copies of said documents from the chairmen or department heads who are responsible for the custody and daily use of said documents.

### **§ 35-5. Designation of fiscal officer.**

A. The Supervisor of the Town of Patterson, P.O. Box 470, 1142 Route 311, Patterson, New York, is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with § 35-6, for an itemized record setting forth the name, address, title and salary of every officer or employee of the agency.

B. The fiscal officer shall make the payroll items listed above available to any person, including bona fide members of the news media, as required under the Freedom of Information Law.

### **35-6. Procedure for procuring documents.**

A. Any individual desiring to obtain a copy of any document or record belonging to the Town of Patterson shall make written request for said document or record, specifically identifying the document or record which he wishes to procure, to the Town Clerk of the Town of Patterson between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, excluding any recognized legal holiday, or such other daily business hours as determined by the Town Clerk.

B. The individual requiring the information in question will then, where practicable, be referred to the appropriate chairman or department head who has custody of the records which the individual wishes to examine.

C. If, however, the individual desires copies of certain records, he shall so advise the Town Clerk, who will procure the required copies for the individual in question, provided said copies do not pertain to confidential information, and will assess the fee to the individual requesting the said copies as said fee is set forth in § 35-8 below.

D. The above-mentioned photocopies or reproductions of any records presently owned by the Town of Patterson shall be rendered to individuals requesting same, upon payment advance of the fee set forth below, within a reasonable period of time after requesting said information from the Town Clerk of the Town of Patterson.

### **§ 35-7. Denial of access to records.**

A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.

B. If requested records are not provided promptly, as required in § 35-6 of these regulations, such failure shall also be deemed a denial of access.

C. The Patterson Town Board shall hear appeals from denial of access to records under the Freedom of Information Law.

D. The time for deciding an appeal by the body designated to hear appeals shall commence upon receipt of written appeal identifying :

- (1) The date of the appeal.
- (2) The date and location of the requests for records.
- (3) The records to which the requester was denied access.
- (4) Whether the denial of access was in writing or was by failure to provide records promptly, as required by Subsection B of this section.

(5) The name and return address of the requester.

E. The designated body to hear appeals shall inform the requester of its decision in writing within seven (7) business days of receipt of an appeal.

F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review, as provided for in Article 78 of the Civil Practice Law and Rules.

#### **§ 35-8. Fees for copies.**

A. To the extent that an individual will require copies of the Town of Patterson ordinances, zoning code, subdivision regulations or the like upon which there has been established a set fee, that fee shall be charged to the individual in question upon the procurement of the desired ordinance or regulation.

B. To the extent that the established fee has not been set for a copy of the local law, ordinances or the like, the individual desiring the records in question shall pay to the Town Clerk well in advance a sum as set from time to time by resolution of the Town Board for photocopies not to exceed eight and one-half by fourteen (8 1/2 x 14) inches. The fee for copies of records other than photocopies which are eight and one-half by fourteen (8 1/2 x 14) inches or less in size shall be the actual copying costs.

#### **§ 35-9. Authority to amend regulations.**

The Town Board of the Town of Patterson shall from time to time have the authority to amend or modify the above-mentioned regulations, by resolution, by adding to the list of documents covered by said regulations or by amending the regulations and charge fees applicable to procurement of said documents, in a manner which the Town Board feels to be in the best interest of the public in general.

### **ARTICLE II Management [Adopted 8-12-1992 as L.L. No. 5-1992]**

#### **§ 35-10. Establishment of program; responsibility of government employees.**

A. There is hereby established for the Town of Patterson a records management program, which shall be the continuing administrative function of the Town of Patterson.

B. It is the responsibility of all government employees to contribute to the accomplishment of the program objectives and to cooperate with the Records Management Officer (RMO).

#### **§ 35-11. Objectives.**

The objectives of the Records Management Program shall be as follows:

A. To facilitate the creation of usable records containing accurate and complete information.

B. To save tax dollars through efficient administration of information resources.

C. To prevent the creation of unnecessary records.

D. To make recorded information available and readily accessible when needed, thereby minimizing time spent searching for files and documents.

E. To ensure the systematic legal disposition of obsolete records.

F. To encourage the lasting survival of records identified as having sufficient legal, administrative, fiscal or historical value to warrant their permanent retention as archival records.

#### **§ 35-12. Officer.**

There shall be a records management program established under the aegis of the Town Board and headed by a Records Management Officer (RMO). The RMO will be responsible for administering the noncurrent and archival public records and storage areas for the County of Putnam in accordance with local, state and federal laws and guidelines.

#### **§ 35-13. Powers and duties of RMO.**

The RMO shall have all the necessary powers to carry out the efficient administration, determination of value, use, preservation storage and disposition of the noncurrent and archival public records kept, filed or received by the offices and departments of the Town of Patterson.

A. The RMO shall continually survey and examine public records to recommend their classification so as to determine the most suitable methods to be used for the maintaining, storing and servicing of archival material:

(1) Obsolete and unnecessary records according to New York State Records Retention and Disposition Schedules thereby subject to disposition;

(2) Information containing administrative, legal, fiscal, research, historical or educational value which warrants its permanent retention; or

(3) Records not subject to disposition according to state law.

B. The RMO shall establish guidelines for proper records management in any department or agency of the Town of Patterson in accordance with local, state and federal laws and guidelines.

C. The RMO shall report annually to the Patterson Town Board on the powers and duties herein mentioned, including but not limited to the cost/benefit ratio of programs effectuated by the department.

D. The RMO shall operate a records management center for the storage, processing and servicing of all noncurrent and archival records for all departments and agencies of the Town of Patterson and may cooperate in the establishment and operation of a cooperative records management center for the county and participating Putnam County towns.

E. The RMO shall establish a Patterson archives and perform the following functions:

(1) Advise and assist Town of Patterson departments in reviewing and selecting material to be transferred to the Patterson archives for preservation.

(2) Continually survey and examine public records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival materials.

(3) Establish and maintain an adequate repository for the proper storage, conservation,

processing and servicing of archival records.

(4) Promulgate rules governing public access to and use of records in the archives, subject to the approval of the Records Advisory Board.

(5) Develop a confidentiality policy for archival records designated confidential, provided that such policy does not conflict with any federal or state statutes.

(6) Provide information services to other offices of the Town of Patterson.

(7) Collect archival materials which are not official records of the Town of Patterson but which have associations] value to the County of Putnam or a close relationship to the existing archival collection. Such collecting shall be subject to archive space, staff and cost limitations and to the potential endangerment of such materials if they are not collected by the archives.

(8) Develop a procedure whereby historically important records are to be identified at the point of generation.

(9) Serve as a member of the Putnam County Records Management Advisory Board in the establishment and operation of a cooperative records storage facility for inactive records of the county and participating towns and villages.

#### **§ 35-14. Advisory Board.**

There shall be a Records Advisory Board designated to work closely with and provide advice to the RMO. The Board shall consist of the Supervisor and a member of the Town Board, the Town Attorney, the Town Historian, the Town Finance Director or Comptroller and two (2) members of the general public who have a demonstrated knowledge of records management, historical records or Patterson history. The Board shall meet periodically and have the following duties:

A. To provide advice to the RMO on the development of the records management program.

B. To review the performance of the program on an ongoing basis and to propose changes and improvements.

C. To review retention periods proposed by the RMO for records not covered by the state archives' schedules.

D. To provide advice on the appraisal of records for archival value and to be the final sign-off entity as to what is or is not archival.

#### **§ 35-15. Custody.**

A. The Town Clerk of the Town of Patterson is the legal custodian of its records and shall retain custody of records deposited in the records center. Records transferred to or acquired by the archives shall be under the custody and control of the archives rather than the department which created or held them immediately prior to their being transferred to the archives.

B. Records shall be transferred to the archives upon the recommendation of the RMO, with the approval of the head of the department which created or held the records and the approval of the Records Advisory Board.

C. Records may be permanently removed from the archives at the request of the RMO or the

Town Clerk who had custody of the records immediately prior to the transfer of these records to the archives, subject to the approval of the Records Advisory Board.

**§ 35-16. Recovery; actions of replevin.**

The Town Attorney may take steps to recover local government records which have been alienated from proper custody and may, when necessary, institute actions of replevin.

**§ 35-17. Disposal of records.**

No records shall be destroyed or otherwise disposed of by a department of the Town of Patterson unless approval has been obtained from the RMO. No records shall be destroyed or otherwise disposed of by the RMO without the express written consent of the department head having authority.

**§ 35-18. Definitions.**

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

**ARCHIVES** - Those official records which have been determined by the officer and advisory committee to have sufficient historical or other value to warrant their continued preservation by the local government.

**RECORDS** - Any documents, books, papers, photographs, sound recordings, microforms or any other materials, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official town business.

**RECORDS CENTER** - An establishment maintained by the Town of Patterson or cooperatively by the County of Putnam and participating towns primarily for the storage, servicing, security and processing of records which must be preserved for varying periods of time and need not be retained in office equipment or space.

**RECORDS DISPOSITION:**

A. The removal by the Town of Patterson, in accordance with approved records control schedules, of records no longer necessary for the conduct of business by such agency through removal methods which may include:

(1) The disposal of temporary records by destruction or donation; or

(2) The transfer of records to the record center/archives for temporary storage of inactive records and permanent storage of records determined to have historical or other sufficient value warranting continued preservation.

B. The transfer of records from one town agency to any other town agency.

**RECORDS MANAGEMENT** - The planning, controlling, directing, organizing, training, promotion and other managerial use and records disposition, including records preservation, records disposal and records centers or other storage facilities.

**SERVICING** - Making information in records available to any town agency for official use or to the public.

**TOWN CODE  
TOWN OF PATTERSON**

**PART II**

**GENERAL  
LEGISLATION**

## Chapter 43

### ALARMS

- § 43-1.       **Definitions.**
- § 43-2.       **False alarms; fines; issuance of appearance tickets.**
- § 43-3.       **Notification of owner; owner to respond.**
- § 43-4.       **Testing.**
- § 43-5.       **List of responsible persons.**
- § 43-6.       **Town Liability.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-22-2001 by L.L. No. 4-2001<sup>2</sup>; amended in its entirety 5-22-2002 by L.L. No. 2-2002.(readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### GENERAL REFERENCES

**Building construction and fire prevention – See Ch. 64.**

---

<sup>2</sup> Editor's Note: This local law was adopted as Chapter 3 but was renumbered to place it in the General Legislation part of the Code.



### **§ 43-1. Definitions**

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

**FALSE ALARM** - Any signal actuated by a police or fire alarm device, devices or system of police or fire alarm devices which is not the result of a natural disaster, act of God, a criminal act, fire or other emergency requiring police or fire response. The term "false alarm" shall include human error and equipment malfunction causing the alarm to be activated, except when the owner or lessee of such equipment has telephoned or otherwise informed the Police Department of a possible "false alarm" to shortly ensue, resulting from equipment servicing, opening and/or closing the establishment or residence, or similar activity,

### **§ 43-2. False alarms; fines; issuance of appearance tickets.**

A. The transmission of more than two false alarm signals within any twelve-month period shall make the owner subject to a fine of not less than \$100 for the first offense, \$200 for the second offense and \$300 for the third and any subsequent offenses. Fines are to be levied against the owner of the property from which said alarm emitted, whether the alarm was caused by human error or malfunction of equipment, except such penalty shall not apply to false alarms intentionally initiated by a person or a condition not under the control or supervision of the property owner or representative.

B. If the Fire Inspector/Code Enforcement Officer or the Fire Chiefs of the fire district in which the premises is located investigates and determines that the alarm system is malfunctioning, false in nature, causes a dangerous situation for the men and equipment of any fire district, and no valid attempt has been made to correct the problem, the system shall be ordered disconnected, constituting a violation. The Fire Inspector/Code Enforcement Officer may issue an appearance ticket(s) for the violator(s) to appear in Patterson Town Court to answer the charges. The system shall not be reconnected until the system is deemed to be in proper operating condition by a qualified installer submitting a certificate so stating to the Fire Inspector or Code Enforcement Officer and Fire Chief of the appropriate fire district.

### **§ 43-3. Notification of owner; owner to respond.**

Each and every fire alarm system which terminates in any manner at any alarm company or at the central station (facility responsible for monitoring such alarm system) must have the capability to provide notification to the owner or a designated representative of the subject premises, and such owner or representative must immediately report to the scene of the alarm.

### **§ 43-4. Testing.**

There shall be no testing of emergency fire alarms which would normally summon the appropriate fire company unless such test is first cleared, verified and authorized by all entities and or agencies where such alarm terminates, including but not limited to the volunteer Fire Department servicing the property and the Fire Control Center (Putnam County 911).

### **§ 43-5. List of responsible persons.**

The owner of each property which contains an emergency fire alarm as herein set forth must provide the Town Fire Inspector, the Code Enforcement Officer and the Fire Control Center (Putnam County 911) with a list of three people, their addresses and telephone numbers, who may be contacted in the event that an alarm is received, who will be able to grant access to the subject

premises.

**§ 43-6. Town Liability.**

A. The Town of Patterson or the volunteer fire Department serving the call shall not be liable for any defects in operation of emergency fire alarm systems nor for failure to respond appropriately nor for any erroneous response pursuant to the provisions of this chapter with respect to the installation, operation and maintenance of equipment, the transmission of alarm systems or messages or the relaying of such systems or messages.

B. In the event that the Town of Patterson or the appropriate Fire Department finds it necessary to disconnect any signaling device, said Town of Patterson and/or said appropriate fire Department shall incur no liability therefrom.

## **Chapter 44**

### **ALCOHOLIC BEVERAGES, CONSUMPTION BY MINORS ON PRIVATE PREMISES**

#### **ARTICLE I**

#### **Consumption by Minors on Private Premises**

**§44-1. Legislative intent.**

**§44-2. Definitions.**

**§44-3. Hosting, suffering, permitting, organizing, allowing a party, gathering or event on private property where minors are consuming alcoholic beverages.**

**§44-4. Penalties for offenses.**

**§44-5. Reservation of legal options.**

**§44-6. Severability.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-09-2006 by L.L. No. 6-2006]**

ARTICLE I  
**Consumption by Minors on Private Premises**

**§44-1. Legislative intent.**

The Town of Patterson finds that parties on private property where alcohol is consumed by minors is harmful to the minors themselves and to the communities where such parties are held. Police ability to abate gatherings and fine the host of the party where alcohol is being consumed by minors on private property will result in a decrease in abuse of alcohol by minors, and resulting physical altercations and injuries, neighborhood vandalism, and excess noise disturbance, thereby improving the public safety in the community. Parties, gatherings and events on private property where minors are consuming alcohol are determined to be a threat to the peace, health, safety and welfare of the Town of Patterson. Further, police response to such parties, gatherings or events causes a drain of manpower and resources and in some cases, may leave other areas of the Town with inadequate police protection. Accordingly, the Town of Patterson enacts this Chapter 44 of the Patterson Town Code in order to protect the peace, health, safety and welfare of the Town of Patterson and the residents thereof; to enforce laws prohibiting the consumption of alcohol by minors; and to prohibit the hosting of parties or other events in which minors are consuming alcohol.

**§44-2. Definitions.**

For purposes of this Chapter, the following definitions shall apply:

**ALCOHOL** - Ethyl alcohol, hydrated oxide of ethyl or spirit of wine from whatever source or by whatever processes produced.

**ALCOHOLIC BEVERAGE** - Alcohol, spirits, liquor, wine, beer, cider and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being; except that confectionary containing alcohol as provided by subdivision twelve of section two hundred of the New York State Agriculture and Markets Law shall not be regarded as an "alcoholic beverage" within the meaning of this Chapter. For purposes of this Chapter, "spirits," "liquor," "wine" and "cider" are as defined in Section 3 of the New York State Alcoholic Beverage Control Law.

**BEER** - Any fermented beverages of any name or description manufactured from malt, wholly or in part, or from any substitute therefore.

**CIDER** - The partially or fully fermented juice of fresh, whole apples, containing more than three and two-tenths per centum but not more than seven per centum alcohol by volume, when used for beverage purposes, and to which nothing has been added to increase the alcoholic content produced by natural fermentation.

**ENFORCEMENT SERVICES** - The salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering or event held in violation of this Chapter, and the administrative costs attributable to the incident; the actual costs of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged Town equipment or property; and the cost arising from the use of any damaged Town equipment utilized in responding to or remaining at the party gathering or event held in violation of this Chapter.

**GUARDIAN** - A person who, under court order, is the legal guardian of the person of a minor; or a public or private agency with whom the minor has been placed by the court.

**LIQUOR** - Any and all distilled or rectified spirits, brandy, whiskey, rum, gin, cordial, or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing.

MINOR - Any person under twenty one (21) years of age.

PARENT - Any person who is the natural parent, adoptive parent, or step-parent of a minor.

PARTY, GATHERING OR EVENT - A group of persons who have assembled or are assembling for a social occasion or social activity.

SPIRITS - Any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

WINE - The product of the normal alcoholic fermentation of the juice of fresh, sound, ripe grapes, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed twenty-four per centum by volume.

**§44-3. Hosting, suffering, permitting, organizing, allowing a party, gathering or event on private property where minors are consuming alcoholic beverages prohibited.**

A. Except as otherwise permitted by law, no person shall host, suffer, permit, organize, or allow a party, gathering or event at his or her place of residence or other private property, place or premises owned by or under his or her control, where three or more minors are present and alcoholic beverages are being consumed by any minor.

B. This section shall not apply to conduct between a minor child and his or her parent or guardian.

C. This section shall not apply to any location or place regulated by the New York State Liquor Authority.

**§44-4. Penalties for offenses.**

Any person or corporation found to be guilty of a violation of this Chapter by a court of law shall be subject to conviction of a Class A Misdemeanor, punishable by a fine not to exceed \$3,000.00 or imprisonment for a period not to exceed one year, or both.

**§44-5. Reservation of legal options.**

The Town of Patterson does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of this Chapter through other legal remedies or procedures permitted by law. The provisions of this Chapter are in addition to any other statute, ordinance or law. This chapter in no way limits the authority of peace officers and others authorized to make arrests for any criminal offense arising out of conduct regulated by this Chapter, nor does this Chapter in any way limit the County, State or Federal prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the enforcement of this Chapter.

**§44-6. Severability.**

If any section, subsection, sentence, clause, phrase or word of this local law is for any reason held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

## Chapter 45

### ALL TERRAIN AND OFF-ROAD RECREATION VEHICLES

- § 45-1. Legislative intent; purpose.
- § 45-2. Authority
- § 45-3. Definitions
- § 45-4. Operation Restricted
- § 45-5. Responsibility of parent or guardian
  
- § 45-6. Limitations on the use of an off-road recreation vehicle
- § 45-7. Exemptions
- § 45-8. Notice by Dealers
- § 45-9. Designation of highways and public lands for travel by off-road recreation vehicles
- § 45-10. Required Equipment
  
- § 45-11. Liability insurance
- § 45-12. Operation by minors.
- § 45-13. Liability for negligence.
- § 45 -14. Vehicle Identification Numbers Required
- § 45-15. Penalties for offenses
  
- § 45-16. Impoundment, redemption and forfeiture
- § 45-17. Severability

[ HISTORY: Adopted by the Town Board of the Town of Patterson 6-14-2006 by L.L. No. 3-2006. Amendments noted where applicable.]

#### General References

Noise - See Ch. 109  
Trespassing - See Ch. 145  
Vehicles and traffic - See Ch. 150

### **§ 45-1. Legislative intent; purpose.**

A. The Town Board of the Town of Patterson finds that the unrestricted use of off-road recreation vehicles can result in environmental damage, including but not limited to native habitat destruction and fragmentation, soil compaction, soil erosion, stream channel disturbance, and water quality degradation. Further off-road recreation vehicles often cause unreasonably loud or disturbing noise, the duration of which may last for extended periods of time, that affect the general welfare of the surrounding residents. Off-road recreation vehicles driven in an unsafe or reckless manner, or on highways used by the public for vehicular traffic present a concern to the residents of the Town of Patterson.

B. The regulation of off-road recreation vehicle use within the Town of Patterson is deemed necessary to preserve the public peace and good order, to prevent unreasonable loud or disturbing noises which the Town Board of the Town of Patterson determines to be detrimental to the peace, welfare and good order of the people and to promote the health, safety, morals and general welfare of the community, including the protection and preservation of public and private property.

C. It is the purpose of this article to promote the safe and proper use of off-road recreation vehicles for recreation and commerce in the Town of Patterson, to prevent accidents, to ensure the safety and well-being of all persons involved in the use of off-road recreation vehicles, to minimize detrimental effects of such use upon the environment, to prevent accidental petroleum spills into the Town's surface water; to minimize the detrimental effects of operating off-road recreation vehicles upon the residents of the Town, and to protect the rights of private property owners whose property is used for the operation of off-road recreation vehicles without the permission of said landowners.

### **§ 45-2. Authority**

This local law is adopted pursuant to Article 2 of the NYS Municipal Home Rule Law, Article 48-C and Section 2404(6) of the NYS Vehicle and Traffic Law, and Article 25 of the NYS Parks, Recreation and Historic Preservation Law

### **§ 45-3. Definitions.**

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

ALL TERRAIN VEHICLE or "ATV" - Any self-propelled three-, or four wheel vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways.

COMMISSIONER - The Commissioner of Motor Vehicles

DEALER - Any person or business organization engaged in the business of selling off-road recreation vehicles at wholesale or retail, including but not limited to any individual, corporation, unincorporated association, proprietorship, firm partnership, joint venture, or joint-stock association who sells or offers for sale an off-road recreation vehicle to any person within the Town of Patterson for compensation.

HIGHWAY - The entire width between the boundaries of the right of way of any lands used for the purposes of conveying vehicular traffic, or in the case of a highway by use as defined by NYS Highway Law §189, shall also include any lands within twenty-five (25) feet of the center of said highway. The term highway shall also be interchangeable with the term "road".

OFF-ROAD RECREATION VEHICLE - Snowmobiles, motorcycles, minibikes, trail bikes, dirt bikes, motorbikes, all-terrain vehicles and other motorized two-, three- and four-wheeled vehicles

and similar vehicles and contrivances designated for operation on off-highway trails.

**OPERATE-** To ride in or on, other than as a passenger, or use or physically control the operation of an off-road recreation vehicle in any manner, whether or not said vehicle is under way.

**OPERATOR** - Every person who operates or is in actual physical control of an off-road recreation vehicle.

**OWNER** - Any person having a title to an off-road recreation vehicle. If an off-road recreation vehicle is sold under a contract of conditional sale whereby the title remains in the vendor, such vendor or his assignee shall not, after delivery of such off-road recreation vehicle, be deemed an owner within the provisions of this section, but the vendee or his assignee, upon receipt of possession thereof, shall be deemed such owner notwithstanding the terms of such contract, until the vendor or his assignee shall retake possession. A person holding only a security interest in an off-road recreation vehicle shall not be deemed an owner unless such person also has possession of such off-road recreation vehicle.

**SNOWMOBILE** - A self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats.

#### **§ 45-4. Operation Restricted**

No person shall operate, drive, or ride upon, or permit to be operated, driven, or permit to be ridden upon, any recreational motor vehicle as defined in this chapter within the corporate limits of the Town of Patterson under any of the following circumstances.

A. On the private property of another without the express prior written consent of the owner and the occupant of such property. Such consent may be revoked at any time by the grantor thereof. Where such express prior written consent has been obtained, the operator shall keep such consent on his person and available for immediate display at all times during the period of such operation. Such express prior written consent shall not be deemed a consent hereunder as to any person whose name is not set forth therein. Failure to produce such express prior written consent upon demand therefor by any individual or agency charged with the enforcement of this Chapter shall be presumptive evidence that such consent has not been given or received.

B. On any public lands, grounds or property owned or operated by the Town of Patterson except that an off-road recreation vehicle may be operated on any such lands which have been designated and posted for travel by off-road recreation vehicles in accordance with the provisions of § 45-9 of this article.

C. On any Town highway, private highway, alley or public driveway, unless said highway, alley or driveway has been posted so as to allow the use of off-road recreation vehicles and that the off-road recreation vehicle is operated in a manner consistent with this Chapter.

D. In such a manner as to produce noise by an off-road recreation vehicle, on any property within any residential or nonresidential zoning district within the Town of Patterson which exceeds sixty-five (65) dB(A) between 7:00 a.m. and 8:00 p.m. prevailing time on weekdays, including Saturday, or forty-five (45) dB(A) during the hours of 8:00 p.m. to 7:00 a.m. weekdays, all day Sunday and on Holidays.

E. In a careless, reckless or negligent manner.

F. On private property within one hundred (100) feet of property owned by another.

G. No person shall operate an off-road recreation vehicle on or in any open waters, streams or



wetlands.

H. While in an intoxicated condition or under the influence of alcohol, narcotics or drugs as set forth in §1192 of the NYS Vehicle and Traffic Law.

I. On any lake or body of water when frozen or covered with ice.

J. On public property owned by the State, County or other government agency, or property owned and operated by a qualified land trust, unless such agency has expressly permitted the use of such lands by off-road recreational vehicles, or such land has been designated and posted for travel by off-road recreation vehicles by such agency, or unless the prior written consent of the agency or land trust has been issued to the individual.

#### **§45-5. Responsibility of parent or guardian.**

It shall be unlawful for the parent, guardian or any person having the care, custody and control of any child under the age of eighteen (18) years knowingly to permit such child to operate an off-road recreation vehicle in violation of this Chapter. Any parent, legal guardian or other person having the care, custody and control of any child under the age of eighteen (18) years at the time of the violation of this Chapter by such person under the age of eighteen (18) years shall likewise be guilty of a violation if, after a hearing by a court of competent jurisdiction, a determination is made that such violation occurred by such person under the age of eighteen (18) years, and shall be subject to a fine as set forth herein.

#### **§ 45-6. Limitations on the use of an off-road recreation vehicle.**

The following limitations on the use and operation of an off-road recreation vehicle are imposed;

A. An off-road recreation vehicle may make a direct crossing on a highway other than an interstate highway or a controlled access highway, provided:

(1) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway, and

(5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are lighted.

B. An Off-road recreation vehicle may be operated on any highway which has been designated and posted as open for travel by off-road recreation vehicles in accordance with the provisions of section § 45-9 of this article.

C. No person shall operate an off-road recreation vehicle:

- (1) At a rate of speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing;
- (2) In a careless, reckless or negligent manner so as to unreasonably endanger the person or property of another or cause injury or damage thereto;
- (3) On the tracks or right-of-way of an operating railroad;
- (4) In any tree nursery or farm-operation crop field in a manner that damages or destroys growing stock, or creates a substantial risk thereto;
- (5) While pulling a person on skis or drawing or towing a sleigh, sled, toboggan, inflatable device or trailer which carries or transports any person unless attached by a rigid support, connection or towbar;
- (6) On the frozen surface of any lakes, ponds or other bodies of water for which the use of a recreational vehicle has not been otherwise expressly prohibited;
  - (a) Within one hundred feet of any person other than a person riding on an off-road recreation vehicle except at the minimum speed required to maintain forward movement of the Off-road recreation vehicle, nor
  - (b) Within one hundred feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the off-road recreation vehicle nor on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public waters, nor
  - (c) Within one hundred feet of any dam or outlet structure;
- (7) Within one hundred (100) feet of a dwelling between midnight and six a.m., at a speed greater than minimum required to maintain forward movement of the off-road recreation vehicle;

D. The operator of an off-road recreation vehicle shall:

- (1) Stop and yield to an authorized ambulance, civil defense, or police off-road recreation vehicle or police vehicle being operated as an emergency vehicle and approaching from any direction;
- (2) Comply with any lawful order or direction of any police officer or other person duly empowered to enforce the laws relating to off-road recreation vehicles.

E. A person operating an off-road recreation vehicle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on an off-road recreation vehicle unless such off-road recreation vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the off-road recreation vehicle at the rear or side of the operator.

## **§ 45-7. Exemptions**

This Chapter shall not apply to;

A. Farm vehicles used during the course of farming operations,

- B. Police, emergency or other government vehicles.
- C. Construction vehicles employed in lawful construction activities.
- D. Landscape equipment, including lawnmowers, and snowthrowers.
- E. Golf carts and battery-powered vehicles designed for children.
- F. Vehicles serving a medical function or assisting a person with a disability.

#### **§ 45-8. Notice by Dealers**

Any Dealer who sells or offers for sale an off-road recreation vehicle to any person within the Town of Patterson for compensation shall conspicuously post notice of these regulations at each point of sale. Said notice shall be not less than 8.5 inches by 11 inches using all capital letters not less than one and one-half inches in height on a contrasting background. The notice shall state "NOTICE TO OFF-ROAD RECREATION VEHICLE OPERATORS. OPERATION OF AN OFF ROAD RECREATION VEHICLE IS REGULATED BY THE TOWN OF PATTERSON PURSUANT TO CHAPTER 45 OF THE PATTERSON TOWN CODE. IT IS UNLAWFUL TO OPERATE AN OFF-ROAD RECREATION VEHICLE ON A PUBLIC HIGHWAY UNLESS OTHERWISE POSTED. OFF-ROAD RECREATION VEHICLES SHALL NOT BE OPERATED ON PRIVATE PROPERTY WITHOUT THE WRITTEN CONSENT OF THE PROPERTY OWNER".

#### **§ 45-9. Designation of highways and public lands for travel by Off-road recreation vehicles.**

A. No off-road recreation vehicle shall operate on, or otherwise use any Town-owned public lands, or any Town Road or any private road, except where said lands or highway have been designated and posted as open for travel by Off-road recreation vehicle's in accordance with the requirements contained herein.

B. Upon receipt by the Town Clerk of a petition signed by a majority of the owners of real property abutting a Town highway or a private highway, requesting to designate said highway, or portion thereof to be open for travel by off-road recreation vehicles, or upon its own motion, the Town Board shall provide notice and conduct a public hearing consistent with the provisions contained herein.

(1) Within fourteen days of receipt of a petition, the Town Clerk shall verify that the signatures contained thereon represent the owners of real property attested to in the petition, and shall present the petition to the Town Board at the next meeting of said Board.

(2) Within forty-five (45) days of the receipt of the petition from the Town Clerk, the Town Board shall provide notice and conduct a public hearing on the petition. Each property owner who abuts said highway, or portion thereof considered for designation as open for travel by off-road recreation vehicles shall be notified of said public hearing by certified mail, return receipt requested at least fourteen days prior to the date of the public hearing.

(3) If after the public hearing the Town Board determines that the road should be open to off-road recreation vehicles, they shall by local law or ordinance designate said highway, or portion thereof as open for travel by off-road recreation vehicles, and cause said highway, or portion thereof so affected to be posted with signs designating the road, or portion thereof as open for travel by off-road recreation vehicles.

C. The designation of Town-owned public lands shall follow the procedures provided in

subsection B, above.

D. Such designated highways or portions thereof or designated public lands shall be identified by markers in such manner as may be provided by rules and regulations of the Commissioner of Motor Vehicles. All signs or markers shall be erected at the expense of the state or municipality, provided, however, that the municipality may accept funds or contributions therefor from private persons, clubs or associations interested in the promotion of off-road recreation vehicles.

E. Any regulation, order, local law or ordinance which designates a highway or portion thereof or designated lands which may be used for off-road recreation vehicle operations may include rules and impose restrictions and conditions for the regulation and safe operation of off-road recreation vehicles on the highways and lands so designated, including but not limited to limits on the hours of use and speed restrictions. Any restriction or condition not contained in this chapter must be posted.

F. Copies of orders, regulations, local laws or ordinances adopted by governmental agencies pursuant to this section shall be filed with the Commissioner of Motor Vehicles.

#### **§ 45-10. Required Equipment.**

A. No person shall operate an off-road recreation vehicle unless it is equipped with:

- (1) Brakes in good operating condition;
- (2) A muffler system in good operating condition which meets federal standards as established in 40 CFR (Code of Federal Regulations) Part 205.166, sub Part E;
- (3) A spark arrester approved by the United States Forest Service;
- (4) Tires having at least two-thirty seconds of an inch of tread with no visible breaks, cuts, exposed cords, bumps or bulges;
- (5) A lighted white headlight approved by the commissioner and a lighted red taillight approved by the commissioner when operated for one-half hour after sunset to one-half hour before sunrise.

B. No person shall operate an off-road recreation vehicle or ride as a passenger on an off-road recreation vehicle unless he is wearing a protective helmet of a type approved by the commissioner pursuant to subdivision six of section three hundred eighty-one of Vehicle and Traffic Law.

C. No person shall operate an off-road recreation vehicle:

- (1) On a highway with tires equipped with any studs other than automotive studs;
- (2) Which displays one or more lighted red or a combination red or white lights which are revolving, rotating, flashing, oscillating or constantly moving, except when in use as an authorized emergency off-road recreation vehicle, police, or civil defense off-road recreation vehicle being used during an emergency;
- (3) as an authorized emergency off-road recreation vehicle or civil defense off-road recreation vehicle, unless it is equipped with one or more lighted, red or combination red or white light or lights which is or are revolving, rotating, flashing, oscillating or constantly moving and which has or have minimum candle power of sufficient intensity to be plainly visible from a distance of five hundred feet in all directions under normal atmospheric conditions.

#### **§ 45-11. Liability insurance.**

A. An off-road recreation vehicle which is operated anywhere in the Town of Patterson other than on lands of the owner of the off-road recreation vehicle shall be covered by a policy of insurance, in such language and form as required for ATV's pursuant to § 2407 of NYS Vehicle and Traffic Law, or for snowmobiles pursuant to §25.13 of NYS Parks, Recreation and Historic Preservation Law. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such off-road recreation vehicle upon the request of any person having authority to enforce the provisions of this chapter. The failure to produce such proof upon the request of any such person shall not be an offense but shall be presumptive evidence that the off-road recreation vehicle is being operated without having such insurance in force and effect.

B. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such off-road recreation vehicle to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such off-road recreation vehicle by the owner or operator, if such insurance coverage was required under the circumstances of such operation. It shall be an affirmative defense to any prosecution for a violation of this subdivision that such proof was so produced or displayed within twenty-four hours of receiving notice of such injury or damage, or the claim of such injury or damage.

C. No owner of an off-road recreation vehicle shall operate or permit the same to be operated anywhere in the Town of Patterson other than on lands of the owner of the off-road recreation vehicle without having in full force and effect the liability insurance coverage required by this section, and no person shall operate an off-road recreation vehicle anywhere in the Town of Patterson other than on lands of the owner of the off-road recreation vehicle with the knowledge that such insurance is not in full force and effect.

#### **§ 45-12. Operation by minors.**

A. Except as provided by subdivision "B" of this section, no person under the age of sixteen years shall operate an off-road recreation vehicle except upon lands owned or leased by his parent or guardian, unless he is under general supervision of a person eighteen years of age or over or a person sixteen years of age or over who holds an off-road recreation vehicle safety certificate. "Leased lands" as herein used shall not include lands leased by an organization of which said operator or his parent or guardian is a member.

B. A person ten years of age but less than sixteen years of age who has received safety training as prescribed by the commissioner and has received the appropriate off-road recreation vehicle safety certificate issued by the commissioner may operate an off-road recreation vehicle in the same manner as a person who is sixteen years of age or older.

C. The failure of a person to exhibit an off-road recreation vehicle safety certificate upon demand to any officer having authority to enforce the provisions of this article shall not be an offense, but shall be presumptive evidence that such person is not the holder of such certificate.

D. No parent or guardian shall authorize or knowingly permit his child or ward, if under sixteen years of age, to operate an off-road recreation vehicle in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

E. No owner or other person in possession of any off-road recreation vehicle shall authorize or knowingly permit any person under sixteen years of age to operate such an off-road recreation vehicle in violation of any provision of this article, any rules or regulations promulgated thereunder, or the provisions of any local law or ordinance.

### **§ 45-13. Liability for negligence.**

Negligence in the use or operation of an off-road recreation vehicle shall be attributable to the owner. Every owner of an off-road recreation vehicle used or operated in this state shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such off-road recreation vehicle by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

### **§45 -14. Vehicle Identification Numbers Required**

A. All off road vehicles must have a vehicle identification number permanently affixed to the frame in a form and manner as require by NYS Vehicle and Traffic Law Article 48-A, and no person shall operate any Off-road recreation vehicle within the Town of Patterson unless such off-road recreation vehicle has been registered and numbered in accordance with the provisions of NYS Vehicle and Traffic Law Article 48-B. [*§2286 NYS VTL specifically excludes municipalities from requiring licensing or registration of Off-road recreation vehicle's*]

### **§ 45-15. Penalties for offenses.**

A. The provisions of this Chapter shall be enforced by the Patterson Code Enforcement Officer and any duly appointed assistant thereto, the Patterson Code Compliance Officer, or any police officer, peace officer, or any Environmental Conservation Officer charged with the enforcement of the State laws and codes.

B. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

C. In addition to the penalties of subsection "A" above, the parent or legal guardian, other than a state or legal social services department foster parent having the care, custody and control of any un-emancipated person under the age of 18 years of age found guilty of a violation of this article shall also be responsible for the payment of the fine imposed by a court of competent jurisdiction for such violation. In no event shall it be a defense that the parent or legal guardian has exercised due diligent supervision over the activities of the person under the age of 18 years of age.

D. In addition to the penalties of subsection "B" above, the parent or legal guardian, other than a state or legal social services department foster parent having the care, custody and control, of any un-emancipated person under the age of 18 years of age found guilty of a violation of this article shall be responsible for restitution for any damage caused to real property or improvements located thereon owned and/or operated by the Town of Patterson. In no event shall it be a defense that the parent or legal guardian has exercised due diligent supervision over the activities of the person under the age of 18 years of age.

#### **§ 45-16. Impoundment, redemption and forfeiture.**

A. In addition to the penalties set forth in § 45-15 of this article, the Code Enforcement Officer or duly appointed assistant, the Code Compliance Officer, a police officer or peace officer, or a Environmental Conservation Officer charged with the enforcement of the State laws and codes, shall have the authority to immediately impound an off-road recreation vehicle operated in violation of this Chapter. Such impounded off-road recreational vehicle shall be stored by the pertinent police department or enforcement agency pending the identification of the owner as registered with the New York State Department of Motor Vehicles. Such titled owner shall be sent notice of such impoundment at the address on file with the New York State Department of Motor Vehicles by certified mail within five days after the impoundment. The enforcement agency shall not be liable for any damages arising out of the provisions of an erroneous name or address of such owner. The off-road recreation vehicle shall be returned to the owner upon payment of any applicable fines imposed and any reasonable and customary towing and daily storage fees, if any, or upon the direction of the Court.

B. All off-road recreation vehicle's seized pursuant to this article shall be subject to reasonable and customary towing and daily storage fees. Such fees shall be payable to the seizing agent prior to the release of said property.

#### **§45-17. Severability.**

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

Pursuant to NYS VTL §2405(5) a copy of this local law shall be filed with the Commissioner of Motor Vehicles. Pursuant to §25.09 of the NYS Parks, Recreation and Historic Preservation Law a copy of this local law shall be filed with the NYS Office of Parks, Recreations and Historic Preservation.

## **Chapter 51**

### **ASSEMBLIES, PUBLIC**

**§ 51-1. Purpose.**

**§ 51-2. Definitions.**

**§ 51-3. Permit required; application; necessary information; conditions.**

**§ 51-4. Fees.**

**§ 51-5. Enforcement; penalties for offenses.**

**§ 51-6. Exceptions.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 7-11-73. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Bingo - See Ch. 55.**

**Entertainment establishments - See Ch. 84**

**Games of chance - See Ch. 94.**

**Noise - See Ch. 109.**

**Trespassing - See Ch. 145**



### **§ 51-1. Purpose.**

The Town Board, in order to promote proper government and ensure the proper protection, order, conduct, safety, health, welfare and well-being of persons and property within the Town of Patterson, Putnam County, New York, finds that it is in the public interest to enact this chapter pursuant to the Municipal Home Rule Law of the State of New York. This chapter shall regulate the assembly of persons where such assembly of persons exceeds five hundred (500) persons at any place within the Town of Patterson, Putnam County, New York.

### **§ 51-2. Definitions.**

A. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings herein indicated:

ASSEMBLY - The gathering or collecting or congregating of persons at any place within the town, with or without the levy of an admission fee, for a common purpose, such as but not limited to sports events, circuses, carnivals, festivals, music festivals, religious observances.

BUILDING - A structure wholly or partially enclosed with exterior walls and a roof, of permanent or temporary nature, affording shelter to persons, animals or property.

MAY - Is permissive

PERSON - Any individual, firm, company, association, society, corporation or group.

SHALL - Is mandatory.

STRUCTURE - A combination of materials to form a construction that is safe and stable, including, among other things, stadiums, stages, prop forms, radio towers, sheds, storage bins, tents, billboards, space signs, bleachers, ramps and seats.

B. Word usage. Words used in the present tense include the future; the singular number includes the plural, and the masculine shall include the feminine.

### **§ 51-3. Permit required; application; necessary information; conditions.**

A. No person shall use, allow, let or permit to be used property for the assembly of persons in excess of five hundred (500), nor shall any person use, allow, let or permit to be used property for any part or portion of such assembly of persons, which total assembly in the aggregate is in excess of five hundred (500) persons, unless upon written permit authorizing such use and assembly, issued by the Town Board through its Clerk.

B. Application for such permit shall be by verified petition on forms to be furnished by the town, addressed to the Town Board and filed with the Town Clerk at least sixty (60) days prior to the date upon which such use and assembly shall occur. The Town Board shall act upon the application within thirty (30) days after its submission, after a public hearing pursuant to notice published at least once in the official newspaper ten (10) days prior to such hearing. The application shall include the following information:

(1) A statement of the name, age and residence address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of its directors and officers; if the applicant does not reside within the Town of Patterson, the name and address of an agent, who shall be a natural person and who shall reside in or have a place of business in the County of Putnam, and who shall be authorized to and shall agree by verified

statement to accept notices or summonses issued with respect to the application, the conduct of the assembly or use in any manner involving it arising out of the application, or the construction or application of this chapter.

(2) A statement containing the name and address of the record owner of the property where the assembly and use shall occur, and the nature and interest of the applicant therein; the proposed dates and hours of such assembly and use; the expected maximum number of persons intended to use the property at one time and collectively; the expected number of automobiles and vehicles intended to use the property at one time and collectively; and the purpose of the assembly and use, including the nature of the activity to be carried on and the admission fee to be charged, if any.

(3) A map prepared by a licensed land surveyor or licensed public engineer, showing:

- (a) The size of the property.
- (b) The zoning district (if any) in which the property is located.
- (c) The names and record owners of the adjoining properties.
- (d) The streets or highways abutting the said property.
- (e) The size and location of any existing building and of any buildings or structures to be erected for the purpose of the assembly and use.
- (f) The method, construction and materials to be used in any new building or structure.

(4) A plan or drawing, to scale, prepared by a licensed public engineer or licensed land surveyor, showing the method and manner in which:

- (a) Sanitary facilities are to be provided for disposal of human waste, garbage and other debris.
- (b) Water is to be supplied, stored and distributed to those people attending.

(5) A plan, drawn to scale, showing the layout of any parking area for motor vehicles, including the means of egress from and ingress to such parking area.

(6) A statement containing the type, number and location of any radar device, sound amplifier or loudspeaker, sound truck or other similar sound equipment.

(7) A statement specifying whether food or beverage is intended to be prepared, served or distributed; if food or beverages are intended to be prepared, sold or distributed, a statement specifying the method of preparation and distribution of such food or beverage and the method of disposing of garbage, trash, rubbish or any other refuse arising therefrom. If food or beverage is to be prepared, sold and distributed, a plan or drawing, to scale, must be attached to the application, showing the buildings or other structures from which the food or beverages shall be prepared, sold or distributed.

(8) A statement specifying whether any private security guards or police will be engaged, and, if so, the number of such persons and duties to be performed by such persons, including the hours to be worked and areas of responsibility.

(9) A statement specifying the precautions to be utilized for fire protection, including a plan or drawing, to scale, specifying the location of fire lanes and water supply for fire

control.

(10) A statement specifying whether any outdoor lights or signs are to be utilized, and, if so, a map showing the number, location, size, type and illuminating power of such lights and signs.

(11) A statement specifying the facilities to be available for emergency treatment of any person who may require medical or nursing attention.

(12) A statement specifying whether any camping or housing facilities are to be available, and, if so, a plan, drawn to scale, showing the intended number and location of the same.

(13) A statement specifying the contemplated duration of the assembly and use.

(14) If the assembly and use are to continue from one day into another, a statement specifying housing facilities available or to be made available on the premises.

(15) A statement of the maximum noise decibels contemplated by the assembly at the site of nearest adjoining or contiguous property.

C. No permit shall be issued unless it is clearly shown that all of the following are provided for and approved in writing by the Putnam County Health Department and the Town Board of the Town of Patterson:

(1) Drinking water adequate in quantity and quality satisfactory to the permit-issuing official.

(a) Drinking water shall be readily available to all persons attending the assembly or use.

(b) Only drinking water shall be so delivered or piped as to be easily accessible.

(c) A well or spring used as a source of drinking water and the structure used for the storage of drinking water shall be so constructed and located as to protect the contents against pollution.

(d) A pipe or pump delivering the drinking water shall be of the type and installation acceptable to the permit-issuing official.

(e) There shall be no physical connection between a pipe carrying drinking water and a pipe carrying drinking water not of a quality satisfactory to the permit-issuing authority.

(f) A fixture, installation or equipment from which back-siphonage may occur shall not be supplied water from a pipe carrying drinking water.

(g) All pipes carrying drinking water shall be buried to a sufficient depth below the surface of the ground to prevent their damage or destruction.

(h) A common drinking container shall not be provided or allowed to be used.

(i) Any drinking fountain shall be of approved sanitary design and construction.

(j) Where water treatment process is employed, an accurate and complete report of the process and operation thereof shall be maintained daily, and no change of the source or in the method or treatment of a drinking water supply

shall be made without first notifying the permit-issuing official and securing his written approval to do so.

- (2) Toilet facilities adequate for the capacity of the assembly or use.
  - (a) Facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive.
  - (b) Toilet facilities for groups of people consisting of both sexes shall be so arranged that the facilities shall be separate for each sex.
  - (c) No privy shall be so located or constructed that it will by leakage or seepage possibly pollute a water supply, surface water or adjacent ground surface, and it shall be constructed in accordance with the requirements of the State Department of Health and shall be maintained so that it will not permit access of flies to the privy vault.
- (3) Adequate facilities for the satisfactory disposal or treatment and disposal of sewage shall be maintained. Such facilities shall meet with the standards and requirements of the New York State Department of Health and the Putnam County Health Department.
- (4) Adequate facilities and arrangements for safe, clean disposal of solid waste, garbage and trash.
- (5) Adequate supply of food, including provisions for sanitary storage, handling and protection of food and beverages until served or used. A showing must be made that where food is to be prepared or consumed, there are facilities for washing, disinfecting and storing dishes and food utensils.
- (6) Adequate off-street and off-road facilities for the contemplated number of people attending the assembly or use. Parking space shall be provided for at the rate of at least one (1) car for every four (4) persons in attendance.
- (7) Adequate housing facilities for the contemplated number of people in attendance if it is contemplated that the assembly or use shall extend from one day to another.
- (8) An adequate number of access roads to and from the site of the assembly or use.
- (9) Adequate medical facilities, including a first-aid station. It must be shown that at least one (1) doctor will be in attendance at all times and that at least one (1) registered nurse for each five hundred (500) people in attendance will be on duty at all times.
- (10) Adequate fire protection arrangements for buildings.

D. No permit shall be issued unless the owner and his tenant or lessee, if any, shall furnish the town with written authorization to permit the town or its lawful agents to go upon the property at any time for the purpose of inspecting the same, the facilities provided thereon and the cleaning of the premises after the termination of the assembly.

E. No permit shall be issued unless the applicant shall furnish the town with a comprehensive liability insurance policy insuring the town against liability for damages to persons or property, with limits of not less than one million dollars (\$1,000,000) for bodily injury or death, and limits of not less than two hundred fifty thousand dollars (\$250,000.) for property damage, sufficient to save the town harmless from any liability or cause of action which might arise by reason of the granting of the permit and not cancelable without ten (10) days' prior written notice to the town.

F. Within five (5) days from the date of the termination of the assembly, trash, papers, garbage and other waste material shall be completely removed from the premises in a safe, clean and sanitary manner, and a bond shall be posted with the Town Clerk, in an amount fixed by the Town Board, to ensure said performance.

G. Any permit issued may be revoked by the Town Board through its Clerk if at any time it should be determined that the applicant has failed to provide the facilities as specified in the application or that the setting up of the facilities provided for in the application cannot be reasonably accomplished within the time or date set for the assembly or use.

#### **§ 51-4. Fees.**

Each application shall be accompanied by a fee at the time of its submission in the amount as set from time to time by resolution of the Town Board. The fee shall compensate the town for its examination and the processing of such application and shall not be refundable in whole or in part.

#### **§ 51-5. Enforcement; penalties for offenses.**

A. Any person who shall use, allow, let or permit to be used property for the assembly of persons in excess of five hundred (500), or shall use, allow, let or permit to be used property for any part or portion of such assembly, which total assembly in the aggregate is in excess of five hundred (500) persons, or any person who shall cause the gathering, collecting or congregating of persons in excess of five hundred (500) at any place within the town, without first obtaining a written permit in accordance with the provisions of this chapter, shall be deemed to have violated this chapter and to have committed a misdemeanor against the chapter and shall be liable for the penalties provided. Any person who commits or permits any act in violation of any provisions of this chapter shall be deemed to have violated this chapter and to have committed a misdemeanor against the chapter and shall be liable for the penalties provided.

B. For each violation of the provisions of this chapter, the person violating the same shall be subject to a fine of not more than five hundred dollars (\$500.) nor less than one hundred dollars (\$100.) or imprisonment not to exceed one (1) year, or to both such fine and imprisonment.

C. In addition to the above-provided penalties, the Town Board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

#### **§ 51-6. Exceptions. [Amended 10-8-1997 by L.L. No. 4-1997]**

This chapter shall not apply to:

A. Persons legally conducting affairs or events on lands owned by the State of New York or any of its municipal divisions, including school district.

B. Winter recreation facilities including, skiing, snow boarding, snowmobiling, cross country skiing, sleigh rides, ice skating and winter carnivals at a skiing facility located within the Town's CR Zoning District.

C. Assemblies of less than 3,000 persons on property that has undergone site plan review (in accordance with the provisions set forth in Chapter 154, Article XIII), for the gathering in question.

## **Chapter 53.**

### **BAMBOO**

**§ 53-1 Purpose.**

**§ 53-2 Intent.**

**§ 53-3. Definitions.**

**§ 53-4. Presumption.**

**§ 53-5. Applicability.**

**§ 53-6. Planting of running bamboo prohibited.**

**§ 53-7. Duty to confine bamboo.**

**§ 53-8. Regulation; owner responsibility.**

**§ 53-9. Removal from Town property.**

**§ 53-10. Replanting prohibited.**

**§ 53-11. Penalties for offenses.**

**§ 53-12. Severability**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 12-3-2014 as L.L. No. 2-2014. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

### **§ 53-1 Purpose.**

The Town Board of the Town of Patterson finds that

- A. The planting and/or the growing of certain varieties of bamboo, a plant not indigenous to the Town of Patterson, presents the potential for adverse impacts to the natural environment, including indigenous flora, may significantly increase the cost of maintenance in public and private right-of-ways, impedes the use of, and is destructive to, structures and other improvements, and aggressively spreads across property lines where it is likely to adversely affect the reasonable enjoyment of adjoining and neighboring properties;
- B. Because of these effects the planting and the growing of bamboo threatens the value and physical integrity of both public and private property in the Town; and
- C. In order to protect and preserve said environment and values, the Town declares it necessary to regulate or prohibit the planting and/or growing of bamboo within the Town.

### **§ 53-2 Intent.**

The purpose of this chapter is to preserve and protect private and public property from the damaging spread of certain running bamboo grasses, protect indigenous plant materials from the invasive spread of running bamboo and maintain the general welfare of the residents of the Town of Patterson.

### **§ 53-3. Definitions.**

- A. Usage. The singular number as used herein shall be read as the plural number, and vice versa, and the masculine gender shall be read as the feminine or neuter gender, and vice versa, whenever necessary to give full effect to the terms and provisions hereof.
- B. As used in this Chapter, the following terms shall have the meanings indicated:

**BAMBOO-** A perennial grass with a rhizomatous growth habit in the family Poaceae, subfamily ambusoideae, tribe Bambuseae or Arundinarieae, including without limitation:

- (1) **BAMBOO, CLUMPING** - any tropical or temperate sympodial (pachymorph) grasses which typically send off rhizomes (roots) near the base of the plant, including, but not limited to, Bambusa, Chusquea, Dendrocalamus, Drepanostachyum, Fargesia, Himalayacalamus, Otatea, Thamnocalamus, Thyrostachys and Yushania.
- (2) **BAMBOO, RUNNING** - any tropical or temperate monopodial (leptomorph) grass with a rhizome (root) system which typically extend far away from the plant, including, but not limited to, the following plant genera: Arrow bamboo, Arundinaria, Bambusa, Chimonobambusa, Common bamboo, Golden bamboo, Phyllostachys, Pleioblastus, Pseudosasa, Sasa, Sasaella, and Semiarundinaria.

**BAMBOO OWNER** - Any property owner or resident who has planted and/or grows Bamboo, or who maintains Bamboo on his property, or who permits Bamboo to grow or remain on his property even if the Bamboo has spread from an adjoining property. Any property owner or resident at whose property Bamboo is found will be considered a Bamboo Owner, except any property owner or occupant who:

- (1) Did not plant or grow or cause Bamboo to be planted or grown on his property; and

(2) Has provided satisfactory proof to the Town that, within a reasonable period of time after discovering the encroachment of Bamboo onto the property from an adjoining or neighboring property, advised the owner of such property of an objection to the encroachment of the Bamboo; and

(3) Has initiated steps against the owner or occupant of the adjoining or neighboring property for the removal of the Bamboo from the property, including, without limitation remedies at law or in equity, or both, or has initiated steps to effectively confine the Bamboo in accordance with § 53-7, below.

**LIMITING DISTANCE - 10 feet from any property line or within**

(1) the right-of-way of any public or private road, including any Town, County, State or Federal road or highway whether established by dedication, use or easement, explicit or implied (collectively, a "Road");

(2) Twenty-five feet of the edge of pavement or traveled way of any Road;

(3) Twenty feet of any stormwater facilities within, adjacent to or serving any Road or public or private improvements; or

(4) Twenty-five feet of any utility lines, poles, transformers, or other fixtures or appurtenances thereto.

**§ 53-4. Presumption.**

In the event Bamboo is found to have encroached upon, spread to, invaded or intruded upon any other property or right-of-way, said species shall be presumed to be classified as "running bamboo." This presumption shall be rebuttable.

**§ 53-5. Applicability.**

For the purposes of this Chapter, Bamboo found growing upon a property shall constitute presumptive evidence that the Bamboo was planted and/or grown by and/or with the consent of the owner or occupant of such property.

**§ 53-6. Planting of Running Bamboo prohibited.**

Upon and after the effective date of this Chapter the planting of running bamboo shall be prohibited within the Town. Any person who thereafter plants or causes to be planted running bamboo within the Town shall be deemed to be in violation of this Chapter and shall be subject to such penalties as are set forth herein.

**§ 53-7. Duty to confine bamboo.**

Without limitation of the provisions of §53-6, above, in the event any species of Bamboo is located upon any property within the Town, the Bamboo Owner or occupant of said property shall, in accordance with the requirements of §53-8, below, confine such species to prevent the encroachment, spread, invasion or intrusion of same within any Limiting Distance as defined herein.



**§ 53-8. Regulation; owner responsibility.**

- A. Any bamboo that has been planted or otherwise permitted to grow on any property within the Town prior to the effective date of this chapter may remain on such property subject to compliance with this section.
- B. Running bamboo shall not be maintained or otherwise be permitted to exist within any limiting distance;
- C. Any bamboo owner whose property contained running bamboo prior to the effective date of this chapter shall remove and abate the growth of the running bamboo within any Limiting Distance;
- D. Any bamboo owner shall be responsible to ensure that any bamboo, other than running bamboo, planted or growing on his property prior to the effective date of this chapter does not encroach or grow within any Limiting Distance;
- E. Any bamboo owner shall be required to take such measures as are reasonably expected to prevent Bamboo planted or growing on his property from invading or growing onto adjoining or neighboring properties or within any limiting distance. Such measures shall include, but not be limited to, installation of sheathing impenetrable by bamboo at a sufficient depth to prevent the spread of rhizomes, for the express purpose of preventing the growth or encroachment upon adjoining or neighboring property by the bamboo. Sheathing must be installed at a minimum depth of not less than three feet; and
- F. The Town Board of the Town of Patterson may from time to time prescribe such rules and regulations as may be necessary to give effect to this section.

**§ 53-9. Removal from Town property.**

- A. Notice. In the event that bamboo growing on a bamboo owner's property invades or grows on property that is owned or held by or on behalf of the Town, or grows within any limiting distance, the Town Board, Code Enforcement Officer or its or his designee on behalf of the Town shall notify the bamboo owner in writing of the violation of this chapter and that the bamboo owner is responsible, at his sole cost and expense, for the removal of such bamboo from the Town property or from within any limiting distance within 30 days from the delivery of such notice and for all other costs and expenses related thereto. Such notice shall include specific reference to this chapter and shall provide that the bamboo owner is responsible for restoration of all areas of the Town property or other property disturbed in such removal to substantially the same condition as existed prior to such removal; (ii) that the bamboo owner shall be responsible to indemnify and save the Town free and harmless from any cost, expense, causes of action, liability and damages, including reasonable attorney fees and disbursements, incurred in connection with or related directly or indirectly to such removal; and (iii) that in the event that the removal work involves entry onto private property the consent of the owner of that property is required prior to any entry upon or work on such other property. Such 30 day period may be extended for good cause shown, as long as it can be demonstrated that remedial measures have been started and diligently pursued and the delay is not under the control of or due to the actions or inaction of the bamboo owner or other person to whom the notice has been issued. The bamboo owner shall be liable and responsible to the Town for all costs incurred by the Town in enforcing the provisions of this chapter. Such costs may be assessed against the property of the bamboo owner.
- B. Service of the notice. The notice shall be served either personally in accordance with the CPLR or by registered or certified mail, return receipt requested, and addressed to the property owner at the last address shown on the most current assessment roll or property tax bill, or to the owner's agent at the last known address, or to the occupant of the property, or person having a vested

or contingent interest in the property as shown on the most current assessment roll and/or property tax bill. A copy of the notice shall also be posted at and mailed to the bamboo owner's property. Service of the notice shall be effective upon delivery.

C. Action upon noncompliance. Upon the failure, neglect or refusal of a bamboo owner or his agent, or any other person or business entity occupying the premises to remove, remedy or abate the bamboo violation within the specified period of time; or if the mailing is returned by the post office because of the inability to make delivery for any reason, as long as the notice was properly addressed, the Director of Code Enforcement or his designee may take enforcement action as authorized by the Town Code and as may otherwise authorized by applicable law.

D. Any person or business entity who or which resists, obstructs or impedes the agents, contractors, servants, officers and/or employees of the Town in the remediation or removal process shall be in violation of this Chapter and shall be subject to the fines and penalties provided herein.

E. Liability for the costs of removal and/or abatement. The bamboo owner or his agent, and/or the occupant of the property deemed to be in violation of this chapter shall be liable for the direct and indirect costs of abating the violation and any nuisance created thereby and all expenses incidental thereto, including but not limited to, an administrative fee equal to 25% of the total cost of said removal, remediation and/or disposal process. Said administrative fee is intended to reimburse the Town for the monies and time expended by its agents, contractors, servants, officers and/or employees and attorney(s) in enforcing the provisions of this Chapter, curing any violations hereof and abating any nuisance created thereby and collecting the sums due, including but not limited to, notifying the appropriate party, certifying the amounts due to the Town, and/or charging same against the property. The costs incurred by the Town as set forth herein shall be certified by the Town Supervisor who shall mail written notice of such costs by certified or registered mail, return receipt requested, to the owner of the premises at the last address shown on the most current assessment role on file in the assessment and property tax records, or to the owner's agent at the last known address, and/or to the occupant of the property at the location of the property. Said notice shall further state that upon the failure of the bamboo owner, his agent, and/or the occupant to pay such sums within 10 days of receipt of such written notice by cash, bank check, or money order, shall be sufficient cause to add the amount due to the property tax bill without further notice.

F. Recovery of costs and tax lien. In the event the property owner, his agent and/or the occupier of the land fails, refuses and/or neglects to pay the monies due and owing to the Town within said ten-day period, or if the mailing is returned by the post office because of the inability to make delivery for any reason, as long as the notice was properly addressed, such certification of costs shall be provided to the Town Clerk who shall forthwith deliver a copy of same to the Town Assessor who shall cause the costs as shown thereon to be charged against such lands without further notice. The amount so charged shall forthwith become a lien against such lands and shall be added to and become part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

#### **§ 53-10. Replanting prohibited.**

Any running bamboo either planted or caused to be planted or existing on a property prior to the effective date of this chapter may not be replanted or replaced in kind once such running bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

#### **§ 53-11. Penalties for offenses.**

A. In addition to any penalties heretofore mentioned, any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation which shall be punishable by a fine

of not less than two hundred and fifty dollars (\$250) nor more than three hundred and fifty dollars (\$350) for a conviction of the first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than three hundred and fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both, and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof shall be deemed a misdemeanor. Where a notice of violation has been duly issued, each additional week shall constitute a separate additional violation.

#### **§ 53-12. Severability.**

If any section, subsection, clause, phrase or other portion of this chapter is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

## **Chapter 55**

### **BINGO**

- § 55-1. Conduct authorized.**
- § 55-2. Sunday games.**
- § 55-3. Compliance with statutory and chapter provisions.**
- § 55-4. License required.**
- § 55-5. Rental agreements.**
- § 55-6. Suppliers of equipment.**
- § 55-7. Use of proceeds.**
- § 55-8. Single prize limit.**
- § 55-9. Total prize limit.**
- § 55-10. Management or operation of game.**
- § 55-11. Remuneration for operation or management prohibited. § 55-12. Penalties for offenses.**
- § 55-12. Penalties for offenses.**
- § 55-13. Statutory amendments.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-8-79 as Ord. No. 2-1979. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Games of chance - See Ch. 94.**

#### **§ 55-1. Conduct authorized.**

It shall be lawful for any authorized organization, as defined in §476 of the General Municipal Law, upon obtaining the required license, to conduct the game of bingo within the territorial limits of the Town of Patterson, subject to the provisions of this chapter, Article 14\_H of the General Municipal Law and Article 19-B of the Executive Law.

1 Editor's Note: The ordinance adopted on May 2, 1958, was approved by the electors of the town on May 31, 1958.

#### **§ 55-2. Sunday games.**

The game of bingo conducted within the Town pursuant to a license issued in accordance with this chapter and the applicable statutes may be operated by authorized organizations on the first day of the week, commonly known as "Sunday".

#### **§ 55-3. Compliance with statutory and chapter provisions.**

The procedure for the issuing of licenses therefor, the conduct of the game, the restrictions and regulations governing the same and all other matters pertaining thereto shall be the same as described in said Article 14-H of the General Municipal Law of the State of New York and shall also comply with each and every provision of this chapter.

#### **§ 55-4. License required.**

No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-H of the General Municipal Law shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.

#### **§ 55-5. Rental agreements.**

No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

#### **§ 55-6. Suppliers of equipment.**

No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of bingo games from other than a supplier licensed under the Bingo Control Law or except from another authorized organization.

#### **§ 55-7. Use of proceeds.**

The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

#### **§ 55-8. Single prize limit.**

No prize shall exceed the sum or value of one thousand dollars (\$1,000.) in any single game of bingo.

**§ 55-9. Total prize limit.**

No series of prizes on any one (1) bingo occasion shall aggregate more than three thousand dollars (\$3,000.).

**§ 55-10. Management or operation of game.**

No person except a bona fide member of any authorized organization shall participate in the management or operation of such game.

**§ 55-11. Remuneration for operation or management prohibited.**

No person shall receive any remuneration for participating in the management or operation of any game of bingo.

**§ 55-12. Penalties for offenses.**

The unauthorized conduct of a bingo game and any willful violation of any provision of this chapter shall constitute and be punishable as a Class A misdemeanor and punishable by a fine which shall not exceed one thousand dollars (\$1,000.) or imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment.

**§ 55-13. Statutory amendments.**

Any amendments or changes in said Article 14-H of the General Municipal Law of the State of New York which may hereafter be made by the Legislature of the State of New York and which shall be applicable to the Town of Patterson shall become and be a part of this chapter and effective at the time such amendments or changes become generally effective in the State of New York.

## **Chapter 61**

### **BOATS**

#### **§ 61-1. Legislative intent.**

#### **§ 61-2. Definitions.**

#### **§ 61-3. Operation of motorboats restricted.**

#### **§ 61-4. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 10-10-62 as Town Ord. No. XVI. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Peace and good order -- See Ch. 117.**

#### **§ 61-1. Legislative intent.**

By the enactment of this chapter, the Town Board of the Town of Patterson pursuant to § 130 of the Town Law declares its intent in so doing to be to regulate and control the operation of boats on the waters of the Town of Patterson.

#### **§ 61-2. Definitions.**

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

**BOAT or VESSEL** - Includes every description of watercraft or other contrivance used on or capable of being used as a means of transportation in water.

**MOTORBOAT** - Includes any boat that is propelled other than by oar, paddle, sail or by hand.

**PERSON** - Any individual, association, partnership, corporation or other body, group or unit or combination thereof.

#### **§ 61-3. Operation of motorboats restricted.**

No person shall operate a motorboat as defined in this chapter upon the waters of the Town of Patterson except when used for emergency purposes by police and other persons authorized by the Town Board. All emergency motorboats and other authorized motorboats shall fly a white triangular flag for identification purposes denoting said emergency and authorizations.

#### **§ 61-4. Penalties for offenses. [Amended 9-10-80 by L.L. No. 3-1980]**

Any person committing an offense against any of the provisions of this chapter, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for each offense by a fine of not more than two hundred fifty dollars (\$250.) or by imprisonment for not more than fifteen (15) days, or both.

## **Chapter 64**

### **BUILDING CONSTRUCTION**

- § 64-1. Purpose and Intent**
- § 64.2. Definitions**
- § 64-3. Director of Codes Enforcement and Inspectors.**
- § 64-4. Acting Director of Codes Enforcement; contract services.**
- § 64-5. Restrictions on officers and employees; exceptions.**
- § 64-6. Records and reports.**
- § 64.-7. Building Permits.**
- § 64-8. Construction Inspections.**
- § 64-9. Stop Work Orders.**
- § 64-10. Certificates of Occupancy.**
- § 64-11. Notification Regarding Fire or Explosion.**
- § 64-12. Unsafe Buildings and Structures.**
- § 64-13. Operating Permits.**
- § 64-14. Fire Safety and Property Maintenance Inspections.**
- § 64-14.1 Elevators.**
- § 64-15. Demolition Permits**
- § 64-16. Complaints.**
- § 64-17. Record Keeping.**
- § 64-18. Program Review and Reporting.**
- § 64-19. Enforcement; penalties for offenses.**
- § 64-20. Fees**
- § 64-21. Intermunicipal Agreements.**
- § 64-22. Severability.**
- § 64-23. Effective Date.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-10-1993 by L.L. No. 2-1993.1 Amended in its entirety 1-10-07 by L.L. No. 2 -2007. Amended in its entirety 5-23-2007 by L.L. No. 8-2007. Amendments noted where applicable.]**



<sup>1</sup> Editor's Note: This local law replaced a resolution adopted June 2, 1961, which accepted the applicability of the State Building Construction Code for the Town of Patterson. to be effective August 1, 1961.

## GENERAL REFERENCES

Blasting - See Ch. 58.  
Unsafe buildings - See Ch. 67.  
Fire prevention - See Ch. 90.  
Flood damage prevention - See Ch. 91.  
Subdivision of land - See Ch. 138.  
Zoning - See Ch. 154.

### **§ 64-1. Purpose and Intent**

This local law provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Patterson. This local law is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this local law, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this chapter.

### **§ 64.2. Definitions**

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

**BUILDING PERMIT**- shall mean a permit issued pursuant to Section 64-7 of this chapter. The term Building Permit shall also include a Building Permit which is renewed, amended or extended pursuant to any provision of this chapter.

**CERTIFICATE OF OCCUPANCY** - A certificate issued pursuant to §64-10.F of this chapter.

**DIRECTOR OF CODES ENFORCEMENT** - shall mean the Director of Codes Enforcement appointed pursuant to subdivision (B) of Section 64-3 of this chapter.

**CODE ENFORCEMENT PERSONNEL** - Includes the Director of Codes Enforcement and all Inspectors.

**COMPLIANCE ORDER** - An order issued by the Director of Codes Enforcement pursuant to §64-19.B of this chapter.

**DEMOLITION** - - Any act or process that destroys, removes or deconstructs more than twenty-five percent (25%) of any building or structure, or that destroys, removes or deconstructs any structural component or load bearing wall of a building or structure.

**ENERGY CODE** - The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

**INSPECTOR** - An inspector appointed pursuant to §64-3.C of this chapter.

**OPERATING PERMIT** - A permit issued pursuant to §64-13 of this chapter. The term "Operating Permit" shall also include an Operating Permit which is renewed, amended or extended pursuant to any provision of this chapter.

**PERMIT HOLDER** - The Person to whom a Building Permit has been issued.

PERSON - Includes an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

STOP WORK ORDER - An order issued pursuant to section 6 of this chapter.

TEMPORARY CERTIFICATE - A certificate issued pursuant to §64-10.H of this chapter.

TOWN - The Town of Patterson.

UNIFORM CODE - The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

### **§ 64-3. Director of Codes Enforcement and Inspectors.**

A. The office of Director of Codes Enforcement is hereby created. The Director of Codes Enforcement, shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Director of Codes Enforcement shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits, and to include in Building Permits, Certificates of Occupancy, Temporary Certificates and Operating Permits such terms and conditions as the Director of Codes Enforcement may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of Certificates of Occupancy, Temporary Certificates and Operating Permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue Stop Work Orders;
- (5) To review and investigate complaints;
- (6) To issue orders or violations pursuant to §64-19, Enforcement; penalties for offenses of this chapter;
- (7) To maintain records;
- (8) To collect fees as set from time to time by resolution of the Town Board of the Town of Patterson;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with the Town attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Director of Codes Enforcement by this chapter.

B. The Director of Codes Enforcement shall be appointed by resolution of the Town Board of the Town of Patterson. The Director of Codes Enforcement shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Director of Codes Enforcement shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

C. One or more Inspectors may be appointed by the Town Board of the Town of Patterson to act under the supervision and direction of the Director of Codes Enforcement and to assist the Director of Codes Enforcement in the exercise of the powers and fulfillment of the duties conferred upon the Director of Codes Enforcement by this chapter. Each Inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each Inspector shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

D. The compensation for the Director of Codes Enforcement and Inspectors shall be fixed from time to time by the Town Board of the Town of Patterson.

#### **§ 64-4. Acting Director of Codes Enforcement and contract services.**

A. In the absence of the Director of Codes Enforcement or in the case of the Director of Codes Enforcement's inability to act for any reason, the Town Board shall designate a person to act on behalf of the Director of Codes Enforcement and to exercise all of the powers conferred upon that office by this chapter. Such Acting Director of Codes Enforcement shall have the training and experience necessary to meet the minimum standards for Uniform Code Enforcement personnel established by New York State.

B. The Town Board does hereby establish the authority to negotiate a contract with a qualified independent contractor to provide specific services relative to the administration of the New York State Uniform Fire Prevention and Building Code. The negotiated contract shall be approved by a majority vote of the Town Board. The contractor shall perform inspections as provided for in this chapter and shall review applications for building permits and certificates of occupancy and shall advise the Director of Codes Enforcement or Inspectors when such permits or certificates of occupancy should be issued.

#### **§ 64-5. Restrictions on officers and employees; exceptions.**

No officer or employee of the Building Department shall engage in any activity inconsistent with the duties or with the interests of the Building Department or, during the term of office or employment, be engaged directly or indirectly in any building business, in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or in the preparation of plans or specifications thereof within the town. This provision shall not prohibit any officer or employee from such activities in connection with the construction of a building or structure owned by the officer or employee and not constructed for sale. The Town Board may permit an exception in special circumstances where acceptable code inspection services are provided by an outside agency or inspector.

#### **§ 64-6. Records and reports.**

A. The Director of Codes Enforcement shall keep permanent official records in the form and manner approved by the Town Board of all transactions and activities conducted by the Building

Department, including all applications received, plans approved and denied, permits and certificates issued, fees charged and collected, inspection reports, all rules and regulations promulgated and notices and orders issued. All such records shall be public records open to public inspection during normal business hours pursuant to the Public Officers Law.

B. The Director of Codes Enforcement shall submit to the Town Board a monthly written report of all activity and business conducted by the Building Department detailing the activities specified in Subsection A.

#### **§ 64.-7. Building Permits.**

A. Building Permits Required. Except as otherwise provided in Subsection B of this section, a Building Permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Director of Codes Enforcement.

B. Exemptions. No Building Permit shall be required for work in any of the following categories:

- (1) Construction or installation of one story detached structure associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 144 square feet (13.88 square meters);
- (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- (4) Installation of fences which are not part of an enclosure surrounding a swimming pool;
- (5) Construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (6) Construction of temporary motion picture, television and theater stage sets and scenery;
- (7) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (8) Installation of partitions or movable cases less than 5'-9" in height;
- (9) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (10) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (11) Replacement of any equipment provided the replacement does not alter the equipments listing or render it inconsistent with the equipments original specifications; or

(12) Repairs, provided that such repairs do not involve :

- (a) The removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
- (b) The removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
- (c) The enlargement, alteration, replacement or relocation of any building system; or
- (d) The removal from service of all or part of a fire protection system for any period of time.

C. Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (B) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for Building Permits. Applications for a Building Permit shall be made in writing on a form provided by or otherwise acceptable to the Director of Codes Enforcement. The application shall be signed by the owner of the property where the work is to be performed or an authorized agent of the owner. The application shall include such information as the Director of Codes Enforcement deems sufficient to permit a determination by the Director of Codes Enforcement that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) A brief description of the proposed work;
- (2) The tax map number and the street address of the premises where the work is to be performed;
- (3) The occupancy classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) Where applicable at least 3 sets of construction documents (drawings and/or specifications) which:
  - (a) Define the scope of the proposed work;
  - (b) Are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law, and bear the stamp of the licensed professional who prepared the drawings;
  - (c) Indicate with sufficient clarity and detail the nature and extent of the work proposed;
  - (d) Substantiate that the proposed work will comply with the Uniform Code and the Energy Code; and
  - (e) Where applicable, include a site plan that shows any existing and proposed buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the

buildings and structures and the lot lines.

- (6) A description of the land on which the proposed work is to be done.
- (7) A statement of the use or occupancy of all parts of the land and of the building or structure, both existing and proposed.
- (8) The estimated cost of the proposed work with appropriate substantiation.
- (9) The full name and address of the owner and the applicant and the names and addresses of their responsible officers, if any of them are corporations.

E. Additional information to accompany each application.

- (1) Plans and specifications. Each application for a building permit shall be accompanied by three (3) copies of a survey, prepared by a surveyor licensed in the State of New York, drawn to scale and showing the location and size of all proposed new construction and all existing structures, wetlands and watercourses on the site, distance from lot lines, the relationship of structures on adjoining property, widths and grades of adjoining streets, walks and alleys and, where required by the Director of Codes Enforcement, details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. Plans and specifications shall bear the signature of the person responsible for the design and drawings and shall be in compliance with the requirements of the New York State Education Law for submission of plans. In the sole discretion of the Director of Codes Enforcement, the necessity of submitting a survey may be waived, in whole or in part when the submission of a survey would result in an unnecessary hardship.
- (2) Each application for a building permit shall be accompanied by written evidence of all required regulatory approvals and bonds.
- (3) Where the building permit is for an activity that is part of a common plan of development that results in land disturbance of one or more acres, a copy of the Notice of Intent and the contractor's certification, as required by the New York State General Permit for Stormwater Discharges from Construction Activity Permit No. GP-02-01, from each contractor or sub-contractor that will be responsible for completing any of the measures identified in a stormwater pollution prevention plan or erosion and sediment control plan.

F. Construction documents. Construction documents will not be accepted as part of an application for a Building Permit unless they satisfy the requirements set forth in Subsection D(5) of this section. Construction documents which are accepted as part of the application for a Building Permit shall be marked as accepted by the Director of Codes Enforcement in writing or by stamp. One set of the accepted construction documents shall be retained by the Director of Codes Enforcement, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the Code Enforcement Personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and unless a Building Permit is issued.

G. Issuance of Building Permits. An application for a Building Permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Director of Codes Enforcement shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

H. Building Permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

I. Work to be in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the Building Permit. The Building Permit shall contain such a directive. The Permit Holder shall immediately notify the Director of Codes Enforcement of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Director of Codes Enforcement determines that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued.

J. Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Director of Codes Enforcement. In the event the Permit Holder's Putnam County Health Department's approval expires, or any other approval upon which issuance of the building permit is predicated expires or becomes null and void, the building permit issued by the Director of Codes Enforcement shall become invalid.

K. Revocation or suspension of Building Permits. If the Director of Codes Enforcement determines that a Building Permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a Building Permit was issued violates the Uniform Code or the Energy Code, the Director of Codes Enforcement shall revoke the Building Permit or suspend the Building Permit until such time as the Permit Holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

L. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20, Fees of this chapter must be paid at the time of submission of an application for a Building Permit, for an amended Building Permit, or for renewal of a Building Permit.

#### **§ 64-8. Construction Inspections.**

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Director of Codes Enforcement or by an Inspector authorized by the Director of Codes Enforcement. The Permit Holder shall notify the Director of Codes Enforcement when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected , where applicable:

- (1) Work-site prior to the issuance of a Building Permit including, but not limited to verification of location of structures, and compliance with Town of Patterson Codes;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;

- (5) Building systems, including underground and rough-in;
- (6) Fire resistant construction;
- (7) Fire resistant penetrations;
- (8) Solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance (insulation); and
- (10) A final inspection after all work authorized by the Building Permit has been completed.

C. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to where the work fails to comply with the Uniform Code or Energy Code. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

D. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20, Fees of this chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

#### **§ 64-9. Stop Work Orders.**

A. Authority to issue. The Director of Codes Enforcement is authorized to issue Stop Work Orders pursuant to this section. The Director of Codes Enforcement shall issue a Stop Work Order to halt:

- (1) Any work that is determined by the Director of Codes Enforcement to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Director of Codes Enforcement, without regard to whether such work is or is not work for which a Building Permit is required, and without regard to whether a Building Permit has or has not been issued for such work, or
- (3) Any work for which a Building Permit is required which is being performed without the required Building Permit, or under a Building Permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of Stop Work Orders. Stop Work Orders shall be in writing, be dated and signed by the Director of Codes Enforcement, state the reason or reasons for issuance, and if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of Stop Work Orders. The Director of Codes Enforcement shall cause the Stop Work Order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the Permit Holder, on the Permit Holder) personally or by certified mail, return receipt requested. The Director of Codes Enforcement shall be permitted, but not required, to cause the Stop Work Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor,



construction superintendent, or their agents, or any other Person taking part or assisting in work affected by the Stop Work Order, personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Stop Work Order.

D. Effect of Stop Work Order. Upon the issuance of a Stop Work Order, the owner of the affected property, the Permit Holder and any other Person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the Stop Work Order.

E. Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (a) of this section, and the authority to issue a Stop Work Order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under §64-19, Violations of this chapter or under any other applicable chapter or State law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a Stop Work Order.

#### **§ 64-10. Certificates of Occupancy.**

A. Certificates of Occupancy required. A Certificate of Occupancy shall be required for any work which is the subject of a Building Permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a Building Permit was previously issued shall be granted only by issuance of a Certificate of Occupancy.

B. Prior to issuing a certificate of occupancy, the Director of Codes Enforcement shall require written evidence of all regulatory approvals and bonds and shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy, and an authorized Director of Codes Enforcement may conduct such inspections as is appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the Building Department a record of all such examinations and inspections, together with a record of findings of violations of the law. When the authorized Director of Codes Enforcement determines that the structure complies in full with the provisions of this chapter and the codes of the Town of Patterson and, in the case where required, a site plan approved by the Planning Board, whose site improvements have been completed and duly certified by the Town Engineer and acknowledged by the Planning Board, the authorized Director of Codes Enforcement, upon written request by the owner on forms supplied by the Director of Codes Enforcement and subject to receipt of the following items, shall issue in the name of the owner a certificate of occupancy, specifying in detail the provisions and conditions of any land use approvals where appropriate:

(1) Certificate of construction compliance issued by the Putnam County Department of Health, guaranty of septic system, well log and as-built drawing of septic system.

(2) Certification of electrical installation by the New York State Board of Fire Underwriters or other electrical inspection agency as approved by the Town Board of the Town of Patterson.

(3) Final survey showing completed construction as prepared by a surveyor licensed by the State of New York.

(4) Certificate of compliance for completed driveway issued by the appropriate Highway Department.

C. Tests. Whenever there are reasonable grounds to believe that any material, construction,

equipment or assembly does not conform to the requirements of the New York State Uniform Fire Prevention and Building Code and other applicable building laws or regulations, the Director of Codes Enforcement may require the same to be subjected to tests in order to furnish proof of such compliance.

D. All fees, charges, assessments and taxes, including but not limited to recreation fees, water or sewer tap-in fees, planning and zoning fees, and improvement and inspection fees due and owing to the town, must be paid prior to the issuance of a certificate of occupancy.

E. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or firefighting purposes, or at all commercial businesses, or for all non-residential common areas at multifamily housing complexes, the Director of Codes Enforcement is authorized to require a key box (a.k.a.Knox Box®) to be installed in an approved location

F. Issuance of Certificates of Occupancy. The Director of Codes Enforcement shall issue a Certificate of Occupancy if Subsections B through F of this section have been satisfactorily completed, if the work which was the subject of the Building Permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, that the structure, building or portion thereof that was converted from one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Director of Codes Enforcement or an Inspector authorized by the Director of Codes Enforcement shall inspect the building, structure or work prior to the issuance of a Certificate of Occupancy. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Director of Codes Enforcement, at the expense of the applicant for the Certificate of Occupancy, shall be provided to the Director of Codes Enforcement prior to the issuance of the Certificate of Occupancy:

- (1) A written statement of structural observations and/or a final report of special inspections, and
- (2) Flood hazard certifications.

G. Contents of Certificates of Occupancy. A Certificate of Occupancy shall contain the following information:

- (1) The Building Permit number, if any;
- (2) The date of issuance of the Building Permit, if any;
- (3) The name, address and tax map number of the property;
- (4) If the Certificate of Occupancy is not applicable to an entire structure, a description of that portion of the structure for which the Certificate of Occupancy is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The assembly occupant load of the structure, if any;
- (8) If an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;
- (9) Any special conditions imposed in connection with the issuance of the Building

Permit; and

(10) The signature of the Director of Codes Enforcement issuing the Certificate of Occupancy and the date of issuance.

H. Temporary Certificate. The Director of Codes Enforcement shall be permitted to issue a Temporary Certificate allowing the temporary occupancy of a building or structure, or a portion thereof, except for a building, or any portion of a building used for residential occupation, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Director of Codes Enforcement issue a Temporary Certificate unless the Director of Codes Enforcement determines that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, and that all required means of egress from the building or structure have been provided. The Director of Codes Enforcement may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six ( 6) months, which shall be determined by the Director of Codes Enforcement and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

I. Revocation or suspension of certificates. If the Director of Codes Enforcement determines that a Certificate of Occupancy or a Temporary Certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Director of Codes Enforcement within such period of time as shall be specified by the Director of Codes Enforcement, the Director of Codes Enforcement shall revoke or suspend such certificate.

J. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20, Fees of this chapter must be paid at the time of submission of an application for a Certificate of Occupancy or for Temporary Certificate.

#### **§ 64-11. Notification Regarding Fire or Explosion.**

The chief of any fire department providing fire fighting services for a property within the Town of Patterson shall promptly notify the Director of Codes Enforcement of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

#### **§ 64-12. Unsafe Buildings and Structures.**

Unsafe structures and equipment in the Town of Patterson shall be identified and addressed in accordance with the procedures established by Chapter 67 of the Town Code of the Town of Patterson, as now in effect or as hereafter amended from time to time.

#### **§ 64-13. Operating Permits.**

A. Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled Fire Code of New York State and incorporated by reference in 19 NYCRR section 1225.1;

- (2) Hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;
- (3) Use of pyrotechnic devices in assembly occupancies;
- (4) Buildings containing one or more areas of public assembly with an occupant load of 100 persons or more; and
- (5) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Town Board of the Town of Patterson.
- (6) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an Operating Permit prior to commencing such activity or operation.

B. Applications for Operating Permits. An application for an Operating Permit shall be in writing on a form provided by or otherwise acceptable to the Director of Codes Enforcement. Such application shall include such information as the Director of Codes Enforcement deems sufficient to permit a determination by the Director of Codes Enforcement that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Director of Codes Enforcement determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Director of Codes Enforcement, at the expense of the applicant.

C. Inspections. The Director of Codes Enforcement or an Inspector authorized by the Director of Codes Enforcement shall inspect the subject premises prior to the issuance of an Operating Permit.

D. Multiple Activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Director of Codes Enforcement may require a separate Operating Permit for each such activity, or the Director of Codes Enforcement may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

E. Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year in the case of any Operating Permit issued for an area of public assembly and not to exceed three years in any other case, as shall be determined by the Director of Codes Enforcement to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Director of Codes Enforcement, payment of the applicable fee, and approval of such application by the Director of Codes Enforcement.

F. Revocation or suspension of Operating Permits. If the Director of Codes Enforcement determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, such Operating Permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in §64-20 Fees of this chapter must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating Permit.

## **§ 64-14. Fire Safety and Property Maintenance Inspections.**

A. Inspections required. Fire safety and property maintenance inspections of buildings and structures shall be performed by the Director of Codes Enforcement or an Inspector designated by the Director of Codes Enforcement at the following intervals:

- (1) Fire safety and property maintenance inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- (2) Fire safety and property maintenance inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety and property maintenance inspections of all multiple dwellings not included in Subsection A(1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in Subsection A(1) or (2) shall be performed not less than once every twenty-four months.

B. Inspections permitted.

(1) In addition to the inspections required by Subsection A of this Section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Director of Codes Enforcement or an Inspector designated by the Director of Codes Enforcement at any time upon:

- (a) the request of the owner of the property to be inspected or an authorized agent of such owner;
  - (b) receipt by the Director of Codes Enforcement of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
  - (c) receipt by the Director of Codes Enforcement of any other information, reasonably believed by the Director of Codes Enforcement to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist;
- (2) Nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

C. OFPC Inspections. Nothing in this section or in any other provision of this chapter shall supersede, limit or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (OFPC) and the New York State Fire Administrator under Executive Law §156-e and Education Law §807-b.

### **§ 64-14.1. Elevators. [Added 6-27-2012 by L.L. No. 4-2012]**

A. Where passenger elevators are provided in commercial buildings, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement as to accommodate an ambulance stretcher 24-inch by 84-inch with not less than 5 inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame. The elevator shall have a

minimum weight capacity of not less than 2,500 pounds.

B. Exceptions. An elevator meeting the requirements of Subsection A, above shall not be required where the following conditions are met.

(1) Each landing is at ground level or is accessible at grade level or by a ramp meeting ADA requirements.

(2) In buildings or structures of not more than two stories, there exist stairs of a configuration that will accommodate the carrying of the stretcher.

C. The Owner of each elevator shall provide the Patterson Building Department with three standard keys which operate the elevator access. Elevator access keys shall be keyed to a single standard master key. Additional master elevator keys shall only be issued to the owner of the building in which the elevator is located, the owners' agents, certified elevator companies, certified elevator contractors or state-certified inspectors. Master elevator keys (i) may be issued by the Patterson Building Department to emergency response agencies in its sole discretion and without creating any affirmative obligation on its part to do so; and (ii) may not be issued to any emergency response agency except by the Patterson Building Department. A person shall not duplicate a master elevator key for issuance to, or issue such a key to, anyone other than those agencies and individuals heretofore identified. Each master elevator key must be marked "DO NOT DUPLICATE."

D. The provisions of this Section shall not be deemed to amend, limit or replace any applicable provision of the New York State Building and Fire Prevention Code as same relate to the installation, design and operation of passenger elevators. In the event of conflict between any provision of this Section and the provisions of the Code, the Code provision shall control.

#### **§ 64-15. Demolition Permits**

A. Prior to the demolition of an building, or of any structure, or of any portion of any building or structure, a permit for said demolition will be issued by the Director of Codes Enforcement.

B. In addition to the information required under §64-7(D), an application for a demolition permit shall contain the following information:

(1) Whether any portion of the work will be conducted within 100 feet of a wetland, stream or body of water regulated by the Town of Patterson.

(2) The method of heating the structure, whether there are underground storage tanks on the site for fuel oil or other materials, and whether they will be abandoned in place, removed or reused.

(3) The location and type of any waste disposal system, whether any tanks, galleys, cesspools, or leach pits will be demolished, removed or reused, and the means by which all sewage been removed from the sewage lines and tanks including the name of waste hauler that removed the sewage.

(4) The location of any groundwater well on the site and whether the well(s) will it be abandoned, capped, filled or reused. A copy of a permit from the Putnam County Health Department shall be provided for any well that will be abandoned.

(5) Whether the structure contain and asbestos insulation, asbestos shingles or any friable asbestos.

(6) The location of any drywells on the site.

- (7) A description of any underground utility lines or services, including a sketch showing their location and how they will be treated.
- (8) A detailed description of how the structure will be demolished.
- (9) A description of how the demolition material be removed from the site. (C&D material may not be buried on the site).
- (10) If only a portion of the structure is to be removed, a shoring plan shall be provided.
- (11) Notice that the utility companies been notified to disconnect all utility services.
- (12) Whether the building or structure contains any lead-based paints.

#### **§ 64-16. Complaints.**

The Director of Codes Enforcement shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other chapter, or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Director of Codes Enforcement may deem to be appropriate:

- A Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
- B If a violation is found to exist, providing the owner of the affected property and any other Person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in Section 64-18 (Violations) of this chapter;
  - (1) If appropriate, issuing a Stop Work Order;
  - (2) If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

#### **§ 64-17. Record Keeping.**

A. The Director of Codes Enforcement shall keep permanent official records of all transactions and activities conducted by all Code Enforcement Personnel, including records of:

- (1) All applications received, reviewed and approved or denied;
- (2) All plans, specifications and construction documents approved;
- (3) All Building Permits, Certificates of Occupancy, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
- (4) All inspections and tests performed;
- (5) All statements and reports issued;

- (6) All complaints received;
- (7) All investigations conducted;
- (8) All other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this chapter, including; and
- (9) All fees charged and collected.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation.

#### **§ 64-18. Program Review and Reporting.**

A. The Director of Codes Enforcement shall annually submit to Town Board of the Town of Patterson a written report and summary of all business conducted by the Director of Codes Enforcement and the Inspectors, including a report and summary of all transactions and activities described in §64-6 of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Director of Codes Enforcement shall annually submit to the Secretary of State, on behalf of Town Board of the Town of Patterson, on a form prescribed by the Secretary of State, a report of the activities of the Town of Patterson relative to administration and enforcement of the Uniform Code.

C. The Director of Codes Enforcement shall, upon request of the New York State Department of State, provide to the New York State Department of State, from the records and related materials the Town of Patterson is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Town of Patterson in connection with administration and enforcement of the Uniform Code.

#### **§ 64-19. Enforcement; penalties for offenses.**

A. It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, equip, use or occupy any building or structure or portion thereof in violation of any provision of the New York State Uniform Fire Prevention and Building Code, or any amendment hereafter made thereto, as well as any regulation or rule promulgated by the Town Board, or to fail to comply with a notice, order or directive of the Director of Codes Enforcement or its authorized deputy or to construct, alter, repair,, move or equip any building or structure or part thereof in a manner not permitted by an approved building permit.

B. Compliance Orders. The Director of Codes Enforcement is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter. Upon finding that any such condition or activity exists, the Director of Codes Enforcement shall issue a Compliance Order. The Compliance Order shall be in writing; be dated and signed by the Director of Codes Enforcement; specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; specify the period of time which the Director of Codes Enforcement deems to be reasonably necessary for achieving compliance; direct that compliance be achieved within the specified period of time; and state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Director of Codes Enforcement shall cause the Compliance Order, or



a copy thereof, to be served on the owner of the affected property personally or by certified mail, return receipt requested. The Director of Codes Enforcement shall be permitted, but not required, to cause the Compliance Order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by certified mail, return receipt requested; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the Compliance Order.

C. Appearance Tickets. The Director of Codes Enforcement and each Inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

D. Civil Penalties. In addition to those penalties proscribed by State law, any Person, including any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction, alteration, repair, movement or equipping or use of any building, who violates any provision of the Uniform Code, the Energy Code or this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Director of Codes Enforcement pursuant to any provision of this chapter, shall be liable to a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town of Patterson.

E. Alternatively or in addition to an action to recover a civil penalty, any person who shall violate any of the provisions of this chapter, the Uniform Code or any rules or regulations adopted pursuant to this chapter or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder shall severally for each and every such violation be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50.) nor more than two hundred fifty dollars (\$250.) or by imprisonment for not more than thirty (30) days, or both fine and imprisonment for the first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than two hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. . The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each day that the prohibited conditions or violation continues shall constitute a separate offense. The imposition of any such penalty shall not be held to prohibit the enforced removal of prohibited conditions by any appropriate remedy, including application for an injunction.

F. Injunctive Relief. An action or proceeding may be instituted in the name of the Town of Patterson, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Temporary Certificate, Stop Work Order, Operating Permit, Compliance Order, or other notice or order issued by the Director of Codes Enforcement pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any Stop Work Order, Compliance Order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town of Patterson, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subdivision shall be commenced without the appropriate authorization from the Town Board of the Town of Patterson.

G. Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in Section 64-9 (Stop Work Orders) of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in §64-9, Stop Work Orders of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of section 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of section 382 of the Executive Law.

H. No building permit or certificate of occupancy shall be issued to a property owner, lessee, or tenant for construction occurring on a lot on which there is an outstanding and unresolved violation, unless said building permit or certificate of occupancy would cure said violation, and would be issued in full compliance with the New York State Building and Fire Code and the Town Code of the Town of Patterson. **[Added 6-27-2012 by L.L. No. 3-2012]**

#### **§ 64-20. Fees**

A fee schedule shall be established by resolution of the Town Board of the Town of Patterson. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of Building Permits, amended Building Permits, renewed Building Permits, Certificates of occupancy, Temporary Certificates, Operating Permits, fire safety and property maintenance inspections, and other actions of the Director of Codes Enforcement described in or contemplated by this chapter.

#### **§ 64-21. Intermunicipal Agreements.**

The Town Board of the Town of Patterson may, by resolution, enter into an agreement, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

#### **§ 64-22. Severability.**

The provisions of this law are hereby declared to be severable. If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

#### **§ 64-23. Effective Date.**

This chapter shall take effect immediately.

## **Chapter 67**

### **BUILDINGS, UNSAFE**

- § 67-1. Intent.**
- § 67-2. Repair or demolition required.**
- § 67-3. Examination and report by Building Inspector.**
- § 67-4. Procedure for repair or demolition.**
- § 67-5. Filing of notice with County Clerk.**
- § 67-6. Public hearing.**
- § 67-7. Removal of structure by the Town.**
- § 67-8. Vacation of unsafe buildings.**
- § 67-9. Emergency repair or removal; costs.**
- § 67-10. Report of survey; compensation of surveyors.**
- § 67-11. Costs and expenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-2005 as L.L. No. 2-2005. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Building Construction and Fire Prevention -- See Chapter 64.**

### **§ 67-1. Intent.**

It is the intent of this chapter to provide for the removal or repair of buildings within the Town of Patterson that from any cause may now be or shall hereafter become dangerous or unsafe to the public.

### **§ 67-2. Repair or demolition required.**

All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purposes of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedures herein set forth.

### **§ 67-3. Examination and report by Building Inspector.**

The Building Inspector for the Town of Patterson shall examine or cause to be examined every building reported as unsafe or damaged and shall make a written report of such examination to the Town Board.

### **§ 67-4. Procedure for repair or demolition.**

Whenever the Building Inspector shall find any building or structure or portion thereof to be an unsafe building as defined in this chapter, he shall serve upon the owner or some one of the owner's executors, legal representatives, agents, lessees or any other person having a vested or contingent interest in same, either personally or by registered mail, addressed to the last known address, if any, of the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the records of the receiver of taxes and/or in the office of the county clerk or county register, containing a description of the premises, a statement of the particulars in which the building or structure is unsafe or dangerous and an order requiring same to be made safe and secure or removed; and if such service is made by registered mail, a copy of such notice shall be posted on the premises. The time provided in such notice for the correction or removal of such conditions shall not be less than thirty (30) days nor more than sixty (60) days. Such notice shall further provide for a survey of such premises in the event of the neglect or refusal of the person served with the notice to comply with the same, said survey to be made by an inspector and architect to be named by the Town Board and a practical builder, engineer or architect appointed by the person notified as above, and in the event of refusal or neglect of the person so notified to appoint such surveyor, the inspector and architect to be named by the Town Board shall make the survey and report.

### **§ 67-5. Filing of notice with County Clerk.**

A copy of such notice as described in Section 67-4 above shall be filed in the office of the county clerk of the county within which such building or structure is located, which notice shall be filed by such clerk in the same manner as a notice of pendency pursuant to article sixty-five of the civil practice law and rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this paragraph. A notice so filed shall be effective for a period of one year from the date of filing, provided, however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the town attorney. The clerk of the county where such notice is filed shall mark such notice and any record or docket

thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

**§ 67-6. Public hearing.**

A hearing shall be held before the town board, notice of which and the time and place thereof to be specified in the notice to repair or demolish which shall be served upon the owner and such persons having an interest in the property or structure as is herein prescribed.

**§ 67-7. Removal of structure by the Town.**

In the event such owner fails or refuses to repair or remove the same within the time provided in the notice, such building or structure may be removed by the Town.

**§ 67-8. Vacation of unsafe buildings.**

If the Building Inspector finds that there is actual and immediate danger of failure or collapse so as to endanger life, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the specified repairs and improvements are completed, inspected and approved by the building official. The Building Inspector shall cause to be posted at each entrance to such building a notice stating the following: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING INSPECTOR. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other servants to remove such notice without written permission of the Building Inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.

**§ 67-9. Emergency repair or removal; costs.**

A. In cases of emergency when the Building Inspector is unable to obtain the cooperation of the owner or agent or person in control, and when in the opinion of the Building Inspector the situation involves imminent danger to human life or health, the Building Inspector shall promptly cause such building, structure or portion thereof to be made safe or removed. For this purpose he may at once enter such structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as may be necessary. He may vacate adjacent structures and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a public or private way.

B. Costs incurred under this section shall be paid out of the town treasury on certificate of the Building Inspector. Such costs shall be charged to the owner of the premises involved and shall be collected in the manner provided by law.

**§ 67-10. Report of survey; compensation of surveyors.**

Upon the completion of the survey and the report thereon, made as prescribed in Section 67-4 above, the report of the survey shall be filed with the Town Board and a copy thereof posted on the subject premises. The surveyors shall be paid a reasonable compensation for their services, which amount of compensation shall be determined by the Town Board.

**§ 67-11. Costs and expenses.**

All costs and expenses incurred by the town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, shall be assessed against the land on which said buildings or structures are located.

## **Chapter 68**

### **BURNING PERMITS AND OUTDOOR FIREPLACES**

#### **Article I**

#### **Authority, Purpose, Definitions, Burning Prohibited**

**§ 68-1. Findings.**

**§ 68-2. Definitions.**

**§ 68-3. Burning Regulated.**

#### **Article II**

#### **Outdoor Burning**

**§ 68-4. Permit required; presence at burn.**

**§ 68-5. Application for permit.**

**§ 68-6. Issuance of burning permits.**

**§ 68-7. Duration of permit.**

**§ 68-8. Suspension or revocation of burning permit.**

**§ 68-9. Restrictions.**

**§ 68-10. Fees.**

#### **Article IV**

#### **Outdoor Fireplaces and Campfires.**

**§ 68-11. Limitations on Use..**

**§ 68-12. General Requirements.**

#### **Article V**

#### **Enforcement and Penalties**

**§ 68-13. Enforcement.**

**§ 68-14. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 7-23-2003 by L.L. No. 5-2003. (readopted 4-13-2005 by L.L. No.9-2005); Adopted 10-25-2006<sup>1</sup> by L.L. No. 9-2006. Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Dumps and dumping - See Ch. 79.**

**Garbage, rubbish and refuse - See Ch. 97**

**Fees - See Ch. 87.**

**Zoning - Se Ch. 154.**

**1. Editor's Note: This local law also superseded former Ch.68, Burning Permits, adopted 7-23-2003 by L.L. No. 5-2003 (readopted 4-13-2005by L.L. No. 9-2005)**

Article I  
**Findings; Definitions; Burning Regulated**  
**[Amended 12-14-2016 by L.L. No. 5-2016]**

**§ 68-1. Findings.**

The Town Board of the Town of Patterson finds that excessive smoke, smell, airborne sparks or embers from planned outdoor fires may cause a public nuisance by creating negative health effects on neighboring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighboring properties and generating false fire alarms thus potentially diverting public resources from real emergencies.

**§ 68-2. Definitions.**

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

CAMPFIRE - Any exposed fire that is built outdoors and is typically contained by a pit or a circle of stone.

CHIMENEA - A freestanding front-loading fireplace or oven with a bulbous body and usually a vertical smoke vent or chimney.

CONSTRUCTION AND DEMOLITION DEBRIS - Waste resulting from the construction, remodeling, repair and demolition of structures, road building and land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps. "Construction and demolition debris" shall not be construed to include garden and yard waste.

OPEN BURNING - Any outdoor fire or smoke producing process from which air contaminants are emitted to the open atmosphere, including burning in a 55-gallon metal container, but excluding outdoor fireplaces, the operation of welding or similar equipment, road flares, smudgepots and similar devices associated with safety. Any burned debris that continues to emit smoke is considered an active fire.

OUTDOOR FIREPLACE - A non-combustible enclosed container using solid, natural gas or propane fuels, to hold a small fire for religious purposes, or decorative purposes, or for the preparation of food by heat, including but not limited to, a barbeque grill, barbeque pit or chimenea.

**§ 68-3. Burning Regulated.**

No person shall conduct open burning or use an outdoor fireplace within the Town of Patterson except as may be provided in this Chapter.

Article II  
**Outdoor Burning**  
**[Amended 12-14-2016 by L.L. No. 5-2016]**

**§ 68-4. Permit required.**

A. No person, firm or corporation shall burn wood, tree branches, sticks, brush within the Town of Patterson without first obtaining a burning permit from the Town Clerk or an Authorized deputy thereof, which if issued shall be limited to the burning of wood, tree branches, sticks, brush only.



B. Any resident, landowner, or contractor for hire within the Town of Patterson must have the permit in their possession, and be present on the site when conducting a burn pursuant to the Permit.

#### **§ 68-5. Application for permit.**

Application for a burning permit shall be made to the Town Clerk on forms provided by the Town Clerk and shall contain the following written information:

A. The full name and address of the owner of the property and the applicant and the names and addresses of their responsible officers, if any of them are corporations.

B. A brief description of the items of materials to be burned and the amount of same.

C. The exact location of the fire.

D. The emergency method of extinguishing the fire.

E. The date(s) when burning will take place.

F. The signature of the applicant.

G. A statement that the burning will be performed in compliance with the rules and regulations as enacted, and as amended from time to time, by the New York State Department of Environmental Conservation for burning permits, and in compliance with this Chapter and all other applicable state and local laws and regulations.

#### **§ 68-6. Issuance of burning permits.**

A. The Town Clerk or his or her authorized deputy shall examine or cause to be examined all applications for permits and documents filed therewith. The Town Clerk shall, in writing, approve, or reject the application within a reasonable time. No permit shall be issued except upon showing full compliance with the requirements of this chapter.

B. Upon approval of the application the Town Clerk shall issue or cause to be issued a burning permit to the applicant upon the appropriate forms and shall affix his or her signature thereto. The authority conferred by such permit may be limited by conditions, if any, contained therein.

#### **§ 68-7. Duration of permit.**

A burning permit issued pursuant to this chapter shall only confer the authority to burn on the date(s) stated in the application for said burning permit, however no permit shall be issued for a period of more than thirty (30) days.

#### **§ 68-8. Revocation of burning permit.**

A. A burning permit issued pursuant to this chapter may be suspended or revoked by any Official charged with enforcement of this chapter if it is determined that the burning that is taking place on the property is not proceeding in conformance with the regulations established by the New York State Department of Environmental Conservation for burning permits and other applicable state and local laws and regulations, this chapter or any condition attached to such permit, or if there has been misrepresentation or falsification of a material fact in connection with the application for the permit.

B. Any permit issued pursuant to this chapter shall be considered suspended during any stage of an air pollution episode or period of high fire danger as announced by the New York State Department of Environmental Conservation and applicable to Putnam County, and shall remain suspended until such time as the condition no longer exists as announced by said Department.

C. The Supervisor, or Town Board of the Town of Patterson, upon recommendation of the Putnam County Fire Coordinator, Patterson Fire Code Enforcement Officer, Putnam Lake Fire Department, or the Patterson Fire Department may suspend the issuance of burning permits and of all permits previously issued pursuant to this chapter, which shall remain suspended until such time the suspension has been lifted by the entity issuing the suspension.

#### **§ 68-9. Restrictions.**

A. Each person, firm or corporation who or which receives a burning permit shall comply with the regulations established by this Chapter, or those established by the New York State Department of Environmental Conservation for burning permits and other applicable state and local laws and regulations.

B. Burning shall only be conducted from 6:00 a.m. to 6:00 p.m. Monday through Saturday only. No person, firm or corporation that has been issued a burning permit shall burn within the Town of Patterson on Sundays, nor on the following legal holiday including New Years Day, Dr. Martin Luther King Jr. Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day and Christmas Day. A permittee shall stop adding additional material to the burn pile at 3:00 p.m. to allow the fire to burn down completely by 6:00 p.m.

C. No person shall start or maintain a fire within the principal building setback area for the district in which the property is located. Further, no person shall start or maintain a fire within fifty (50) feet of any principal building on the property in which the fire is started or maintained, or within fifty (50) feet of any principal building on any adjoining property.

D. No permit shall be issued for, nor shall any property owner, resident, or contractor for hire be permitted to burn, any paper products, rubber, plastic, paints, varnishes, metals, oil, oil by-products construction and demolition debris, logs, tree stumps, rubbish, household waste or other materials not included in Subsection E, below.

E. Materials permitted to be burned, pursuant to a duly issued permit shall include brush, tree limbs less than eight inches in diameter, dry shrubbery or plants and clean, untreated scraps of lumber. Untreated lumber is lumber that has not been treated with chemicals, preservatives, paints or varnishes of any kind.

F. Piles of burning material shall be of an appropriate size that can be properly managed at all times. Only one pile of burnable material may be ignited, sustained or burned at any one time per each residential property. Burning of more than one pile at the same time is not allowed under this permit.

G. The Permittee must be in attendance of the permitted fire at all times. No fire will be left unattended until it is completely extinguished.

H. A permitted fire is allowed only when prevailing winds are light and the transmission of smoke is away from populated areas. The Permittee must immediately and completely extinguish the fire if prevailing winds change in direction, or increase in intensity, to a point that jeopardizes control of the fire or directs smoke to the surrounding population.

I. The Permittee will have sufficient means to control or extinguish the fire at all times. A

working garden hose, buckets of water with brooms and hand tools such as shovels, rakes and hoes or heavy equipment are considered necessary control measures at the site of any open burn.

J. Materials to be burned will be isolated to prevent the fire from escaping from the pile of material to be burned. All flammable material shall be cleared away from the edge of the burn pile a minimum of five feet from the base of the fire. The pile of material to be burned shall be kept small enough to maintain control at all times.

K. The Permittee shall be liable for any damage to property of another, or injury to a person resulting from fires ignited by them, or smoke generated by any fire ignited or sustained by the Permittee. Should it become necessary for the Town to extinguish any fire started, maintained or caused by the Permittee, the Permittee may be held civilly and/or criminally liable for any suppression costs and of any and all damages resulting therefrom.

#### **§ 68-10. Fees.**

The fee for the issuance of a burning permit shall be set from time to time by resolution of the Town Board and shall be included in the Schedule of Fees.

### **Article IV Outdoor Fireplaces and Campfires.**

#### **§ 68-11. Limitations on Use.**

A. No Outdoor Fireplace or campfires shall be operated in a manner inconsistent with the requirements of this Article or of the New York State Fire Code, or in a manner inconsistent with any other applicable state and local laws and regulations.

B. The use of any outdoor patio stoves, outdoor fire places, outdoor grills, chimneys, campfires, or factory built metal novelty stoves shall be permitted on property used for residential purposes in any zoning district without the necessity of a permit, provided that they shall be operated in a manner consistent with the requirements contained herein.

C. This Article shall not apply to not-for profit organizations conducting a charitable event or Commercial barbeques that have obtained all necessary legal permits and approvals.

#### **§ 68-12. General Requirements.**

A. Open Burning, Outdoor Fireplaces or campfires shall be operated only outside of any structure, and shall meet all of the setback requirements of the New York State Fire Code.

B. Open Burning, Outdoor Fireplaces or campfires shall not be used for the burning of any material which may produce an offensive or toxic odor or smoke including but not limited to household trash, books magazines, drywall, plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste.

C. Open Burning, Outdoor Fireplaces or campfires are strictly prohibited when such open burning will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous.

D. A fire extinguisher with a minimum 4-A rating shall be readily available and easily accessible at all times during open burning.

E. Any outdoor fireplace, campfire or open air burning while in operation shall be constantly attended by a person who is knowledgeable in the use of the fire-extinguishing equipment referred to in Section 68-12(D) hereof.

## Article V **Enforcement and Penalties**

### **§ 68-13. Enforcement.**

A. The provisions of this Chapter may be enforced by the Codes Enforcement Officer, or any deputy thereto, the Fire Inspector and the Code Compliance Officer (hereinafter referred to as the "Enforcement Official").

1. The Enforcement Official may suspend the operation of any open burning or outdoor fireplace (i) if smoke, ash, or smell omitting from open burning or an outdoor fireplace becomes objectionable or offensive to neighboring properties, or (ii) if the Enforcement Official determines the open burning or outdoor fireplace constitutes a hazardous condition.

2. A Permittee's right to burn may be suspended or revoked for violations of permit conditions.

B. Subsection A shall not prohibit any Department of Environmental Conservation Forest Ranger or Environmental Conservation Officer from acting pursuant to his or her special duties with regard to any violation which may also be deemed a violation of this Chapter. When an above mentioned Officer has extinguished an open burn or ordered the Permittee to extinguish an open burn, no further open burning is authorized by this Permit for the next 48 hours.

### **§ 68-14. Penalties for offenses.**

Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof shall be deemed misdemeanors. Each day's continued violation shall constitute a separate additional violation.

## Chapter 69

### CANNABIS

#### Article I

#### Retail Dispensaries and On-Site Consumption Sites

§69-1. Legislative Intent.

§69-2. Authority.

§69-3. Local opt-out.

§69-4. Severability.

§69-5. Permissive referendum.

§69-6. Effective date.

[HISTORY: Adopted by the Town Board of the Town of Patterson as indicated in article histories. Amendments noted where applicable.]

#### ARTICLE I

#### **Retail Dispensaries and On-Site Consumption Sites**

[Adopted 8-25-2021 by L.L. 3-2021]

##### **§69-1. Legislative Intent.**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Patterson, that would otherwise be allowed under Article 4 of the New York Marijuana Regulation and Taxation Act (the “Cannabis Law”).

##### **§69- 2. Authority**

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the retail sale of cannabis products and on-site consumption of marijuana and other cannabis products from and at duly licensed dispensaries and other establishments within the Town of Patterson by prohibiting the issuance of retail dispensary licenses and on-site consumption licenses within the Town, and is subject to a permissive referendum pursuant to and in accordance with the provisions of the New York Municipal Home Rule Law § 24.

##### **§69- 3. Local Opt-Out**

The Town Board of the Town of Patterson hereby declares that cannabis retail dispensaries and on-site cannabis consumption sites may not be established and operated within the Town, and that the Cannabis Control Board be provided with a copy of this Local Law as evidence of the Town’s request that said Board shall prohibit the issuance of retail dispensary licenses and on-site consumption licenses within the Town.

##### **§69-4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this article, or the application thereof to any person, firm, corporation or circumstance, shall be determined by judgment or order of a court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect, impair, or invalidate the remainder this article, and shall be confined in its application to (i) the clause, sentence, paragraph, subdivision, or part of this article determined to be invalid or unconstitutional; or (ii) the person, firm, corporation or circumstance, directly involved in the controversy in which such judgment or order shall have been rendered.

**§69- 5. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the provisions of Municipal Home Rule Law § 24.

**§69-6. Effective date.**

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

## **Chapter 70**

### **CHRISTMAS TREE SALES**

**§ 70-1. Intent**

**§ 70-2. License required.**

**§ 70-3. License application; approval; appeal.**

**§ 70-4. Fees; deposit**

**§ 70-5. Locations permitted for sales.**

**§ 70-6. Issuance; revocation of license.**

**§ 70-7. Duration of license.**

**§ 70-8. Penalties for offenses.**

**§ 70-9. Applicability.**

**§ 70-10. Severability; when effective.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 10-24-1990 as L.L. No. 6-1990. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Peddling and soliciting - See Ch. 121**

**Zoning - See Ch. 154**

<sup>1</sup> Editor's Note: This local law was originally adopted as Chapter 122 but renumbered to Chapter 70 to fit the alphabetical sequence of the Code.

### **§ 70-1. Intent.**

The intent of this chapter is to establish regulations and procedures for the outdoor seasonal sale of Christmas trees and related holiday items and decorations in the Town of Patterson, State of New York.

### **§ 70-2. License required.**

A. It shall be a violation of this chapter for any person to sell Christmas trees and related holiday items and decorations in the Town of Patterson without having a license therefor.

B. It shall be a violation of this chapter for any owner to allow his property to be used for the sale of Christmas trees and related holiday items and decorations by any person or persons who do not have a license therefor.

### **§ 70-3. Application; approval; appeal**

A. All applications for a license that allows the sale of Christmas trees and related holiday items and decorations shall be made to the Town Code Enforcement Officer on a form prescribed by the Town Board.

B. With respect to the subject property, the application shall be accompanied by:

- (1) A plan, drawn to scale, reflecting the general location of the property and the area upon which the storage and sale of Christmas trees and related holiday items and decorations are to take place;
- (2) The provision for site access and parking; and
- (3) The written consent of the owner of the property.

C. Within ten (10) days after the completed application and accompanying documents have been submitted, the Town Code Enforcement Officer shall approve, disapprove or approve with conditions the application and issue a license. In the event that the application is disapproved, the Town Code Enforcement Officer shall state his reasons for such disapproval in writing and forward the same to the applicant.

D. Any applicant may appeal the decision of the Town Code Enforcement Officer to disapprove such application within seven (7) days of such determination to the Town Board, which shall either affirm the decision of the Town Code Enforcement Officer or approve the application with or without conditions.

### **§ 70-4. Fees; deposit**

The application shall be accompanied by a nonrefundable processing fee and a site restoration deposit as set from time to time by resolution of the Town Board. The site restoration fee shall be refunded to the applicant in full if the applicant is disapproved or within seven (7) days after the termination of the license on the condition that the property is restored to its prior existing condition and is free of all debris from the storage and sale of Christmas trees and related items as determined by the Town Code Enforcement Officer. In the event that the site is not restored to its prior condition within seven (7) days after the termination of the license, the site restoration fee shall be forfeited to the Town of Patterson.



#### **§ 70-5. Locations permitted for sales.**

The outdoor seasonal sale of Christmas trees and related holiday items and decorations may be permitted on any lot in the GB General Business, C-1 Commercial and I Industrial Zoning Districts in the Town of Patterson, State of New York. No more than five (5) locations shall be approved.

#### **§ 70-6. Issuance; revocation of license.**

A. The Town Code Enforcement Officer shall approve an application for the sale of Christmas trees and related holiday items and decorations at permissible locations and issue a license for the period designated in this chapter if such application complies with the provisions and requirements of this chapter and provides adequate and safe vehicular access, parking and pedestrian safety, taking into consideration other uses, activities and sales conducted on such property.

B. The license may be revoked at any time if the licensee deviates from the plan as submitted or violates a condition of the license or if the sale is deemed to create a public health or safety hazard. If the license is revoked, all sales shall be terminated immediately and shall not be permitted until the licensee complies with the plan and the Code Enforcement Officer is satisfied that all violations, safety and/or health hazards are eliminated. If the licensee fails to comply within five (5) days of notice of revocation, the license shall be considered terminated.

#### **§ 70-7. Duration of license.**

All licenses shall commence on November 15 and shall terminate on December 30.

#### **§ 70-8. Penalties for offenses.**

Any person committing an offense against any provisions of this chapter shall be guilty of a violation and shall be punished by a fine of not less than one hundred fifty dollars (\$150.) nor greater than two hundred fifty dollars (\$250.) in addition to the loss of such applicants site restoration deposit

#### **§ 70-9. Applicability.**

This chapter shall not apply to sales of Christmas trees and related items and decorations at garden shops, nurseries or other commercial businesses which are open for business during other parts of the year or to residential property.

#### **§ 70-10. Severability; when effective.**

A. The invalidity of any provision of this chapter shall not invalidate any other part.

B. This law shall take effect immediately upon approval of the same by the Town Board.

## Chapter 72

### CHRONIC PUBLIC NUISANCE ABATEMENT

**§ 72-1. Legislative Findings**

**§ 72-2. Definitions.**

**§ 72-3. Presumption of violation.**

**§ 72-4. Nuisance forbidden.**

**§ 72-5. Presumption of knowledge.**

**§ 72-6. Director of Codes Enforcement.**

**§ 72-7. Penalties for offenses; complaints.**

**§ 72-8. Severability.**

**[HISTORY: adopted by the Town Board of the Town of Patterson 2-11-2009 by L.L. No. 1-2009; Amendments noted where applicable.]**

### GENERAL REFERENCES

Unsafe buildings \_ See Ch. 67

Garbage, rubbish and refuse - See Ch. 97

Noise - See Ch. 109

Abandoned vehicles - See Ch. 147

## **§ 72-1. Legislative Findings**

A. The Town Board of the Town of Patterson finds that a small percentage of persons who own or control real property in the Town of Patterson have allowed their property to be used for illegal purposes, or have otherwise failed to properly maintain their property in accordance with the Town Code of the Town of Patterson or the New York State Uniform Building and Fire Code. Where the violations are habitual, these properties interfere with the comfort, health, solitude and quality of life of the individuals residing in the neighborhood, they have created a significant impact upon the living conditions in the Town's neighborhoods, and they have raised justifiable concerns about public safety. Chronic public nuisance activity have been found to contribute to the general decay of affected neighborhood, which results in a lowering the value of surrounding properties.

B. As a result of the activities occurring at these properties, and/or the conditions in which they are maintained, these properties tend to receive and require more than the general, acceptable level of Law and Codes Enforcement services, and place an undue and inappropriate burden on the Town of Patterson taxpayers. The Town Board of the Town of Patterson has determined that existing laws have not sufficiently encouraged such property owners to take reasonable steps to abate the nuisances that their property is creating, and has determined that enhanced penalties will give such property owners additional incentives to ameliorate the said problems, and help to compensate the Town for the increase in Code Enforcement services.

C. This local law is enacted to encourage Property owners to recognize their responsibility to ensure that activities occurring on their Property conform to the law and do not adversely affect their neighborhoods, unduly burden the Town's Code Enforcement resources and to provide a mechanism for the Town to take action against Property owners who fail to ensure Property they own does not require a disproportionate level of Code Enforcement resources to be devoted to such Property. This Chapter is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a Property owner's duty to comply with all other laws governing residential tenancies which are contained in the New York State Statutes.

## **§ 72-2. Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**CHRONIC PUBLIC NUISANCE** - Any property that meets any of the following criteria:

A. Two or more incidents of a public nuisance activities listed below, which occurs during any 30-day period; or

B. Three or more incidents of a public nuisance activities listed below which occurs during any 90-day period; or

C. Five or more incidents of a public nuisance activities listed below which occurs during any 365-day period; or

D. One incident which continues unabated for a period of 90 days.

**NOTICE OF VIOLATION** - Notice sent by the office of the Director of Codes Enforcement that a potential violation of a property under the Patterson Town Code, or the New York State Building and Fire Code has been observed, and which may or may not include a period in which the property owner may correct the violation.

**OWNER**- Any person having a vested or contingent interest in the property in question, as shown on the most recent deed filed with the County Clerk of the County of Putnam.

**PUBLIC NUISANCE** - Public nuisance shall include any activities that occurs on, or in any building, structure or real property, and committed by an owner, tenant, renter, leasee, occupant, or guest thereof, and constitutes a violation of the Town Code of the Town of Patterson, the New York State Uniform Fire Prevention and Building Code, or the Laws of the State of New York, including but not limited to the following :

A. Any building, structure or real property wherein there exists or has occurred any violation of the Patterson Town Code, or the New York State Uniform Fire Prevention and Building Code, including the Property Maintenance Code of New York State, and any subsequent amendments or superseding provisions thereto.

B. Any building, structure or real property used for the purpose of illegal use, possession or distribution of a controlled substance or marijuana as defined by the New York State Penal Law.

C. Any building, structure or real property used for the purposes of prostitution as defined by the New York State Penal Law.

D. Any building, structure or real property used for purposes of indecency, obscene performances and/or promotion of obscene material as defined by the New York State Penal Law and this Code.

E. Any building, structure or real property used for purposes of illegal gambling activity as defined in the New York State Penal Law.

F. Any building, structure or real property used for the purpose of the commission of illegal possession, use or sale of firearms or weapons as defined by the New York State Penal Law.

G. Any building, structure or real property where alcoholic beverages have been sold, offered for sale or given to persons under the age of twenty-one.

H. Any building, structure or real property used for the purpose of illegal sale, manufacture or consumption of alcohol beverages as defined by the New York State Alcohol Beverage Control Law.

I. Any building, structure or real property wherein there exists or has occurred a criminal nuisance as defined by the New York State Penal Law.

J. Any building, structure or real property used for purposes of loitering as defined by the New York State Penal Law, or of the Patterson Town Code.

K. Any building, structure or real property wherein an occupant, guest or business invitee conducts or performs activities or behaves in a manner that detrimentally effects the quiet and reasonable use and enjoyment of adjacent or neighboring property as such conduct and activities are defined by the New York State Penal Law, or the Patterson Town Code

### **§ 72-3. Presumption of violation.**

For the purposes of this Chapter, it shall be presumed that a violation has occurred upon the issuance of either an appearance ticket, or a violation, or a Notice of Violation by the Director of Codes Enforcement, or of an arrest or violation by a peace officer, unless said appearance ticket, notice of violation, violation or arrest has been decided otherwise by a court of competent jurisdiction.

#### **§ 72-4. Nuisance forbidden.**

No owner, operator, manager, tenant, lessee or other occupier of a building, structure or real property shall knowingly conduct, maintain, permit or allow the existence of a public nuisance, or of a chronic public nuisance at the building, structure or real property. Any person, whether owner, operator, manager, tenant, lessee or other occupier, who permits a chronic nuisance on property under their ownership or control shall be in violation of this chapter.

#### **§ 72-5. Presumption of knowledge.**

Notice by first class mail or personal service of activities entailing a public nuisance to the property owner, operator, manager, tenant, lessee or other occupier of a building, structure or real property shall be prima facie evidence of knowledge of the public nuisance.

#### **§ 72-6. Director of Codes Enforcement.**

A. It shall be his duty of the Director of Codes Enforcement to enforce the provisions of this chapter.

B. A copy of every violation, or every notice of violation issued to any operator, manager, tenant, lessee or other occupier of a building, structure or real property, shall also be delivered by first class mail or personal service to the owner of said property.

C. The Director of Codes Enforcement shall maintain a log of all time spent on a potential violation of a property which may be considered a chronic public nuisance. This subsection shall not apply to any initial violation issued to a property owner.

#### **§ 72-7. Penalties for offenses; complaints.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. In addition, any penalty for a violation issued pursuant to Subsection A, above, any fine imposed shall include an amount commensurate with the time spent by the Director of Codes Enforcement addressing any public nuisance, or chronic public nuisance

C. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints filed by an individual must be in writing and filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. This Section shall not relieve the Building Department from investigating or acting upon any violation of which they are made aware.

D. Accountability. For every violation of the provisions of this chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists shall also be punishable according to the provisions of this chapter.

E. Upon the failure or refusal of the Code Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 10 days after written request by a resident owner of real property of the town to do so, any three owners of real property of the town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Director of Codes Enforcement or Town Board.

F. For the purposes of this Chapter, a conviction for an offense in a court of competent jurisdiction for a public nuisance as defined herein, shall not be required to establish that a violation of this Chapter has occurred.

#### **§ 72-8. Severability.**

If any clause, sentence, paragraph, word, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

Chapter 76  
ARTICLE I  
**DOGS AND OTHER ANIMALS**

- § 76-1            Purpose.**
- § 76-2            Definitions.**
- § 76-3            Restrictions.**
- § 76-4            Dog licensing requirements and procedures.**
- § 76-5            Identification of dogs.**
- § 76-6            Change of ownership; lost or stolen dogs; death.**
- § 76-7            Enforcement.**
- § 76-8            Seizure; redemption; euthanasia.**
- § 76-9            Adoptions**
- § 76-10           Humane treatment of animals.**
- § 76-11           Complaints**
- § 76-12           Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson as indicated in article histories (readopted 4-13-2005 by L.L. No. 9-2005). Amendments noted where applicable.]**

## **ARTICLE I**

### **Licensing, Identification and Control of Dogs**

**[Adopted 8-10-1977 by L.L. No. 3-1977; amended in its entirety 7-13-2016 by L.L No. 4-2016]**

#### **§ 76-1. Purpose.**

Effective January 1, 2011, the State of New York has relinquished the responsibility of dog licensing function to local municipalities and eliminated the Animal Population Control Fund. Local municipalities will now be required to adopt legislation relating to this issue. The purpose of this article is to provide for the licensing and identification of dogs, the control and protection of the dog population and the protection of the persons, property, domestic animals and deer from dog attack and damage within the Town of Patterson.

#### **§ 76-2. Definitions.**

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

**ADOPTION** – The delivery to any natural person eighteen (18) years of age or older, for the limited purpose of harboring a pet, of any dog or cat seized or surrendered from the Town’s animal shelter.

**CLERK** – The Town Clerk or Deputy Town Clerk of the Town of Patterson by whom licenses are to be validated or issued pursuant to this article.

**CONFINED** – Securely caged or otherwise confined or restrained or kept on the owners premises, or premises under the lawful control of the owner, either within a building, kennel or other suitable enclosure or securely fastened on a chain, wire or other effective tether of such length and so arrange that the animal cannot reach or endanger any person or domestic animal kept on any adjacent premises or on any public street, way or place, or, if the animal is restrained in a vehicle that it cannot be expected to escape therefrom.

#### **DANGEROUS DOG -**

##### **A. any dog which :**

(1) Without justification attacks a person, companion animal, farm animal, or domestic animal as defined in § 350 of the Agriculture and Markets Law, and causes physical injury or death; or

(2) Behaves in a manner which a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to one or more persons, companion animals, farm animals or domestic animals; or

(3) without justification attacks a service dog, guide dog, hearing dog or other animal and causes physical injury or death.

##### **B. “Dangerous dog” does not include a police work dog, as defined herein, which acts in the manner described in this paragraph while such police work dog is being used to assist one or more law enforcement officers in the performance of their official duties.**

**DETECTION DOG** – Any dog that is trained and is actually used, or is undergoing training to be used for the purpose of detecting controlled substances, explosives, ignitable liquids, firearms,



cadavers, or school or correctional facility contraband.

**DOG** – Any member of the species *canis familiaris*.

**DOG CONTROL OFFICER** – Any individual appointed by the Town of Patterson to assist in the enforcement of this article, or any authorized officer, agent or employee of an incorporated humane society under contract with the Town of Patterson to assist in the enforcement of this article.

**EUTHANASIA** – The act of intentionally ending a life by means which is painless.

**GUIDE DOG** – Any dog that is trained to aid a person who is blind and that is actually used for such purpose, or any dog owned by a recognized guide dog training center located within the State of New York during the period such dog is being trained or bred for such purpose.

**HARBOR** – To provide food or shelter to any or cat.

**HEARING DOG** – Any dog that is trained to aid a person with a hearing impairment and that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such training.

**IDENTIFICATION TAG** – A tag which sets forth an identification number, as required by the provisions set forth in this article.

**LEASHED** – The control by an individual of an animal by the use of a tether attached to the collar or harness of animal, especially a dog, and used to lead it or hold it in check.

**OWNER** – The party purchasing the license unless the dog is or has been lost and such loss reported to the Dog Control Officer and reasonable search has been made. If an animal is not licensed, the term “owner” shall designate and cover any person or persons, firm, association or corporation who or which at any time owns or has custody or control of, harbors or is otherwise responsible for any animal which is kept, brought or comes within the town. Any person owning or harboring a dog for a period of one (1) week prior to the filing of any complaint charging a violation of this article, shall be held and deemed to be the “owner” of such dog for the purpose of this article. In the event the “owner” of any dog found to be in violation of this article is a minor, the head of the household in which said minor resides shall be deemed to have custody and control of said dog and shall be responsible for any acts of said dog in violation of this article.

**PERSON WITH DISABILITY** – Any person with a disability as that term is defined in Subdivision 22 of § 292 of the New York Executive Law.

**POLICE WORK DOG** – Any dog owned or harbored by any municipal police department or any state or federal law enforcement agency, which dog has been trained to aid law enforcement officers and is actually being used for police work purposes.

**RECREATIONAL AREAS** – Any real property owned by the Town of Patterson which is used for recreational purposes by the public, including but not limited to parks and playgrounds.

**RUN AT LARGE** – To be in a public place or on private lands without the knowledge, consent and approval of the owner of such lands.

**SENIOR RESIDENT** – Any resident of the Town of Patterson who is age 65 or older.

**SERVICE DOG** – Any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person’s parent, guardian or other legal representative.

**THERAPY DOG** – Any dog that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes and other setting that is actually used for such purpose, or any dog owned by a recognized training center located within the State of New York during the period such dog is being trained or bred for such purpose.

**TOWN** – The area within the corporate limits of the Town of Patterson.

**WAR DOG** – Any dog which has been honorably discharged from the United States armed services.

**WORKING SEARCH DOG** – Any dog that is trained to aid in the search for missing Persons and that is actually used for such purposes; provided, however, that such services provided by said dog shall be performed without charge or fee.

### **§ 76-3. Restrictions.**

A. It shall be unlawful for any owner of any dog in the Town of Patterson to permit or allow such dog to:

- (1) Run at large, unless in such area designated by the Town as a “dog park”.
- (2) Be off the owner’s property unless leashed.
- (3) Engage in habitual loud howling, barking, crying or whining or conduct itself in such a manner as to habitually annoy any person other than the owner or harbinger of such dog.
- (4) Cause damage or destruction to public or private property or to defecate, urinate or otherwise commit a nuisance upon the property of anyone other than the owner or harbinger of such dog.
- (5) Bite chase, jump upon or otherwise harass any person in such manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- (6) Chase, leap on or otherwise harass bicycles or motor vehicles.
- (7) Kill or injure any dog, cat or other household pet.
- (8) Be unlicensed when four (4) months of age or older.
- (9) Not have a current and valid New York State identification tag on its collar while at large, whether or not restrained by an adequate leash.

B. It shall be unlawful:

- (1) For any person to knowingly affix to any dog any false or improper identification tag or special identification tag for identifying guide, service or hearing dogs.
- (2) For any person to furnish any false or misleading information on any form required to be filed with the Town of Patterson pursuant to the provisions of this article or any rules and regulations promulgated pursuant thereto.
- (3) For any person residing in the Town of Patterson to keep or harbor any dog, cat or other animal in such a manner as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public.
- (4) For any owner or custodian of any dog to fail to confine, restrain or present such dog for

any lawful purpose pursuant to this article.

(5) For the owner or custodian of any dog to fail to exercise due diligence in handling his or her dog if the handling results in harm to another dog that is a guide, hearing or service dog.

(6) For any owner of a dog to fail to notify the municipality in which his or her dog is licensed of any change of ownership or address, as required by § 112 of the Agriculture and Markets Law.

C. The owners of, or persons in control of, such dogs shall be responsible to promptly remove and dispose of, in a sanitary manner, any feces left by said dog in any public right-of-way or any public property.

D. The maximum number of dogs that may be permitted on any property shall not be greater than the number permitted under § 154-27A(3) of the Patterson Zoning Code.

#### **§ 76-4. Dog licensing requirements and procedures.**

A. Licensing of dogs.

(1) The owner of any dog reaching the age of four (4) months shall immediately make application for a dog license. No license shall be required for any dog under the age of four (4) months that is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the Town. A license shall be renewed after a period of one (1) year beginning with the first day of the month following the date of issuance. Renewal shall be for a minimum of one (1) year and shall not exceed three (3) years, based on the validation term of the rabies vaccination.

(2) Application for a dog license shall be made to the Clerk.

(3) The application shall state the dog's name, sex, actual or approximate year of birth, breed, color(s) and other identification markers, if any, official identification number of the dog, and the owner's name, address and telephone number.

(4) The application shall be accompanied by a license fee as listed below and a valid certificate of rabies vaccination or statement in lieu thereof. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian showing that the dog has been spayed or neutered, provided that such certificate shall not be required if the same is already on file with the Clerk.

(5) No license shall be issued for a period expiring after the last day of the eleventh month following the expiration date of the current rabies certificate for the dog being licensed.

(6) The fees for a dog license shall be as follows:

(a) Un-spayed/un-neutered dog: \$13.50 per year,.

(b) Spayed/neutered dog: \$7.50 per year.

(c) There shall be no fee charged for a license issued for any detection dog, guide dog, hearing dog, police work dog, service dog, therapy dog, war dog, or working search dog.

(7) Upon validation by the Clerk, the application shall become a license for the dog

described therein. Once an application has been validated, no refund shall be made either in whole, or in part.

(8) The Clerk shall provide a copy of the license to the owner and retain a record of the license in either paper or electronic form.

(9) No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog. The original issued identification tag shall remain the same for the life of the dog.

(10) No dog can be adopted out of the Town's animal shelter without first obtaining a license from the Clerk.

B. Purebred licenses. There shall not be distinct purebred licenses as previously provided for by the State. Any and all existing purebred licenses shall now be required to comply with Section 76-4.A of this article.

C. Rabies vaccination. The Clerk, at the time of issuing any license pursuant to this article, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog has been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of age or other reason, the life of the dog would be endangered by the administration of the vaccine. The Clerk shall make or cause to be made from such statement a record of such information and file such record with a copy of the license.

D. Enumeration. In addition to other applicable fees, any person applying for a dog license for a dog identified as unlicensed during an enumeration shall pay a fee of \$5.00. Such additional fee shall be used to pay the expenses incurred by the Town in conducting the enumeration. In the event that the additional fees collected exceed the expenses incurred by the Town in conducting an enumeration in any year, such excess fees may be used by the Town for any other lawful purpose.

#### **§ 76-5. Identification of dogs.**

A. Each dog licensed shall be assigned, at the time the dog is licensed for the first time, a permanent official identification number. Such identification number shall be carried by the dog on an identification tag that shall be affixed to a collar on the dog at all times.

B. The official identification number shall constitute the official identification of the dog to which it is assigned, regardless of changes of ownership, and the number shall not be reassigned to any other dog during the lifetime of the dog to which it is assigned.

C. At the time a dog is first licensed, one identification tag shall be furnished to the owner at no charge. Any replacement tag shall be obtained by the owner at his expense at a fee of \$3.00.

D. No tag carrying an official identification number shall be affixed to the collar of any dog other than the dog to which that number has been assigned.

E. The identification tag shall be imprinted with the words "Town of Patterson," the dog's official identification number and the telephone number of the Clerk's office.

#### **§ 76-6. Change of ownership; lost or stolen dogs; death.**

A. In the event of a change of ownership of any dog that has been assigned an official identification number or a change in the address of the owner of record of any such dog, the owner of record shall notify the Clerk of such change within ten (10) days of the change.

B. If any dog that has been assigned an official identification number becomes lost or stolen, the owner of record shall notify the Clerk within ten (10) days of the discovery of such loss or theft.

C. In the event of the death of a dog that has been assigned an official identification number, the owner of record shall notify the Clerk either prior to the renewal of the license or upon the time of such renewal.

#### **§ 76-7. Enforcement.**

A. There shall be and there is hereby created the position of Dog Control Officer, which person shall serve at the pleasure of the Town Board. The Dog Control Officer shall have all the powers of a constable or other peace officer in the execution of provisions of this article and the provisions of Article 7 of the Agriculture and Markets Law, including service of summonses and appearance tickets pursuant to the Criminal Procedure Law. It shall be the duty of such Dog control Officer of the Town of Patterson to enforce the appropriate provisions of the Agriculture and Markets Law with respect to dogs in the Town of Patterson and to enforce this article.

B. All complaints concerning alleged violations of this article shall be communicated to the Dog Control Officer. All such complaints shall be investigated, and it shall be the duty of the Dog Control Officer to proceed with civil or criminal enforcement of this article or any other provision of the law pertaining thereto.

C. No person shall hinder, resist or oppose the Dog Control Officer, peace officer or other person(s) authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

D. Any duly authorized agent of the Society for the Prevention of the Cruelty of Animals is hereby authorized to enforce the provisions of § 76-3A(1) through (7) and §76-10

#### **§ 76-8. Seizure.; redemption; euthanasia.**

A. The Dog Control Officer of the Town of Patterson, or any peace officer, may seize any dog which is found to be in violation of any portion of this article, as well as any dog or dogs otherwise required to be seized under any by virtue of the Agriculture and Markets Law of the State of New York.

B. Any dog seized shall be impounded and disposed of in accordance with the provisions of Article 7 and other applicable provisions of the Agriculture and Markets Law, and as provided herein. The Dog Control Officer or police officer may also investigate or refer to the Town Justice of the Town any dangerous dog as described in Article 7 of the Agriculture and Markets Law and see that the order of the Town Justice in such case is carried out.

C. Redemption period. Promptly upon seizure of any identified dog, the owner of record of such dog shall be notified by the Dog Control Officer either personally or by certified mail, return receipt requested, of the facts of seizure and the procedure for redemption. If notification is personally given, such dog shall be held for a period of at least five days after the day of notice, during which period the dog may be redeemed by the owner. If such notification is made by mail, such dog shall be held for a period of nine days from the date of mailing, during which period the dog may be redeemed by the owner. In either case, the owner may redeem such dog upon payment of the impoundment fees prescribed in Subsection D below, in cash, to the Town Clerk and by producing proof that the dog has been licensed.

D. Each dog which is not identified, whether or not licensed, shall be held for a period provided

under Subsection C, during which period the dog may be redeemed by its owner, provided that such owner produces proof that the dog has been licensed and has been identified pursuant to the provisions of Article 7 of the Agriculture and Markets Law, and further provided the owner pays to the Town Clerk, in cash, the following impoundment fees:

(1) Twenty-Five for the first twenty-four-hour period or any part thereof, and \$25.00 for each additional twenty-four-hour period or part thereof, for the first impoundment of any dog owned by that person.

(2) Thirty dollars for the first 24-hour period or any part thereof, and \$30.00 for each additional 24-hour period or part thereof, for the second impoundment within one year of the first impoundment of any dog owned by that person.

(3) Thirty-five dollars for the first 24-hour period or any part thereof, and \$35.00 for each additional 24-hour period or part thereof, for the third and subsequent impoundments within one year of the first impoundment of any dog owned by that person.

E. Each dog seized in accordance with the provisions of this article shall be properly sheltered, fed and watered during the redemption period as herein provided in a facility so designated by the Town Board of the Town of Patterson.

F. An owner shall forfeit title to any dog unredeemed at the expiration of the appropriate redemption period. The dog may be kept by the Putnam County Humane Society for a period of three (3) months, and all costs for keeping the dog shall be borne by the Putnam County Humane Society, during which time the dog shall be available for adoption. Thereafter, the dog shall be euthanized.

G. No action shall be maintained against the Town of Patterson, any duly designated Dog Control Officer or any other agent or officer of the Town to recover the possession or value of any dog or for damages for injury or compensation for the destruction of any dog seized or destroyed pursuant to the provisions of this article.

H. The euthanasia of any dog shall be by a veterinarian in keeping with the latest humane practices of disposing of animals. No dog seized by the Dog Control Officer shall be sold or surrendered to any person, firm, organization or institution for experimental use. The Dog Control Officer who causes such dog to be euthanized shall make a written report of such euthanasia and disposition to the Town Clerk, together with a statement from the veterinarian who euthanized the dog, stating that dog was euthanized in keeping with humane practices. The Town Clerk shall keep a record of all dogs which are euthanized.

#### **§ 76-9. Adoption.**

Pursuant to Article 7 of the Agriculture and Markets Law, any dog which is held in compliance with § 76-8 of this chapter may be released for adoption for a fee as set from time to time by resolution of the Town Board, to be paid to the Town Clerk or the Dog Control Officer. Any adopted dog shall be spayed or neutered before or after its release from custody.

#### **§ 76-10. Humane treatment of animals.**

It shall be unlawful for any person in the Town of Patterson to torture, torment, deprive of necessary sustenance, unnecessarily beat or otherwise abuse, or needlessly mutilate or kill a living animal or creature. Any animal so treated shall be impounded by the Dog Control Officer. The owner thereof shall be notified in writing, by personal service or by regular mail, of the alleged violation, and the matter shall be referred to the Town Justice for a hearing and determination

pursuant to law.

#### **§ 76-11. Complaints.**

A. Any person who observes a violation of this article may file a complaint under oath with a Town Justice of the Town specifying the nature of the violation, the date thereof, a description of the dog and the name and residence, if known, of the owner of the dog. Such complaint may serve as the basis for enforcing the provisions of this article.

B. Upon receipt by the Town Justice of any such complaint, he shall summon the alleged owner to appear in person before him for a hearing, at which both the complainant and the owner shall have an opportunity to be represented by counsel and to present evidence. If, after such hearing, the Town Justice decides that further action is warranted, he may order the following:

(1) The owner shall restrain such dog by collar and leash at all times whether on or off the owner's property;

(2) The owner shall confine such dog to the premises of the owner;

(3) Such other remedy authorized by law or as may be warranted by the circumstances in such case.

C. A violation of any order issued by a Town Justice under the provisions of this section shall be an offense punishable, upon conviction thereof, as provided in § 76-13 herein.

#### **§ 76-12. Penalties for offenses.**

A. The Dog Control Officer or any peace officer may bring an action against any person who has committed any violation of this article.

B. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this article or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine of not less than \$100 but not more than \$350; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or any part thereof or any condition or requirement of any subdivision shall be deemed misdemeanors.

C. Each dog may be considered separately for the purpose of establishing penalties for offenses under this article, and each day of continued violation shall be considered a separate additional violation.

## **Chapter 79**

### **DUMPS AND DUMPING**

#### **ARTICLE I Sanitary Landfill Regulations**

- § 79-1. Legislative intent.**
- § 79-2. Definitions.**
- § 79-3. Hours of use.**
- § 79-4. Acceptable refuse.**
- § 79-5. Prerequisites for use of landfill.**
- § 79-6. Collection vehicles.**
- § 79-7. Compliance with regulations.**
- § 79-8. Promulgation of rules; penalties for offenses.**
- § 79-9. Interpretation.**
- § 79-10. Noncontractual provision; reservations.**

#### **ARTICLE II Private Dumps**

- § 79-11. Private dumps prohibited; permit required for placement of fill; prohibited refuse.**
- § 79-12. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 5-12-76 as L.L. No. 1-1976; Art. II, 10-10-73. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Garbage, rubbish and refuse - See Ch. 97.  
Littering - See Ch. 103.

#### **ARTICLE I Sanitary Landfill Regulations [Adopted 5-12-76 as L.L. No. 1-1976]**

##### **§ 79-1. Legislative intent.**

The Town Board of the Town of Patterson finds it necessary for the preservation of the health, safety, good conduct and appearance of the town and the convenience and financial well-being of the citizenry to regulate the use of the sanitary landfill. These rules and regulations are intended to maintain prompt, efficient, clean and courteous service in the use of the sanitary landfill and in the removal of garbage and refuse in the Town of Patterson.



## **§ 79-2. Definitions.**

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

**LANDFILL OPERATOR** - The person who shall operate the Town of Patterson sanitary landfill site.

**PERSON** - Any individual, firm, trust, partnership, public or private association or corporation or other entity.

**REFUSE** - Any one (1) or more of the following: garbage, trash, rubbish and similar used or waste material.

**SANITARY LANDFILL** - That facility maintained and operated by the Town of Patterson.

## **§ 79-3. Hours of use.**

The sanitary landfill shall be opened on such days and times as the Town Board shall provide for by resolution, which days and times shall be posted at the entrance to the sanitary landfill. No person shall deposit waste, garbage or refuse at any other day or time than as provided for herein.

## **§ 79-4. Acceptable refuse. [Amended 4-27-1994 by L.L. No. 1-1994]**

Only that refuse, garbage, trash, rubbish and similar used and/or waste material originated and collected in the Town of Patterson shall be accepted in the sanitary landfill, with the exception that the town may temporarily accept beneficial use materials and other New York State Department of Environmental Conservation approved materials from duly licensed haulers located inside or outside the Town of Patterson for the sole purpose of bringing the Patterson landfill up to proper grade levels in accordance with the approved closure plan.

## **§ 79-5. Prerequisites for use of landfill.**

A. No person, firm or corporation shall deposit refuse of any kind at the landfill who is not a resident of the Town of Patterson or who has not secured permission to do the same from or who has not entered into a written contract with the Town Board. No person shall deposit refuse in the landfill without first having received an identification sticker from the Town Clerk, which shall be valid to January 1, annually.

B. The Town Board may hereafter provide by resolution for rates to be charged for vehicle loads or wastes deposited in the sanitary landfill, and no person shall deposit waste in the landfill without first having paid the Town Clerk the charges required by the Town Board for such load or loads.

C. No firm shall engage in the business of collecting waste, refuse or garbage in the Town of Patterson without first having complied with Subsection A-

## **§ 79-6. Collection vehicles.**

Anyone collecting or hauling refuse or garbage in the Town of Patterson or using the sanitary landfill for the disposal of refuse or garbage shall henceforth cover all such vehicles with a covering to prevent such refuse or garbage from being strewn on the road.

#### **§ 79-7. Compliance with regulations.**

No person shall deposit refuse in the sanitary landfill except in conformity with these rules and regulations, and no person shall engage in conduct adversely affecting the quiet, efficient operation of the landfill.

#### **§ 79-8. Promulgation of rules; penalties for offenses. [Amended 9-10-1980 by L.L. No. 3-1980; 10-10-1984 by L.L. No. 3-1984]**

A. The Town Board shall appoint a Landfill Operator to conduct the operation of the landfill. The Landfill Operator may make such rules and regulations as are not inconsistent with these and as are necessary to the efficient operation of the landfill. He shall post such rules and regulations at the entrance of the landfill and shall provide a copy of the same to the Town Clerk, who shall maintain them in the Town Clerk's files.

B. The Landfill Operator, in addition to any other remedies he may have by these regulations and at law, may exclude any person from the use of the landfill who has violated the law or these regulations or whose intention it is, in the opinion of the Landfill Operator, to violate these regulations or other applicable law.

C. Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal law and, upon conviction thereof, shall be punishable for each offense by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for not more than fifteen (15) days, or both.

#### **§ 79-9. Interpretation.**

Nothing in this Article shall be construed to supersede the standards contained in the State Sanitary Code or the County Sanitary Code. In the event of any dispute regarding which standards shall be applicable between these rules and regulations and any other applicable rules and regulations, this Article shall be interpreted by any court of competent jurisdiction so that the more strict shall prevail. It is the intention of these rules and regulations that standards of performance in the sanitary landfill shall comply with the requirements of the State and County Sanitary Codes.

#### **§ 79-10. Noncontractual provision; reservations**

Nothing contained in this Article shall be construed or interpreted to mean that the town is a party to any contract for refuse removal. The Town of Patterson reserves the right to bring an action or proceeding for injunctive relief to enjoin violation of any of the provisions of this Article.

### **ARTICLE II Private Dumps [Adopted 10-10-73]**

#### **§ 79-11. Private dumps prohibited; permit required for placement of fill; prohibited refuse. [Amended 2-24-88 by L.L. No. 3-1988]**

A. The use of any land within the Town of Patterson as a dump or dumping ground other than the public dump or dumping ground maintained by the town is hereby prohibited.

B. The placement of any fill consisting of any material, including but not limited to soil and other natural products, on any land in the Town of Patterson is hereby prohibited unless a permit for such placement is obtained by the property owner from the Town of Patterson Planning Board in

accordance with rules and regulations adopted by the Town Board of the Town of Patterson.

C. Dumping of garbage, refuse or other material collected from outside the Town of Patterson is similarly prohibited.

**79-12. Penalties for offenses. [Amended 9-10-80 by L.L. No. 3-1980; 10-10-84 by L.L. No. 3-1984]**

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for each offense by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for not more than fifteen (15) days, or both.

## **Chapter 84**

### **ENTERTAINMENT ESTABLISHMENTS**

#### **ARTICLE I**

##### **Indecent Exposure**

- § 84-1. Purpose.**
- § 84-2. Definitions.**
- § 84-3. Restrictions on employees.**
- § 84-4. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 7-9-86 as L.L. No. 3-1986. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Public assemblies - See Ch. 51.**

ARTICLE I  
**Indecent Exposure**  
**[Adopted 7-9-86 as L.L. No. 3-1986]**

**§ 84-1. Purpose.**

It is hereby declared to be the policy of the Town of Patterson, State of New York, that, in order to preserve public peace and good order and to safeguard the health, safety, welfare and morals within the incorporated area of the Town of Patterson, it is necessary to regulate and control the operations and conduct of places of public assembly conducted as cabarets, bars or lounges, dance halls, discotheques or the like so as to fix certain responsibilities and duties of persons owning, operating or controlling such establishments.

**§ 84-2. Definitions.**

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

BAR and/or LOUNGE - Any place of public assembly in which the business of directly or indirectly selling and/or serving drinks to the public is conducted and in which any musical entertainment, singing, dancing in a designated area or other form of amusement is also permitted and shall include such a room, place or space which provides incidental musical entertainment by mechanical devices, with or without dancing.

CABARET - Any place of public assembly in which the business of directly or indirectly selling or serving food, drinks or alcoholic beverages to the public is conducted and in which any musical entertainment, singing, dancing in a designated area or other form of amusement is also permitted and shall include such a room, place or space which provides incidental musical entertainment by mechanical devices, with or without dancing.

DANCE HALL - Any place of public assembly in which dancing is carried on and to which the public may gain admittance either with or without payment of a fee.

DISCOTHEQUE AND THE LIKE - Any place of public assembly in which the business of directly or indirectly selling and/or serving food, drinks and/or alcoholic beverages to the public is conducted, in which dancing is carried on by any musical entertainment and to which the public may gain admission either with or without the payment of a fee.

PERSON - Any individual, partnership, club, association, corporation, society or any other organized group of persons and shall include the officers, directors, stockholders and trustees of a club, corporation, association or society.

PLACES OF PUBLIC ASSEMBLY - A room, place or space which is occupied for recreational, amusement, social, sports or similar purposes or any building, shed or enclosure, whether indoor or outdoor, coming within the occupancy and other similar classifications of this section, as determined by the officer charged with the enforcement of this Article. For the purpose of interpretation, the term "public assembly," where used in this Article, shall include the terms "public assembly" or "assembly" as may be used in other codes, laws, ordinances, rules or regulations, as may be applicable in the Town of Patterson.

**§ 84-3. Restrictions on employees.**

A. It shall be unlawful for any person conducting, maintaining or operating a cabaret, bar and/or lounge, dance hall or discotheque establishment or any other place of public assembly within the Town of Patterson to suffer or permit any waitress, barmaid, entertainer or other person who comes

in contact with or appears before, or is likely to come in contact with or appear before, patrons of the establishment, or for any person to appear in the presence of such patrons, with breasts uncovered in such a manner that the portion of the breast below the top of the areola is not covered with a fully opaque covering or with the lower part of the torso uncovered or so thinly covered or draped as to appear uncovered or to appear, or suffer or permit any person to appear, in any scene, sketch, act or entertainment with breasts or the lower part of the torso uncovered or so thinly draped as to appear uncovered.

B. References to breasts in this section refer to females only. References to the lower part of the torso refer to both male and female.

#### **§ 84-4. Penalties for offenses.**

Any person who shall violate any provision of this Article shall be guilty of a violation punishable by a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for a period not to exceed fifteen (15) days, or both. Each day's continued violation shall constitute a separate violation.

## **Chapter 87**

### **FEES**

#### **ARTICLE I**

#### **Authority and Purpose; Applicability; Definitions**

- § 87-1. Legislative Findings, Intent and Purpose.**
- § 87-2. Legislative authority; supersession of state law.**
- § 87-3. Definitions**
- § 87-4. Reimbursement of Fees and Expenses**
- § 87-5. Exceptions**
- § 87-6. Zoning Board of Appeals Fees**
- § 87-7. Planning Board fees.**
- § 87-8. Payment of expenses incurred by Town Board.**
- § 87-9. Code Enforcement Officer fees.**
- § 87-10. Freshwater wetland application and permit fees.**
- § 87-11. Approval extensions.**
- § 87-12. Fees for additional applications.**
- § 87-13. SEQRA Compliance Required.**
- § 87-14. Amendments to approved plans.**
- § 87-15. When effective; applicability.**

#### **ARTICLE II**

#### **Schedule of Fees**

- § 87-16. Establishment of fees.**
- § 87-17. Professional Plan Review Fees.**
- § 87-18. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 3-14-1990 as L.L. No. 5-1990. Amended as L.L. No. 6 -2000, Amended in its entirety on 1-24-2001 by L.L. No. 2-2001, Amended on 12-17-03 by L.L. No. 9-2003, (readopted 4-13-2005 by L.L. No. 9-2005) Amended in its entirety on 2-25-2009 by L.L. No. 3-2009; Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Zoning - See Ch.. 154.**

ARTICLE I  
**Authority and Purpose; Applicability; Definitions**

**§ 87-1. Legislative Findings, Intent and Purpose.**

A. The Town of Patterson incurs significant expenses in the review of land development by the Town Board, the Planning Board, the Zoning Board of Appeals and the office of the Code Enforcement Officer. Administrative costs include, but are not limited to, processing applications, consultations among municipal officers and officials regarding the facts and circumstances of the application, preparation of hearing notices, publication of hearing notices, preparation of affidavits of posting and publication, preparation and maintenance of official records regarding the application and municipal review of the application, testimony by municipal officials at public hearings, processing of resolutions and determinations, filing fees and miscellaneous services and disbursements. When these expenses are occasioned in connection with an appeal, application or petition made by an applicant to the town or an instrumentality of the town, then it is proper and in the public interest for the applicant to bear the cost of these expenses.

B. The Town Board further finds and determines that in order to protect and safeguard the Town of Patterson, its residents and their property, with respect to certain land developments within the Town

(1) Applications for land development should also be reviewed by individuals knowledgeable in the various elements of that development;

(2) All buildings, highways, drainage facilities, sanitary sewer facilities, other utilities and parks within said developments should be designed and constructed in a competent and workmanlike manner and in conformity with all applicable governmental codes, rules and regulations and dedicated and conveyed to the Town in a legally sufficient manner

(3) In order to assure the foregoing, it is essential for the Town to have competent engineers retained by the Town to review and approve plans and designs, make recommendations to the Town Board, Planning Board and Zoning Board of Appeals, inspect the construction of highways, drainage, sewer, other facilities and parks to be dedicated to the Town and to recommend their acceptance by the Town, to have competent attorneys retained by the Town to negotiate and draft appropriate agreements with developers, obtain, review and approve necessary securities, insurance and other legal documents, review proposed deeds and easements to assure the Town is obtaining good and proper title and to generally represent the Town with respect to legal disputes and issues with respect to developments, to have competent planners to ensure that land developments and zoning changes are designed in harmony with the surrounding environment, to ensure that the procedural requirements of State and local laws, rules and regulations are met, and to make recommendations to the Planning Board and Zoning Board of Appeals, and;

(4) The cost of retaining such competent engineers, attorneys and planners should ultimately be paid by those who seek to profit from such developments rather than from general Town funds which are raised by assessments paid by taxpayers of the Town.

**§ 87-2. Legislative authority; supersession of state law.**

This chapter is enacted under the authority §10, Subdivision 1, Paragraph (ii), Subparagraphs (a)(12) and (d)(3) of the Municipal Home Rule Law and Municipal Home Rule Law § 22. To the extent Town Law Article 16 including §§ 274-a, 274-b, 276, 277 and 278 do not authorize the Town Board, Town Planning Board, Town Zoning Board of Appeals, or the Building Department to require the reimbursement to the Town of legal, ~~and~~ engineering and planning expenses incurred



by the Town in connection with the review and consideration of application for approval by the Town Board, Town Planning Board, or Town Zoning Board of Appeals, it is the expressed intent of the Town Board to change and supersede such statutes. More particularly, where such statutes do not authorize the deferral or withholding of such approvals in the event such expenses are not paid to the Town, it is the expressed intent of the Town Board to change and supersede Town Law, Article 16 including Sections 274-a, 274-b, 276, 277 and 278 to empower the Town to require such payment as a condition to such approvals.

### **§ 87-3. Definitions.**

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

**ADMINISTRATIVE FEE** - The initial application fee submitted for the administrative costs for processing an application submitted to an instrumentality of the Town of Patterson as described in §87-1(A).

**APPLICANT** – Any person, firm, partnership, association, corporation, company or organization of any kind who or which requests the Town Board, Planning Board or Zoning Board of Appeals to approve a development.

**DEVELOPER** – Any person, firm, partnership, association, corporation, company or organization of any kind who or which constructs or proposes to construct one or more highways, drainage facilities, utilities or parks within or in conjunction with a development and to convey or dedicate same to the Town.

**DEVELOPMENT** – The alteration, changing, constructing on or subdividing a parcel of land.

**DRAINAGE FACILITY** – All surface water drainage facilities, including, but not limited to, detention and retention basins, storm sewers and their appurtenances, drainage swales and ditches, and any easements through or over which said facilities may be constructed or installed in or in connection with a development.

**ESCROW FUND** - A sum of money deposited with the Town Supervisor for the payment of Professional Plan Review, or for the inspection of the installation of improvements associated with a site plan or subdivision approved by the Planning Board of the Town of Patterson.

**FINAL APPROVAL** - Final approval shall mean the endorsement of a final subdivision plat or site plan by the Planning Board, or the adoption of a resolution which approves, approves with conditions or denies an application pending before the Town Board or Zoning Board of Appeals.

**HIGHWAY** – The term “highway” included a street, avenue, road, square, place, alley, lane, boulevard, concourse, parkway, overpass and underpass and also includes all items appurtenant thereto, including but not limited to bridges, culverts, ditches, shoulders and sidewalks in or in connection with a development.

**PARK** – An area of land located within a development which is open to the public and devoted to active or passive recreation.

**PROFESSIONAL PLAN REVIEW** - The review of a proposal to change, alter or subdivide a parcel of land including, the preparation of a subdivision plat in accordance with Chapter 138 of the Patterson Town Code, a Special Use Permit or Site Plan in accordance with Chapter 154 of the Patterson Town Code, the review of a request to amend the zoning code, the review of plans or structural drawing submitted to the Building Department or the review of any other land development proposal as may be requested by a Town Official, as conducted by an engineer, architect, attorney or planner employed or contracted by the Town to ensure its compliance with the

policies enumerated in §87-1 of this Local Law.

SEQRA - The State Environmental Quality Review Act including the rules and regulations promulgated by the New York State Department of Environmental Conservation under 6NYCRR Part 617.

SITE PLAN - A plan prepared pursuant to §154-79 showing the size, location, character, architectural features and suitability of all buildings and facilities related thereto including but not limited to method of access, walkways, parking, landscaping, stormwater facilities.

SUBDIVISION – A division of land into one or more lots pursuant to Town of Patterson Subdivision Code §138, and including any adjustment of property boundaries

TOWN – The Town of Patterson.

TOWN OFFICIAL - An elected or appointed individual that by reason of office, represents the Town of Patterson.

UTILITIES – All water, sanitary sewer, stormwater, gas, electric, telephone, cable television facilities and any easements or land through or over which said facilities maybe constructed or installed in or in connection with a development.

#### **§ 87-4. Reimbursement of Fees and Expenses.**

A. When an appeal, application or petition is made by an applicant to the town or an instrumentality of the town, the applicant shall pay a fee for the administration of the application. In addition the applicant shall reimburse the Town of all reasonable costs for Professional Plan Review incurred by the Town in connection with the review and consideration of such appeal, application or petition, or for inspection of the installation of improvements associated with any application made to or approved by the Planning Board or Zoning Board of Appeals of the Town of Patterson. **[Amended 8-10-2011 by L.L. No. 6-2011]**

B. Unless otherwise specifically provided in this Local Law establishing fees, the administrative fees required pursuant to this Article shall be paid in advance and upon submission of an application; and the failure to submit the full payment required shall render the application incomplete.

C. Simultaneously with the filing of an application for approval of a development, and prior to the commencement of any construction of buildings, highways, drainage facilities, utilities or parks therein the applicant or developer, as the case may be, shall deposit with the Town Supervisor a sum of money (the Escrow Fund), as may be set from time to time by resolution of the Town Board, which sum shall be used to pay the costs incurred by the Town for Professional Plan Review as described in §87-3 of this local law, or for inspection of the installation of improvements associated with a site plan or subdivision approved by the Planning Board of the Town of Patterson.

D. Upon receipt of such sums, the Town Supervisor shall cause such monies to be placed in a separate non-interest bearing account in the name of the Town and shall keep a separate record of all such monies so deposited and the name of the applicant or developer and project for which such sums were deposited.

E. Upon receipt and approval by the Town Board of itemized vouchers for Professional Plan Review rendered on behalf of the Town, the Town Supervisor shall cause such vouchers to be paid out of the monies so deposited, and shall furnish copies of such vouchers to the applicant or developer at the same time such vouchers are submitted to the Town.

F. The Town Board shall review and audit all such vouchers and shall approve payment of only such Professional Plan Review fees as are reasonable in amount and necessarily incurred by the Town in connection with the review, consideration and approval of developments and the inspection and acceptance of highways, drainage facilities, utilities and parks within or in conjunction with such developments. For purpose of the foregoing, a fee or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by engineers or attorneys to the Town for services performed in connection with the approval or construction of a similar development and in this regard the Town Board may take into consideration the size, type and number of buildings to be constructed, the amount of time to complete the development, the topography of the land on which such development is located, soil conditions, surface water, drainage conditions, the nature and extent of highways, drainage facilities, utilities and parks to be constructed and any special conditions or considerations as the Town Board may deem relevant; and a fee or part thereof is necessarily incurred if it was charged by the professional for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Town, protect public or private property from damage from uncontrolled, surface water run-off and other factors, assure the proper and timely construction of highways, drainage facilities, utilities and parks, protect the legal interests of the Town including receipt by the Town of good and proper title to dedicated highways and other facilities and the avoidance of claims and liability, and such other interests as the Town Board may deem relevant.

G. If at any time there shall be insufficient monies on hand to the credit of such applicant or developer to pay the approved vouchers in full, or if it shall reasonably appear to the Town Supervisor that such monies will be insufficient to meet vouchers yet to be submitted, pursuant to §87-17 the Town Supervisor shall cause the applicant or developer to deposit additional sums as the Supervisor deems necessary or advisable in order to meet such expenses or anticipated expenses.

H. In the event that the applicant or developer fails to deposit such funds or such additional funds, the Town Supervisor shall notify as applicable, the Chairman of the Planning Board, Zoning Board of Appeals, Town Board and/or Town's Code Enforcement Officer of such failure, and any review, approval, building permit or certificates of occupancy may be withheld by the appropriate Board, officer or employee of the Town until such monies are deposited.

I. After final approval, and after payment of all approved vouchers submitted regarding such development, any sums remaining on account to the credit of such applicant or developer shall be returned to such applicant or developer, along with a statement of the vouchers so paid.

J. A developer who constructs, or proposes to construct, improvements as shown on an approved erosion and sediment control plan, subdivision, or site plan shall deposit with the Town an Inspection Fee as established pursuant to Article II Schedule of Fees, for the inspection of erosion and sediment control practices, and for any improvements shown on an approved erosion and sediment control plan, subdivision, or site plan.

K. The escrow fund required by this local law shall be in addition to any application fees as may be required by other laws, rules, regulations or ordinances of the Town, and shall not be used to offset the Town's general expenses of legal and engineering services for the several Boards of the Town, nor its general administration expenses.

#### **§ 87-5. Exceptions.**

Notwithstanding anything to the contrary contained in this local law, an applicant or developer shall not be required to reimburse the Town for any part of a legal or engineering fee incurred by the Town for services performed in connection with matters, including but not limited to those resulting from complaints by third parties, as to which the Town Board determines the applicant or developer had no responsibility or was beyond the reasonable control of the applicant or developer.

**§ 87-6. Zoning Board of Appeals fees.**

A. Fees shall be established for the following Zoning Board of Appeals matters:

- (1) Area variances.
- (2) Use variances.
- (3) Interpretations.
- (4) Special Use Permits.
- (5) General Appearance fee.

B. Due to the increase in the administrative costs associated with reviewing certain applications, where an application has been submitted requesting approval of an activity that has already been commenced, or for a structure that has already been erected, the application fee shall be two times the regular application fee.

**§ 87-7. Planning Board fees.**

Fees shall be established for the following Planning Board matters:

- A. Site plan review.
- B. Minor subdivision applications:
  - (1) For two (2) lots.
  - (2) For three (3) lots.
  - (3) For four (4) lots.
- C. Major subdivision applications:
  - (1) For five (5) lots.
  - (2) For each additional lot.
- D. Site inspections.
- E. Recreation fees in lieu of parkland.
- F. Sign application review.
- G. Driveway waivers.
- H. Fill Permits

**§ 87-8. Payment of expenses incurred by Town Board.**

A. Whenever, in connection with an application or petition, a local law is necessary or appropriate to implement the benefit or relief sought or to regulate conditions occasioned by the

granting of an approval or approvals, the total actual expenses incurred by the town in connection with the preparation and consideration of a proposed local law shall be borne by the applicant. The minimum fees established by resolution shall be paid by the applicant upon the earlier of the submission of a petition, if applicable, or prior to the endorsement of an approved subdivision plat or site plan or the issuance of any building permit or the filing of any applicable local law with the Secretary of State.

B. Fees shall be established for the following:

- (1) Zone change local law.
- (2) Miscellaneous local laws, including stop sign, speed limit and parking local laws, considered in connection with subdivision, site plan, special use permit and zoning amendments (other than zone changes).

#### **§ 87-9. Code Enforcement Officer fees.**

Fees shall be established for the following activities of the Code Enforcement Officer:

A. Building permits:

- (1) Residential.
- (2) Other uses.

B. Certificates of occupancy:

- (1) Residential.
- (2) Other uses.
- (3) Temporary.
- (4) Permanent.

C. Fire prevention and safety inspections:

- (1) For buildings containing more than two (2) dwelling units.
- (2) For nonresidential buildings.

D. Floodplain development permits.

#### **§ 87-10. Freshwater wetland application and permit fees.**

Fees shall be established for freshwater wetlands applications and/ or permit fees.

#### **§ 87-11. Approval extensions.**

Whenever an extension is necessary to prevent an approval from lapsing or becoming otherwise void, the first such request for an extension shall be processed at no charge, and the second and each subsequent request for an extension shall be processed only upon prior payment of fees established by resolution of the Town Board.

#### **§ 87-12. Fees for additional applications.**

No abatement of fees shall be granted, unless herein specifically provided, for as a result of an applicant seeking more than one (1) approval or submitting more than one (1) application in connection with a particular project.

#### **§ 87-13. SEQRA compliance required.**

Whenever environmental analysis is required pursuant to the provisions of the State Environmental Quality Review Act (SEQRA) or any local law implementing SEQRA, all expenses relating to the environmental review shall be in a manner consistent with 6 NYCRR Part 617.

#### **§ 87-14. Amendments to an approved plan.**

Whenever an application is submitted to amend an approved plan or permit, it shall be considered a new application and the fees specified pursuant to the Article shall apply; provided, however, that in the case of an amendment to a subdivision plat, the fees shall be based on the number of lots modified or affected by the amendment, provided further that in no event shall the fees due on a subdivision amendment application be less than the minimum provided for a minor or major subdivision, respectively.

#### **§ 87-15. When effective; applicability..**

This local law shall take effect immediately upon filing in the office of the Secretary of State and shall effect all applications that have not received a “final” approval or a “conditional final” approval at the time this Local Law is adopted by the Town Board of the Town of Patterson except that any administrative application fees received for the processing of an application deemed complete by the reviewing Board shall be considered the required application fee.

### **ARTICLE II Schedule of Fees**

#### **§ 87-16. Establishment of Fees.**

The fees established pursuant to this Chapter shall be set from time to time by resolution of the Town Board and shall be set forth in the Patterson Schedule of Fees.

#### **§87-17 Professional Plan Review Fees.**

A. Pursuant to §87-4(C) a developer shall deposit with the Town Supervisor, simultaneously with the filing of an application as listed below, a sum of money (the Escrow Fund), which sum shall be used to pay the costs incurred by the Town for Professional Plan Review as set from time to time by resolution of the Town Board.

B. After a developer has deposited a sum of money with the Town Supervisor, upon the balance of that fund being equal to or less than twenty (20%) percent of the original amount deposited, the developer shall deposit such additional funds with the Town Supervisor so as to equal the amount of the original deposit. Failure to deposit such funds within thirty (30) days of notice being provided

to the Applicant:

- (1) Where an application has been submitted to the Planning Board or Zoning Board of Appeals: shall render the Application incomplete. If such Application is deemed incomplete, the Board conducting the review may in the discretion of the Board suspend the review of the application, or deny the Application.
- (2) Where an application has been submitted to the Planning Board or Zoning Board of Appeals, and a conditional approval has been issued: No extension of said approval shall be granted unless the developer is in compliance with this Section.
- (3) Where a building permit has been issued: The Supervisor may direct that either a stop work order be issued, a violation pursuant to this Chapter be issued, or both.

C. The amount charged for the review of a “draft” or “final” environmental impact statement shall be subject to the limitations of 6 NYCRR §617.13.

#### **§ 87-18. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) not more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof shall be deemed misdemeanors. Each days continued violation shall constitute a separate additional violation.

**Chapter 91**  
**FLOOD DAMAGE PREVENTION**

**ARTICLE I**  
**Findings; Purpose; Applicability; Interpretation; Definitions**

- § 91-1. Findings.
- § 91-2. Purpose.
- § 91-3. Objectives.
- § 91-4. Word usage; definitions.
- § 91-5. Applicability.
- § 91-6. Basis for establishing areas of special flood hazard.
- § 91-7. Interpretation; conflict with other provisions.

**ARTICLE II**  
**Compliance; Administration**

- § 91-8. Compliance required.
- § 91-9. Disclaimer of liability.
- § 91-10. Designation of local administrator.
- § 91-11. Development permit.
- § 91-12. Duties of local administrator.
- § 91-13. Use of other flood data.
- § 91-14. Alteration of watercourses.
- § 91-15. Inspections.
- § 91-16. Construction Stage.
- § 91-17. Certificate of compliance.
- § 91-18. Retention of certain information.

**ARTICLE III**  
**Construction Standards**

- § 91-19. General standards for flood hazard reduction.
- § 91-20. Subdivision proposals.
- § 91-21. Encroachments.

**ARTICLE IV**  
**Standards for all Structures**

- § 91-22. Anchoring.
- § 91-23. Construction materials; construction methods.
- § 91-24. Utilities.
- § 91-25. Residential structures.
- § 91-26. Nonresidential structures.
- § 91-27. Manufactured homes and recreational vehicles.
- § 91-28. Critical Facilities.

**ARTICLE V**  
**Appeals; Variances; Penalties; Severability**

- § 91-29. Appeals.
- § 91-30. Conditions for variances.
- § 91-31. Penalties for offenses; noncompliance.
- § 91-32. Severability.



**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-26-87 as LL No. 6-1987; readopted 4-13-2005 by L.L. No. 9-2005; Amended in its entirety on 2-13-2013 by L.L No. 1-2013. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

**Environmental Conservation Commission - See Ch. 14.**

**Fees - See Ch. 87**

**Subdivision of land - See Ch. 138.**

**Zoning - See Ch. 154.**

ARTICLE I  
**Authority and Purpose; Applicability; Interpretation; Definitions**

**§ 91-1. Findings.**

The Town Board of the Town of Patterson finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of Patterson and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this Local Law is adopted.

**§ 91-2. Purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which resulting increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial Construction.
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages.
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Qualify for and maintain participation in the National Flood Insurance Program.

**§ 91-3. Objectives.**

The objectives of this chapter are to:

- A. Protect human life and health.
- B. Minimize expenditure of public money for costly flood control projects.
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- D. Minimize prolonged business interruptions.
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard.
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

G. Provide that developers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **§ 91-4. Word usage; definitions.**

A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

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

**APPEAL** - A request for a review of the Town Planner's interpretation of any provision of this chapter or a request for a variance.

**AREA OF SHALLOW FLOODING** - Areas designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Chapter, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

**BASE FLOOD** - The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT** - That portion of a building having its floor subgrade (below ground level) on all sides.

**BUILDING** - see "Structure".

**CELLAR** - The same meaning as "basement."

**CRAWL SPACE** - An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other materials, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

**CRITICAL FACILITIES** -

(1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;

(2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;

(3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and

- (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

**CUMULATIVE SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations, or storage of equipment of materials.

**ELEVATED BUILDING** -

- (1) A non-basement building
  - (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and
  - (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- (2) In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- (3) In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

**FEDERAL EMERGENCY MANAGEMENT AGENCY** - the Federal agency that administers the National Flood Insurance Program.

**FLOOD or FLOODING** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.
- (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

**FLOOD BOUNDARY - FLOODWAY MAP (FBFM)** - An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study

**FLOOD ELEVATION STUDY** - An examination, evaluation and determination of the flood hazards

and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no water surface elevation is provided.

**FLOOD INSURANCE RATE MAP (FIRM)** - An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** - see "Flood Elevation Study".

**FLOODPLAIN or FLOOD-PRONE AREA** - Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - The same meaning as "regulatory floodway."

**FUNCTIONALLY DEPENDENT USE** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

**HIGHEST ADJACENT GRADE** - The highest natural elevation of the ground, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

**MANUFACTURED HOME** - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

**MANUFACTURED HOME PARK OR SUBDIVISION** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**MOBILE HOME** - The same meaning as "manufactured home."

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

**ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD** - The same meaning as "base flood."

**PRINCIPALLY ABOVE GROUND** - At least fifty-one percent (51%) of the actual cash value of the structure, excluding land value, is above ground.

**RECREATIONAL VEHICLE** - A vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - The channel of a river or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 91-13 of this chapter.

**START OF CONSTRUCTION** - The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footing, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. "Substantial damage" also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. "Substantial improvement" also means "cumulative substantial improvement." The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a Historic structure, provided that the alteration will not preclude the structure's continued designation as a Historic structure.

**VARIANCE** - A grant of relief from the requirements of this Chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

#### **§ 91-5. Applicability.**

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Patterson.

#### **§ 91-6. Basis for establishing areas of special flood hazard.**

A. The areas of special flood hazard for the Town of Patterson, Community Number 361023, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36079C0044E, 36079C0063E, 36079C0064E, 36079C0068E, 36079C0069E, 36079C0132E, 36079C0134E, 36079C0151E, 36079C0152E, 36079C0153E, 36079C0154E, 36079C0156E, 36079C0158E

whose effective date is, March 4, 2013, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Putnam County, New York, All Jurisdictions" dated March 4, 2013.

B. The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at Patterson Town Hall, 1142 Route 311, Patterson, New York.

**§ 91-7. Interpretation; conflict with other provisions.**

A. This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this Chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

**ARTICLE II**  
**Compliance; Administration**

**§ 91-8. Compliance required.**

No structure shall hereafter be constructed, located, extended, converted or altered, and no land shall be excavated or filled which is located in an area of special flood hazard, without full compliance with the terms of this Chapter and any other applicable regulations.

**§ 91-9. Disclaimer of liability.**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Patterson, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**§ 91-10. Designation of local administrator.**

The Town Planner is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

**§ 91-11. Development permit.**

A. A development permit shall be obtained before the start of construction, or the start of any other development within the area of special flood hazard as defined herein, and shown on the maps and study described in § 91-6.

B. All applications for a floodplain development permit shall be accompanied by an application fee as set forth in the Schedule of Fees adopted by resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of Patterson for any additional costs necessary for review, inspection and approval of this project, pursuant to Chapter 87.

C. Application for a development permit shall be made on forms furnished by the Town



Planner. The following information is required where applicable:

- (1) Drawings or plans covering the area that will be affected, in triplicate, drawn to scale of not less than 1" equals 50' and showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials, drainage facilities; and the location of the foregoing.
- (2) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Town Planner the as-built elevation, certified by a licensed professional engineer or surveyor.
- (3) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Town Planner the as-built flood proofed elevation, certified by a professional engineer or surveyor.
- (4) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 91-24, Utilities.
- (5) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the flood-proofing criteria in §91-26, Non-Residential Structures.
- (6) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in §91-6, when notified by the Town Planner, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (7) A technical analysis, by a licensed professional engineer, if required by the Town Planner, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (8) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

D. Construction stage. Upon placement of the lowest floor, or floodproofing by whatever means, it shall be the duty of the permit holder to submit to the Town Planner a certificate of the elevation of the lowest floor, or flood-proofed elevation, in relation to mean sea level. The elevation certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular building, the floodproofing certificate shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by the same. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Town Planner shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

## **§ 91-12. Duties of local administrator.**

The Town Planner shall conduct the following permit application review before issuing a floodplain development permit:

- A. Review all applications for completeness, particularly with the requirements of §91-11.C., and for compliance with the provisions and standards of this Chapter.
- B. Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Article III and Article IV and, in particular, §91-20.
- C. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Town Planner may require the applicant to submit additional technical analyses and data from a qualified individual necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of Article III and Article IV, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
- D. Review all development permits for compliance with the provisions of § 91-21, Encroachments.
- E. Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

## **§ 91-13. Use of other flood data.**

- A. When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Town Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to §91-11.C(8), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- B. When base flood elevation data are not available, the Town Planner may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

## **§ 91-14. Alteration of watercourses.**

The Town Planner shall:

- A. Notify adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- B. Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

### **§ 91-15. Inspections.**

The Town Planner and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify that the development is in compliance with the requirements of either the development permit or the approved variance.

### **§ 91-16. Construction Stage.**

A. In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

B. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Town Planner shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

### **§ 91-17. Certificate of compliance.**

A. It shall be unlawful to use or occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Town Planner stating that the building or land conforms to the requirements of this chapter.

B. All other development occurring within the designated flood hazard area will have, upon completion, a certificate of compliance issued by the Town Planner .

C. All certifications shall be based upon the inspections conducted subject to Section 91-15, and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment analysis which may have been required as a condition of the approved permit

### **§ 91-18. Information to be retained.**

The Town Planner shall retain and make available for inspection, copies of the following:

- A. Floodplain development permits and certificates of compliance;
- B. Certifications of as-built lowest floor elevations of structures, required pursuant to §91-16, and whether or not the structures contain a basement;
- C. Floodproofing certificates required pursuant to §91-16.A, and whether or not the structures contain a basement;
- D. Variances issued pursuant to Article V; and,
- E. Notices required under §91-14.

### ARTICLE III Construction Standards

#### **§ 91-19. General standards for flood hazard reduction.**

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in §91-6.

#### **§ 91-20. Subdivision Proposals.**

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- A. Proposals shall be consistent with the need to minimize flood damage;
- B. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- C. Adequate drainage shall be provided to reduce exposure to flood damage.

#### **§ 91-21. Encroachments.**

A. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

- (1) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
- (2) The Town of Patterson agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Patterson for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Patterson for all costs related to the final map revision.

B. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in §91-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- (1) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
- (2) The Town of Patterson agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of Patterson for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of Patterson for all costs related to the final map revisions.

C. Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

## ARTICLE IV Standards for All Structures

### **§ 91-22. Anchoring.**

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

### **§ 91-23. Construction Materials and Methods.**

A. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

B. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

C. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

D. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

### **§ 91-24. Utilities.**

A. New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

B. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

C. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,

D. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### **§ 91-25. Residential Structures.**

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §91-20, Subdivision Proposals, §91-21, Encroachments, and Article IV.

A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

B. Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

C. Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in §91-6 (at least two feet if no depth number is specified).

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

#### **§ 91-26. Non-Residential Structures.**

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in §91-20, Subdivision Proposals, §91-21, Encroachments, and Article IV.

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:

(1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

(2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of non-residential structures shall:

- (1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
- (2) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in §91-26(1)(b).

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of §91-26(1)(b), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

#### **§ 91-27. Manufactured Homes and Recreational Vehicles.**

The following standards in addition to the standards in Article III and Article IV apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (1) be on site fewer than 180 consecutive days,
- (2) be fully licensed and ready for highway use, or
- (3) meet the requirements for manufactured homes in §91-27(2), (3) and (4).

B. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

C. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

D. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as two feet above the depth number specified on the flood Insurance Rate Map enumerated in §91-6 (at least two feet if no depth number is specified).

## **§ 91-28. Critical facilities.**

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

## **ARTICLE V Appeals; Variances; Penalties; Severability**

### **§ 91-29. Appeals.**

A. The Planning Board, as established by the Town Board of the Town of Patterson, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The Planning Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Town Planner in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Planning Board may appeal such decision to the Supreme Court, pursuant to Article 78 of the Civil Practice Law and Rules.

D. In passing upon such applications, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:

- (1) The danger that materials may be swept onto other lands to the injury of others.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (4) The importance of the services provided by the proposed facility to the community.
- (5) The necessity to the facility of a waterfront location, where applicable.
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (7) The compatibility of the proposed use with existing and anticipated development.
- (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.



(12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

E. Upon consideration of the factors of Subsection D and the purpose of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Town Planner shall maintain the records of all appeal actions, including technical information, and shall report any variances to the Federal Emergency Management Agency upon request.

G. All applications for a variance to the Planning Board shall be accompanied by an application complete in all respects, and an application fee in the amount as set from time to time by resolution of the Town Board, and such other documentation as required by the Planning Board.

### **§ 91-30. Conditions for variances.**

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that § 91-29D criteria has been fully considered. As the lot size increases beyond one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(1) The proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic structure; and

(2) The variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(1) The criteria of Subsections A, D, E and F of this section are met.

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification of:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant

(3) A determination that the granting of a variance will not result in increased flood

heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

G. Notice.

(1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(b) Such construction below the base flood level increases risks to life and property.

(2) Such notification shall be maintained with the record of all variance actions as required in §91-18 of this Chapter.

**§ 91-31. Penalties for offenses; noncompliance.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof or who erects, constructs, reconstructs, alters, enlarges, converts, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars or imprisonment for a period not to exceed 15 days, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than two hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional violation.

B. Nothing herein contained shall prevent the Town of Patterson from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under §§91-29 and 91-30 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

C. All floodplain development found ongoing without an approved permit, or found to be noncompliant with the provisions of this law and/or the conditions of the approved permit shall be subject to the issuance of a stop-work order by the Town Planner. Disregard of a stop-work order shall be considered a separate violation and subject to the penalties described in Subsection A, above.

**§ 91-32. Severability.**

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

## Chapter 94

### GAMES OF CHANCE

- § 94-1. Statutory authority.
- § 94-2. Findings and purpose.
- § 94-3. Applicability.
- § 94-4. Definitions.
- § 94-5. Games of chance authorized.
  
- § 94-6. Restrictions upon conduct of games.
- § 94-7. Application for license to conduct games or to lease premises.
- § 94-8. Investigation; issuance and duration of license; fees.
- § 94-9. Hearing; amendment of license.
- § 94-10. Form and content of license; display.
  
- § 94-11. Control and supervision; suspension of license.
- § 94-12. Prohibitions.
- § 94-13. Statement of receipts and expenses; additional fees.
- § 94-14. Examination of records and personnel; disclosure of information.
- § 94-15. Appeals to State Board.
  
- § 94-16. Offenses; forfeiture of license; effect.
- § 94-17. Compliance.
- § 94-18. Approval by electors.
- § 94-19. Amendment and repeal.

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-27-76, approved by electors 11-2-76. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### GENERAL REFERENCES

**Bingo - See Ch. 55.**

#### **§ 94-1. Statutory authority.**

This chapter is enacted pursuant to the authority granted by Chapter 960, Laws of the State of New York, 1976, which amended the General Municipal Law of the State of New York by adding a new Article, Article 9-A, thereto.

#### **§ 94-2. Legislative declaration.**

A. It is declared to be the public policy of the Town of Patterson to allow the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious and patriotic causes and undertakings, where the beneficiaries are undetermined, as being in the public interest. It hereby finds that as conducted prior to the enactment of this chapter, games of chance were subject to exploitation by professional gamblers, promoters and commercial interests.

B. It is hereby declared to be the policy of the Town Board of the Town of Patterson that all phases of the supervision, licensing and regulation of games of chance and the conduct of games of chance should be closely controlled and that the laws, ordinances, and regulations pertaining thereto should be strictly construed and rigidly enforced.

#### **§ 94-3. Territorial applicability.**

This chapter shall be applicable to all territory within the limits of the Town of Patterson, County of Putnam, State of New York.

#### **§ 94-4. Definitions.**

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

**AUTHORIZED GAMES OF CHANCE LESSOR** - An authorized organization which has been granted a lessor's license pursuant to the provisions of this chapter.

**AUTHORIZED ORGANIZATION** - Means and includes a bona fide religious or charitable organization or bona fide organization of veterans or volunteer firemen which, by its charter, certificate of incorporation, constitution or Act of the Legislature, shall have among its dominant purposes one (1) or more of the lawful purposes as defined in this section, provided that each shall operate without profit to its members, and provided that such organization has engaged in serving one (1) or more of the lawful purposes as defined in this section for a period of three (3) years immediately prior to applying for a license under this chapter. No organization shall be deemed an "authorized organization" which is formed primarily for the purpose of conducting games of chance and the distribution of the proceeds thereof to itself or any other organization which does not devote at least seventy-five percent (75%) of its activities to other purposes set forth in this definition. No political party shall be deemed an "authorized organization. "

**AUTHORIZED SUPPLIER OF GAMES OF CHANCE EQUIPMENT** - Shall have the meaning set forth in the definitions in Article 9-A of the General Municipal Law.

**GAMES OF CHANCE** - Means and includes specific games of chance in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo" or "lotto," which are controlled under Article 14-H of the General Municipal Law, and also not including slot machines, bookmaking and policy or numbers games as defined in § 225.00 of the Penal Law. No "game of chance" shall involve wagering of money by one player against another player.

**LAWFUL PURPOSES** - One (1) or more of the following causes or deeds or activities:

- A. Those which shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.
- B. Those which shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures.
- C. Those which shall otherwise lessen the burdens borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

**LICENSE PERIOD** - A period of time not to exceed fourteen (14) consecutive hours.

**NET LEASE** - Shall have the meaning set forth in the definitions in Article 9-A of the General Municipal Law.

**NET PROCEEDS** - Shall mean:

- A. In relation to the gross receipts from one (1) or more occasions of games of chance, the amount that shall remain after deducting the reasonable sums necessary and actually expended for supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the State Board, janitorial services and utility supplies, if any, and license fees.
- B. In relation to the gross rent received by an organization licensed to conduct such games for the use of its premises by another licensee, the amount that shall remain after deducting the reasonable sums necessary and actually expended for janitorial services and utility supplies directly attributable thereto, if any.

**OFFICER** - for the purpose of this chapter, the chief law enforcement officer of Putnam County in the State of New York, being the Sheriff of Putnam County as provided for by the option set forth in Subdivision 2 of § 194 of the General Municipal Law.

**ONE (1) OCCASION** - The conducting of any type of game of chance during one (1) license period. No series of prizes on any "one (1) occasion" shall aggregate more than the amount set forth in General Municipal Law §189.

**PRIZE** - A sum of money or item of merchandise awarded by the authorized organization to a participant in any one (1) operation or conducting of a game of chance in which participants utilize currency for participation and in which those who are not winners surrender their participating currency at the conclusion of the single operation of such game of chance. No "prize" for any one (1) participant shall exceed the sum of three hundred dollars (\$300.). If a prize is awarded based on odds, only that portion in excess of the winning participant's bet shall be considered as a "prize." For the purpose of this definition, the value of a "prize" which consists of merchandise shall be the actual cost of the item of such merchandise.

**STATE BOARD** - The New York State Raving and Wagering Board.

**TOWN BOARD** - The Town Board of the Town of Patterson.

**TOWN CLERK** - The Town Clerk of the Town of Patterson.

**§ 94-5. Games of chance authorized.**

The Town Board of the Town of Patterson, New York, with this chapter, provides that it shall be lawful for any authorized organization, upon obtaining a license therefor as hereinafter provided, to conduct games of chance within the territorial limits of the Town of Patterson, subject to the provisions of this chapter, the provisions set forth in Article 9-A of the General Municipal Law and the provisions set forth by the State Board.

**§ 94-6. Restrictions upon conduct of games.**

A. No persons, firm, association, corporation or organization other than a licensee under the terms of Article 9-A of the General Municipal Law and the provisions of this chapter shall be permitted to conduct such games or shall lease or otherwise make available for the conducting of games of chance a hall or other premises for any consideration whatsoever, direct or indirect, except as provided under Article 9-A of the General Municipal Law and the provisions of this chapter.

B. No game of chance shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly, on the basis of a percentage of the receipts or net profits derived from the operation of such game.

C. No authorized organization licensed under the provisions of this chapter shall purchase or receive any supplies or equipment specifically designed or adapted for use in the conduct of games of chance from other than a supplier licensed by the State Board or except from another authorized organization.

D. The entire net proceeds of any game of chance and of any rental shall be exclusively devoted to the lawful purposes of the organization permitted to conduct the same.

E. No prize shall exceed the sum or value of three hundred dollars (\$300.) in any operation or conducting of a single game of chance. No single wager shall exceed six dollars (\$6.).

F. No series of prizes on any one (1) occasion or game of chance shall aggregate more than as set forth in General Municipal Law §189.

G. No person shall receive any remuneration for participating in the management of any such game.

H. The conduct of games of chance shall be permitted on the first day of the week, commonly known and designated as Sunday, unless prohibited by Subsection I below.

I. In no case shall games of chance be conducted on New Year's Eve, Easter Sunday or Christmas Day.

J. No person except a bona fide member of a licensed organization, its auxiliary or affiliated organization shall participate in the management or operation of such game.

K. No hall or other premises shall be used for the conduct of the games of chance unless said hall or premises, where applicable, complies with the ordinance regulating the licensing of places of public assembly in the Town of Patterson.

**§ 94-7. Application for license to conduct games or to lease premises.**

A. To conduct games of chance, each applicant for a license shall, after obtaining an identification number from the State Board, file with the Town Clerk a written application therefor in a form prescribed by the State Board, duly executed and verified, in which shall be stated:

- (1) The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the Town Clerk to determine whether or not it is a bona fide authorized organization.
- (2) The names and addresses of its officers; the place or places where, the date or dates and the time or times when the applicant intends to conduct games under the license applied for.
- (3) The amount of rent to be paid or other consideration to be given directly or indirectly for each occasion for the use of the premises of another authorized organization licensed under this chapter to conduct such games or for the use of the premises of an authorized games of chance lessor.
- (4) All other items of expense intended to be incurred or paid in connection with the holding, operating and conducting of such games of chance, and the names and addresses of the persons to whom and the purposes for which they are paid.
- (5) The purposes to which the entire net proceeds of such games are to be devoted and in what manner; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such game or games or for assisting therein except as in this chapter otherwise provided; and such other information as shall be prescribed by such rules and regulations.
- (6) The names of not less than four (4) active members of the applicant organization under whom the game or games of chance will be conducted. Each member so designated shall execute a statement that he or she will be responsible for the conduct of such games in accordance with the terms of the license, the rules and regulations of the State Board and the provisions of this chapter. Such statement shall be attached to and filed with the written application.
- (7) The name of each single type of game of chance to be conducted under the license applied for and the number of merchandise wheels and raffles, if any, to be operated.

B. Each applicant for a license to lease premises to a licensed organization for the purposes of conducting games of chance shall file with the Town Clerk a written application therefor in a form to be prescribed by the State Board, duly executed and verified, in which shall be stated:

- (1) The name and address of the applicant.
- (2) Designation and address of the premises intended to be covered by the license sought.
- (3) A statement that the applicant in all respects conforms to the specifications contained in the definition of "authorized organization" set forth in § 94-4.
- (4) The licensed organization to whom the lessor proposes to lease his premises, and the rent proposed to be charged therefor.
- (5) Such other information as shall be prescribed by the said State Board.

**§ 94-8. Investigation; issuance and duration of license; fees.**

A. The Town Clerk shall make an investigation of the qualifications of each applicant for a license to conduct games of chance, and the merits of each application, within a reasonable time after the filing of the application. If the Town Clerk determines the following, then the Town Clerk shall issue a license to the applicant for the conduct of games of chance upon the payment of a license fee as set from time to time by resolution of the Town Board for each license period::

- (1) The applicant is an authorized organization as defined in § 94-4; and
- (2) The member or members of the applicant designated in the application to conduct games of chance are bona fide active members of the applicant and are persons of good moral character and have never been convicted of a crime, or, if convicted, have received a pardon or a certificate of good conduct; and
- (3) Such games are to be conducted in accordance with the provisions of this chapter and in accordance with the rules and regulations of the State Board; and
- (4) The proceeds thereof are to be disposed of as provided by this chapter; and
- (5) No commission, salary, compensation, reward or recompense whatever will be paid or given to any person holding, operating or conducting, or assisting in the holding, operation and conduct of, such games; and
- (6) No prize will be given in excess of the sum or value of three hundred dollars (\$300.) in any single game and the aggregate of all prizes given on one (1) occasion, under such license, shall not exceed the sum or value as set forth in General Municipal Law §189.

B. The Town Clerk shall make an investigation of the qualifications of each applicant for a license to lease premises to another licensee for the purpose of conducting games of chance, and the merits of each application, within a reasonable time after the filing of the application. If the Town Clerk determines the following, then the Town Clerk shall issue a license permitting the applicant to lease said premises for the conduct of such games to the authorized organization or organizations specified in the application during the period therein specified or such shorter period as the Town Clerk shall determine, but not to exceed one year, upon payment of a license fee as set from time to time by resolution of the Town Board:

- (1) The applicant seeking to lease a hall or premises for the conduct of games of chance to an authorized organization is duly qualified to be licensed under this chapter; and
- (2) The applicant satisfies the requirements for an authorized games of chance lessor as defined in § 94-4; and
- (3) There is a public need and that public advantage will be served by the issuance of such license; and
- (4) The applicant has filed its proposed rent for each game of chance occasion; and
- (5) There is no diversion of the funds of the proposed lessee from the lawful purposes as defined in this chapter; and
- (6) Such leasing of a hall or premises for the conduct of such games is in accordance with the provisions of this chapter and in accordance with the rules and regulations of the State Board.

C. No license shall be issued under this chapter which shall be effective for a period of more



than one (1) year.

D. On or before the 30th day of each month, the Supervisor of the Town of Patterson shall transmit to the State Comptroller from the funds collected in the preceding month:

(1) Fifteen dollars (\$15.) per each license period as defined in § 94-4, and

(2) Fifty percent (50%) of all authorized games of chance lessor license fees as authorized in Subsection B section.

#### **§ 94-9. Hearing; amendment of license.**

A. No application for the issuance of a license to an authorized organization shall be denied by the Town Clerk until after a hearing, held on due notice to the applicant, at which the applicant shall be entitled to be heard upon the qualifications of the applicant and the merits of the application.

B. Any license issued under this chapter may be amended, upon application made to the Town Clerk which issued it, if the subject matter of the proposed amendment could lawfully and properly have been included in the original license and upon payment of such additional license fee, if any, as would have been payable if it had been so included.

#### **§ 94-10. Form and content of license; display.**

A. Each license to conduct games of chance shall be in such form as shall be prescribed in the rules and regulations promulgated by the State Board and shall contain a statement of the name and address of the licensee, of the names and addresses of the member or members of the licensee under whom the games will be conducted, of the place or places where and the date or dates and time or times when such games are to be conducted and of the purposes to which the entire net proceeds of such games are to be devoted; if any prize or prizes are to be given in cash, a statement of the amounts of the prizes authorized so to be given; the name of each single type of game of chance to be conducted under the license applied for and the number of merchandise wheels and raffles, if any, to be operated, and any other information which may be required by said rules and regulations to be contained therein, and each license issued for the conduct of any games shall be conspicuously displayed at the place where same is to be conducted at all times during the conduct thereof.

B. Each license to lease premises for conducting games of chance will be in such form as shall be prescribed in the rules and regulations of the State Board and shall contain a statement of the name and address of the licensee and the address of the leased premises, the amount of permissible rent and any information which may be required by said rules and regulations to be contained therein, and each such license shall be conspicuously displayed upon such premises at all times during the conduct of games of chance.

#### **§ 94-11. Control and supervision; suspension of license.**

A. The enforcement officer shall have and exercise rigid control and close supervision over all games of chance conducted under such license, to the end that the same are fairly conducted in accordance with the provisions of such license, the provisions of the rules and regulations promulgated by the State Board and the provisions of this chapter, and such officer and the Board shall have the power and the authority to temporarily suspend any license issued by the Town Clerk pending a hearing, and after notice and hearing the said Board may suspend or revoke the same and, additionally, impose a fine in an amount not exceeding one thousand dollars (\$1,000.) for violation of any such provisions, and shall have the right of entry, by its respective officers and agents, at all times into any premises where any game of chance is being conducted or where it is intended that

any such game shall be conducted or where any equipment being used or intended to be used in the conduct thereof is found, for the purpose of inspecting the same. An agent of the enforcement officer shall make an on-site inspection during the conduct of all games of chance licensed pursuant to this chapter.

B. The Town of Patterson herein provides that the powers and duties set forth in Subsection A of this section shall be exercised by the chief law enforcement officer of Putnam County, being the Sheriff of Putnam County, and the fees provided for in § 94-13 shall be remitted to the chief fiscal officer of Putnam County in the State of New York.

C. Subject to the applicable provisions of the Alcoholic Beverage Control Law, beer may be offered for sale during the conduct of games of chance but the offering of all other alcoholic beverages is prohibited.

## **§ 94-12. Prohibitions.**

A. No person under the age of eighteen (18) years shall be permitted to play any game or games of chance conducted pursuant to any license issued under this chapter. No person under the age of eighteen (18) years shall be permitted to conduct or assist in the conduct of any game of chance conducted pursuant to any license issued under this chapter.

B. No game or games of chance shall be conducted under any license issued under this chapter more often than twelve (12) times in any calendar year. Games shall be conducted only between the hours of 12:00 noon and 12:00 midnight on Monday, Tuesday, Wednesday, Thursday and Sunday (unless prohibited by § 94-6I), and only between the hours of 12:00 noon on Friday and 2:00 a.m. Saturday, and only between the hours of 12:00 noon on Saturday and 2:00 a.m. Sunday. The 2:00 a.m. closing period shall also apply to a legal holiday.

C. No person shall hold, operate or conduct any games of chance under any license issued under this chapter except an active member of the authorized organization to which the license is issued, and no person shall assist in holding, operating or conducting any games of chance under such license except an active member or a member of an organization or association which is an auxiliary to the licensee, or a member of an organization or association of which such licensee is an auxiliary, or a member of an organization or association which is affiliated with the licensee by being, with it, auxiliary to another organization or association. At least two (2) officers, directors, trustees or clergy of the authorized organization shall, upon request, certify, under oath, that the persons assisting in holding, operating or conducting any game of chance are bona fide members of such authorized organization, auxiliary or affiliated organization.

D. No games of chance shall be conducted with any equipment except that owned or leased by the authorized organization so licensed or that used without payment of any compensation therefor by the licensee.

E. No items of expense shall be incurred or paid in connection with the conducting of any game of chance pursuant to any license issued under this chapter except those that are reasonable and are necessarily expended for games of chance supplies and equipment; prizes; stated rental, if any; bookkeeping or accounting services according to a schedule of compensation prescribed by the State Board; janitorial services and utility supplies, if any; license fees; and the cost of bus transportation, if authorized by the officer.

F. Not more than two dollars (\$2.) shall be charged by any licensee for admission to any room or place in which any games of chance are to be conducted under any license issued under this chapter. Every winner shall be determined and every prize shall be awarded and delivered on the same calendar day as the game was played.

G. No game of chance conducted or to be conducted in the Town of Patterson shall be advertised as to its location, the time when it is to be or has been played or the prizes awarded or to be awarded, or transportation facilities to be provided to such game, by means of newspaper, radio, television or sound trucks or by means of billboards, posters or handbills or any other means addressed to the general public, except that one (1) sign in accordance with Chapter 154, Zoning, Article XIII, Signs and Billboards, may be displayed on or adjacent to the premises.

H. No person, association, corporation or organization lawfully conducting or participating in the conduct of games of chance or permitting the conduct upon any premises owned or leased by him or it under any license issued hereunder shall be liable to prosecution or conviction for violation of any provision of Article 225 of the Penal Law or any other law or ordinance to the extent that such conduct is specifically authorized by this chapter. However, this immunity shall not extend to any person or corporation knowingly conducting or participating in the conduct of games of chance under any license obtained by any false pretense or by any false statement made in any application for a license or otherwise, or permitting the conduct upon any premises owned or leased by him or it of any game of chance conducted under any license known to him or it to have been obtained by any such false pretense or statement.

#### **§ 94-13. Statement of receipts and expenses; additional fees.**

A. Within seven (7) days after the conclusion of any license period, the authorized organization which conducted the games of chance and its members who were in charge thereof and, when applicable, the authorized organization which rented its premises therefor shall each furnish to the Town Clerk a statement subscribed by the member in charge and affirmed by him as true, under the penalties of perjury, showing the amount of the gross receipts derived therefrom, each item of expense incurred or paid, each item of expenditure made or to be made other than prizes, the name and address of each person to whom each item of expense has been paid or is to be paid, with a detailed description of the merchandise purchased or the services rendered therefor, the net proceeds derived from the conduct of the games of chance during the license period and the use to which such proceeds have been or are to be applied, and a list of the prizes and the values thereof offered and given. It shall be the duty of each licensee to maintain and keep such books and records as may be necessary to substantiate the particulars of each statement.

B. Upon filing the statement of receipts, the authorized organization furnishing same shall pay to the Town Clerk as and for an additional fee as set from time to time by resolution of the Town Board, a sum of the net proceeds, if any, for the license period covered by the statement and determined in accordance with the schedule as shall be established from time to time by the State Board, to defray the actual cost to the Town of Patterson or Putnam County for administering the provisions of this chapter.

#### **§ 94-14. Examination of records and personnel; disclosure of information.**

A. The Town Clerk and the State Board shall have the power to examine or cause to be examined the books and records of:

(1) Any authorized organization which is or has been licensed to conduct games of chance, so far as such books and records may relate to games of chance, including the maintenance, control and disposition of the net proceeds derived from games of chance or from the use of its premises for games of chance, and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any games of chance under any license, the use of its premises for games of chance or the disposition of the net proceeds derived from games of chance, as the case may be.

(2) Any authorized games of chance lessor, so far as such books and records may relate

to leasing premises for games of chance, and to examine said lessor or any manager, officer, director, agent or employee thereof under oath in relation to said leasing.

B. Any information so received shall not be disclosed except for the purpose of carrying out the provisions of this chapter.

#### **§ 94-15. Appeals to State Board.**

Any applicant for or holder of any license hereunder aggrieved by any action of an officer or the Town Clerk to which an application has been made or by which a license has been issued may appeal to the State Board from the determination of the officer or the Town Clerk by filing with such officer or Town Clerk written notice of appeal within thirty (30) days after the determination or action appealed from, and, upon the hearing of such appeal, the evidence, if any, taken before such officer or the Town Clerk and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue. The action of the State Board upon said appeal shall be binding upon the officer and Town Clerk and all parties to said appeal.

#### **§ 94-16. Offenses; forfeiture of license; effect.**

Any person, association, corporation or organization who or which shall make any material false statement in any application for any license issued pursuant to this chapter; shall pay or receive a rental in excess of the amount specified as the permissible rent in the license provided for in § 94-7 for the use of any premises for conducting games of chance; shall fail to keep such books and records as shall fully and truly record all transactions connected with the conducting of games of chance or the leasing of premises to be used for the conduct of games of chance; shall falsify or make any false entry in any books or records so far as they relate in any manner to the conduct of games of chance, to the disposition of the proceeds thereof and to the application of the rents received by any authorized organization; or shall divert or pay any portion of the net proceeds of any game of chance to any person, association or corporation except in furtherance of one (1) or more of the lawful purposes defined in this chapter, shall be guilty of a misdemeanor and shall forfeit any license issued under this chapter and be ineligible to apply for a license under this chapter for at least one (1) year thereafter.

#### **§ 94-17. Compliance.**

A. Any person, association, corporation or organization holding, operating or conducting games of chance shall be guilty of a misdemeanor except when operating, holding or conducting:

- (1) In accordance with a valid license issued pursuant to this chapter, or
- (2) On behalf of a bona fide organization of persons sixty (60) years of age or over, commonly referred to as senior citizens, solely for the purpose of amusement and recreation of its members where:
  - (a) The organization has applied for and received an identification number from the State Board;
  - (b) No player or other person furnishes anything of value for the opportunity to participate;
  - (c) The prizes awarded or to be awarded are nominal;
  - (d) No person other than a bona fide active member of the organization

participates in the conduct of the games of chance; and

(e) No person is paid for conducting or assisting in the conduct of the games of chance.

B. The unauthorized conduct of a game of chance shall constitute and be punishable as a misdemeanor.

**§ 94-18. Approval by electors.**

Except as provided in § 94-17A(2), the provisions of this chapter shall be inoperative unless and until a proposition therefor submitted at a general or special election in the Town of Patterson shall be approved by a vote of the majority of the qualified electors in the Town of Patterson voting thereon. This chapter shall become effective ninety (90) days after such approval by a majority of the qualified electors.

**§ 94-19. Amendment and repeal.**

This chapter may be amended from time to time or repealed by the Town Board of the Town of Patterson by a two-thirds vote of said Town Board, and such amendment or repeal, as the case may be, may be effective and operative not earlier than thirty (30) days following the date of enactment of the ordinance affecting such amendment or repeal, and the approval of a majority of electors of the Town of Patterson shall not be a condition prerequisite to the taking effect of such ordinance.

## **Chapter 97**

### **GARBAGE, RUBBISH AND REFUSE**

**§ 97-1. Legislative intent.**

**§ 97-2. Definitions.**

**§ 97-3. Storage.**

**§ 97-4. Point of collection.**

**§ 97-5. Schedule of collection.**

**§ 97-6. Collection vehicles.**

**§ 97-7. Additional rules and regulations.**

**§ 97-8. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-9-77 as L.L. No. 1-1977. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Burning permits - See Ch. 68.**

**Dumps and dumping - See Ch. 79.**

**Littering - See Ch. 103.**

### **§ 97-1. Legislative intent.**

It is the purpose of this chapter to protect and enhance the public health and welfare of the Town of Patterson by providing for the storage, collection and transportation for disposal of solid waste within the Town of Patterson, including the licensing and regulation of persons and vehicles engaged in such collection and transportation.

### **§ 97-2. Definitions.**

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given herein:

**GARBAGE** - All putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food or the storage and sale of produce.

**HAZARDOUS WASTE** - Those wastes that can cause serious injury or disease during the normal storage, collection and disposal cycle, including but not limited to explosives, flammables, pathological and infectious wastes, radioactive materials, poisons, acids and dangerous chemicals or combinations of chemicals.

**PERSON** - An individual, group of individuals, partnership, firm, corporation or association.

**REFUSE** - All putrescible and nonputrescible solid waste, including garbage, rubbish, rubble, trash, small dead animals, ashes, tree limbs, yard clippings, grass cuttings, yard cleanings, leaves, solid commercial and industrial waste, but not including human or rendering waste, junk motor vehicles, dirt or rocks.

**REFUSE COLLECTOR OR HAULER** - Any person duly licensed or authorized pursuant to this chapter to engage in the business of collecting, storing, hauling or transporting of refuse in the Town of Patterson.

**RUBBISH** - All nonputrescible solid waste, consisting of both combustible and noncombustible, including but not limited to paper, ashes, plastics, cardboard, tin cans, yard clippings, wood, glass, rags, discarded clothes or wearing apparel of any kind or any other discarded object or thing not exceeding three (3) feet in length.

**SOLID WASTE** - All matter of useless, unwanted or discarded solid or semisolid domestic, commercial, industrial, institutional, construction and demolition waste material, including garbage and refuse but excepting human or rendering waste.

### **§ 97-3. Storage.**

A. Except as otherwise provided, all garbage and/or refuse shall be stored in containers commercially manufactured for that purpose, equipped with suitable handles and tightfitting covers and which shall be watertight and capable of being properly cleaned and sanitized. Such containers shall not exceed forty (40) gallons in capacity and shall not be filled to exceed seventy-five (75) pounds in weight.

B. Plastic (polyurethane) bags may be used for storage of all refuse, provided such bags are securely tied or otherwise fastened at the top, are free from holes, rips or tears and are of sufficient strength to permit normal handling without rupture. Maximum size bag for garbage shall be thirty (30) gallons; maximum size bag for leaves or refuse not containing garbage shall be fifty-five (55) gallons.

C. Metal containers larger than those permitted in Subsection A may be used on commercial

properties where the type of collection equipment and/or collection methods permit the handling of such containers without endangering health or safety. All metal containers pursuant to this subsection shall have self-closing lids or be closed at all times.

D. Any waste material other than garbage which cannot readily be deposited in containers may be compacted and securely bundled, tied or packed so as not likely to be spilled or scattered, and when so packed and secured said bundle shall not exceed seventy-five (75) pounds in weight nor two by four (2 x 4) feet in dimensions.

E. Hazardous waste shall not be stored, placed for collection nor collected except on special permission by the Town of Patterson and only in conformance with the regulations applicable thereto.

#### **§ 97-4. Point of collection.**

Where collection is provided at the curb, containers shall be placed in a visible and accessible area so as not to interfere with sidewalk or vehicular traffic or parking.

#### **§ 97-5. Schedule of collection.**

A. Collection for refuse shall be provided at least one (1) time each week on regularly scheduled days. Collection shall be restricted to the hours of 6:00 a.m. to 6:30 p.m., Monday through Saturday, on scheduled days. No refuse shall be placed for collection prior to 7:00 p.m. on the day prior to collection day.

B. Any changes in schedules shall be subject to the prior written approval of the Town of Patterson.

#### **§ 97-6. Collection vehicles.**

A. All vehicles used to collect, haul or transport refuse shall be of metal or other impervious material, shall be constructed and maintained to prevent refuse from accumulating in or on the body, shall be capable of being completely emptied and shall be generally kept in a clean and sanitary condition.

B. Any vehicle used to collect, haul or transport garbage or refuse containing garbage shall be of the packer type with fully enclosed body or other approved type to minimize the escape of any noxious or disagreeable odors or the escape of any of the vehicle's contents, either liquid or solid.

C. Any vehicle used to collect, haul or transport dry waste such as rubbish, refuse (not including garbage) and similar material may be of open-body type but shall be equipped with a tarpaulin or other suitable cover, cleats or other fastenings which, when properly secured, will prevent blowing off, spilling or scattering of contents when said vehicle is in motion. Such cover shall be kept properly secured whenever such vehicle is in motion, except when actually engaged in collection.

D. All vehicles used by any refuse collector or hauler shall display the name of the collector, license number and vehicle number clearly printed and readily visible on each side of the vehicle, with figures and letters at least three (3) inches in height.

E. All vehicles used to collect, haul or transport refuse shall be subject to inspection by such persons as the Town Board may designate by resolution.



**§ 97-7. Additional rules and regulations.**

The Town Board of the Town of Patterson may adopt such further rules and regulations as it may deem necessary or expedient in the implementation and administration of this chapter.

**§ 97-8. Penalties for offenses. [Amended 9-10-80 by L.L. No. 3-1980; 10-10-84 by L.L. No. 3-1984]**

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable for each offense by a fine of not more than one thousand dollars (\$1,000.) or by imprisonment for not more than fifteen (15) days, or both.

## Chapter 99

### ILLICIT DISCHARGES TO STORM SEWERS

- §99-1. Purpose; authority.
- §99-2. Applicability.
- §99-3. Definitions.
- §99-4. Administration.
- §99-5. Prohibited Non-Stormwater Discharges to MS4.
- §99-6. Exempt Non-Stormwater Discharges to MS4.
- §99-7. Prohibition of Illicit Connections.
- §99-8. Prohibition Against Failing Individual Sewage Treatment Systems.
- §99-9. Prohibited Activities Contaminating Stormwater.
- §99-10. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices.
- §99-11. Suspension of Access to MS4.
- §99-12. Industrial or Construction Activity Discharges.
- §99-13. Access and Monitoring of Discharges.
- §99-14. Notification of Spills.
- §99-15. Enforcement.
- §99-16. Failure to Comply, Corrective Measures.
- §99-17. Injunctive Relief.
- §99-18. Violations Deemed a Public Nuisance.
- §99-19. Remedies Not Exclusive.
- §99-20. Severability.

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-14-2024 by L.L. No. 3-2024; Amendments noted where applicable.]**

#### **§99-1 Purpose, Authority.**

- A. The NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Permit No. GP-0-24-001 requires the Town of Patterson to regulate non-stormwater discharges to the municipal separate storm sewer system (MS4) in order to reduce pollutants to receiving lakes and streams. This law establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:
  - (1) To meet the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) Permit No. GP-0-24-001, or as amended or revised;

- (2) To regulate the discharge of pollutants discharges to the MS4 by non-stormwater discharges;
- (3) To prohibit illicit connections, activities and discharges to the MS4; and
- (4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this law; and

#### **§99-2. Applicability.**

- A. This law shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by the Town of Patterson.
- B. This chapter shall also apply to all non-stormwater discharges to the storm sewer system which is owned and operated by the Town of Patterson, or to a private storm sewer system within the jurisdictional boundaries of the Town of Patterson, and any other municipal storm sewer which is interconnected to, and which discharges to the Town of Patterson storm sewer system.

#### **§99-3. Definitions.**

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

303(d) LIST. - A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department of Environmental Conservation as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to improve within the next two years.

BEST MANAGEMENT PRACTICES (BMPs). - Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. - Land disturbance activities resulting in soil disturbances of 5,000 square feet or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DESIGN PROFESSIONAL. - New York State licensed professional engineer or licensed architect.

HAZARDOUS MATERIALS. - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS. - Any drain or conveyance, whether on the surface or subsurface, which allows a non-stormwater discharge to enter the MS4, including but not limited to:

- A. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**ILLICIT DISCHARGE.** - Any direct or indirect non-stormwater discharge to the MS4, except as exempt pursuant to §99-6 of this law.

**INDIVIDUAL SEWAGE TREATMENT SYSTEM.** - A facility serving one or more parcels of land or residential households, or a private, commercial or institutional facility, that treats sewage or other liquid wastes for discharge into the groundwaters of New York State, except where a permit for such a facility is required under the applicable provisions of Article 17 of the Environmental Conservation Law.

**INDUSTRIAL ACTIVITY.** - Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4).** - A conveyance or system of conveyances including, but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains which are:

- A. Owned or operated by the Town of Patterson;
- B. Designed or used for collecting or conveying stormwater;
- C. Which is not a combined sewer; and
- D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40CFR 122.2

**NON-STORMWATER DISCHARGE.** - Any discharge to the MS4 stormwater conveyance system that is not composed entirely of stormwater.

**PERSON** - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT** - Any material which may cause or might reasonably be expected to cause degradation of the waters of the state in contravention of the water quality standards including, but not limited to dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water;

**PREMISES.** - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)** - Stormwater Discharge Permit. A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

**STORMWATER.** - Surface runoff resulting from rain, snow or ice.

STORMWATER MANAGEMENT OFFICER (SMO). - An employee, the municipal engineer or other public official(s) designated by the Town of Patterson to enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

TMDL. Total Maximum Daily Load.

TOTAL MAXIMUM DAILY LOAD (TMDL) - The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER. - Water that is not stormwater, is contaminated with pollutants and is or will be discarded.

#### **§99-4. Administration.**

The Stormwater Management Officer(s) (SMO(s)) appointed by resolution of the Town Board of the Town of Patterson shall administer, implement, and enforce the provisions of this chapter. The Town Board may also appoint a deputy stormwater management officer who shall have all the duties and responsibilities of the stormwater management officer.

#### **§99-5. Prohibited Non-Stormwater Discharges to MS4.**

- A. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in §99-6.
- B. No person shall make any connection to the MS4 system, including but not limited to any pipe, catchbasin, manhole or drain inlet without the expressed consent of the Town of Patterson Highway Superintendent.
- C. No person shall make any connection to a storm drain collection system including but not limited to any pipe, catchbasin, manhole or drain inlet for which there is an irrevocable offer of dedication to the Town of Patterson, without the expressed consent of the Town of Patterson SMO.
- D. The construction, use, maintenance or continued existence of any illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

#### **§99-6. Exempt Non-Stormwater Discharges to MS4.**

- A. The following discharges are exempt from discharge prohibitions established by this chapter, unless the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

- B. Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.
- C. Dye testing in compliance with applicable state and local laws is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.
- d. The prohibition shall not apply to any discharge permitted under an SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

#### **§99-7. Prohibition of Illicit Connections.**

- A. No person shall make a connection to the Town of Patterson MS4 system without the written consent of the individual authorized to grant such consent. Such consent shall only be given if the discharge is an exempt discharge pursuant to §99-6.
- B. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

#### **§99-8. Prohibition Against Failing Individual Sewage Treatment Systems.**

- A. No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:
  - (1) The backup of sewage into a structure.
  - (2) Discharges of treated or untreated sewage onto the ground surface.
  - (3) A connection or connections to a separate stormwater sewer system.
  - (4) Liquid level in the septic tank above the outlet invert.
  - (5) Structural failure of any component of the individual sewage treatment system that could lead to any of the other failure conditions as noted in this section.
  - (6) Contamination of off-site groundwater.

#### **§99-9. Prohibited Activities Contaminating Stormwater.**

- A. Activities that cause or contribute to a violation of the municipality's MS4 SPDES permit are prohibited. Such activities include failing individual sewage treatment systems as defined in §99-7, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

- B. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

**§99-10. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

A. Best Management Practices

- (1) Where the SMO has identified illicit discharges as defined in §99-3, or activities contaminating stormwater as defined in §99-8, the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.
- (2) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.
- (3) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in §99-3 or an activity contaminating stormwater as defined in §99-8, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.
- (4) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

**§99-11. Suspension of Access to MS4.**

A. Illicit Discharges in Emergency Situations.

- (1) The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
- (2) Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefor. The violator may petition the SMO for a reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

## **§99-12. Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

## **§99-13. Access and Monitoring of Discharges.**

- A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter.
- B. Access to facilities.
  - (1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.
  - (2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.
  - (3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.
  - (4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - (5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.
  - (6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

## **§99-14. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the



discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the municipality as soon as practicable in person or by telephone or email, however no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality within three business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **§99-15. Enforcement.**

A. Notice of violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) The implementation of source control or treatment BMPs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

B. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

#### **§99-16. Failure to Comply, Corrective Measures.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the

property. If refused access to the subject private property, the SMO may seek a warrant in a court of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

#### **§99-17. Injunctive Relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

#### **§99-18. Violations Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

#### **§99-19. Remedies Not Exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

#### **§99-20. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

## **Chapter 101**

### **LANDMARKS AND HISTORIC DISTRICTS**

- § 101-1. Purpose.**
- § 101-2. Historic Preservation Commission.**
- § 101-3. Designation of properties.**
- § 101-4. Certificate of appropriateness.**
- § 101-5. Hardship criteria; application.**
- § 101-6. Inspection of work; stop-work order.**
- § 101-7. Maintenance and repair required.**
- § 101-8. Penalties for offenses.**
- § 101-9. Appeals.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-10-86 as L.L. No. 6-1986; amended in its entirety 9-13-1995 by L.L. No 4-1995. (readopted 4-13-2005 by L.L. No. 9-2005) Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Building construction - See Ch. 64.**  
**Unsafe buildings - See Ch. 67.**  
**Zoning - See Ch. 154.**

### **§ 101-1. Purpose.**

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as the identity of a people is founded on its past, and inasmuch as Patterson has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

- A. Protect and enhance the landmarks and historic districts which represent distinctive elements of Patterson's historic, architectural and cultural heritage.
- B. Foster civic pride in the accomplishments of the past.
- C. Protect and enhance Patterson's attractiveness to visitors and the support and stimulus to the economy thereby provided.
- D. Ensure the harmonious, orderly and efficient growth and development of the town.

### **§ 101-2. Historic Preservation Commission.**

There is hereby created a Commission to be known as the 'Patterson Historic Preservation Commission.'

A. The Commission shall consist of seven (7) members to be appointed to the extent available in the community by the Town Board as follows:

- (1) At least one shall be an architect.
- (2) At least one shall be an historian.
- (3) At least one shall be a licensed real estate broker.
- (4) At least one shall be an attorney.
- (5) At least one shall be a resident of an historic district.
- (6) At least one shall have a demonstrated significant interest in and commitment to the field of historic preservation evidenced either by involvement in a local historic preservation group, employment or volunteer activity in the field of historic preservation or other serious interest in the field.
- (7) All members shall have a known interest in historic preservation and architectural development within the Town of Patterson.

B. Commission members shall serve for terms of seven (7) years, with the exception of the initial term of one (1) of the seven (7) members, which shall be one (1) year, one (1) which shall be two (2) years and one (1) which shall be three (3) years, one (1) which shall be four (4), One (1) which shall be five (5) and one (1) which shall be six (6) years.

C. The Chairman and Vice Chairman of the Commission shall be elected by and from among the members of the Commission.

D. The powers of the Commission shall include:

- (1) Employment of staff and professional consultants as necessary to carry out the duties

of the Commission.

- (2) Promulgation of rules and regulations as necessary for the conduct of its business.
- (3) Adoption of criteria for the identification of significant historic, architectural and cultural landmarks and for the delineation of historic districts.
- (4) Conduct of surveys of significant historic, architectural and cultural landmarks and historic districts within the town.
- (5) Designation of identified structures or resources as landmarks and historic districts.
- (6) Acceptance on behalf of the town government of the donation of facade easements and development rights; the making of recommendations to the town government concerning the acquisition of facade easements or other interests in real property as necessary to carry out the purposes of this chapter.
- (7) Increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
- (8) Making recommendations to the Town Government and to the property owners within the district concerning the utilization of state, federal or private funds to promote the preservation of landmarks and historic districts within the town.
- (9) Assisting the owners of historic houses and/or properties within the historic district to curtail any encroachment to the character of the historic property within the district.
- (10) Recommending acquisition of a landmark structure by the town government where its preservation is essential to the purposes of this chapter and where private preservation is not feasible.
- (11) Ruling on certificates of appropriateness pursuant to this chapter; provided, however, that within a historic district the commission shall consider the opinions and recommendations of an Advisory Committee.

E. Advisory Committee. In matters having to do with a historic district, the district shall be represented by an advisory committee consisting of a representative of each owner of a contributing property or structure within the district.

F. The commission shall meet as necessary to conduct the business before it, but no less than once a quarter. Meetings may be held at any time on written request of any two (2) of the Commission's members or on call of the Chair.

G. A quorum for the transaction of business shall consist of four (4) of the commission's members.

H. Notice of all Historic Preservation Commission public meetings shall be published in the official town newspaper and posted in the town bulletin board on ten (10) days notice and announced by the Town Board.

I. Minutes shall be taken at all Historic Preservation Commission public meetings and shall be provided to the Town Clerk within two (2) weeks of the meeting date.

### **§ 101-3. Designation of properties.**

A. The Commission may designate an individual property as a landmark if it obtains the consent

of the property owner and if the property:

- (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation;
- (2) Is identified with historic personages;
- (3) Embodies the distinguishing characteristics of an architectural style;
- (4) Is the work of a designer whose work has significantly influenced an age; or
- (5) Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.

**B. Historic districts.**

- (1) The Commission may designate a group of properties as an historic district if it obtains the consent of the property owners and if the properties:
  - (a) Contains properties which meet one (1) or more of the criteria for designation of a landmark.
  - (b) By reason of possessing such qualities, constitute a district section of the town.
- (2) The boundaries of each historic district designated henceforth shall be specified in detail and shall be filed, in writing, in the Town Clerk's office for public inspection.

**C.** Notice, of a proposed designation shall be sent by registered mail to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation involves so many owners that individual notice is infeasible, notice may instead be published at least once in a newspaper of general circulation at least ten (10) days prior to the date of the public hearing. Once the Commission has issued notice of a proposed designation, no building permits shall be issued by the Code Enforcement Officer until the Commission has made its decision.

**D.** The Commission shall hold a public hearing prior to designation of any landmark or historic district. The Commission, owners and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain staff reports, public comments or other evidence offered outside of the hearing.

**E.** The Commission shall forward notice of each property designated as a landmark and of the boundaries of each designated historic district to the office of the Putnam County Clerk for recordation.

**§ 101-4. Certificate of appropriateness.**

**A.** Certificate required. No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction or moving of a landmark or property within an historic district, nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public street or alley which affect the appearance and cohesiveness of the historic district, without first obtaining a certificate of appropriateness from the Historic Preservation Commission.

B. Criteria for approval.

(1) In passing upon an application for a certificate of appropriateness, the Historic Preservation Commission shall not consider changes to interior spaces, unless they are open to the public, or to architectural features that are not visible from a public street or alley. The Commission's decision shall be based upon the following principles:

(a) Properties which contribute to the character of the historic district shall be retained with their historic features altered as little as possible.

(b) Any alteration of existing properties shall be compatible with its historic character, as well as with the surrounding district.

(c) New construction shall be compatible with the district in which it is located.

(2) In applying the principle of compatibility, the Commission shall consider the following factors:

(a) The general design, character and appropriateness to the property of the proposed alteration or new construction.

(b) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties and the neighborhood.

(c) Texture, materials and color and their relation to similar features of other properties in the neighborhood.

(d) Visual compatibility with surrounding properties, including a proportion of the property's front facade, proportion and arrangement of windows and other openings within the facade, roof shape and the rhythm of spacing of properties on streets, including setback.

(e) The importance of historic, architectural or other features to the significance of the property.

C. Application procedures.

(1) Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Historic Preservation Commission. The application shall contain:

(a) The name, address and telephone number of the applicant.

(b) The location and photographs of the property.

(c) Elevation drawings of proposed changes, if available.

(d) Perspective drawings, including relationship to adjacent properties, if available.

(e) Samples of color or materials to be used.

(f) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, the method of illumination and a plan showing the sign's location on the property.

(g) Any other information which the Commission may deem necessary in order to visualize the proposed work.

(2) No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Historic Preservation Commission. The certificate of appropriateness required by this chapter shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the Town of Patterson.

(3) The Commission shall approve, deny or approve with modifications the certificate of appropriateness within ninety (90) days from receipt of the completed application. The Commission may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Applications for certificates of appropriateness for work to be done within a historic district shall be reviewed by the Commission meeting together with the Advisory Committee for that district (as described in § 101-2E, above).

(4) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's office for public inspection. The Commission's decision shall state the reasons for denying or modifying any application.

#### **§ 101-5. Hardship criteria; application.**

A. An applicant whose certificate of appropriateness has been denied may apply for relief from landmark designation on the grounds that designation is working a hardship upon him. In order to prove the existence of hardship, the applicant shall establish that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

(2) There is no reasonable way, within the criteria established in § 101-4B(2) above, that the property can be sufficiently altered, modified or added to permit its continuing beneficial use.

(3) The property cannot be adopted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

(4) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

B. Application procedure.

(1) After receiving written notification from the Commission of denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.

(2) The Commission may hold a public hearing on the hardship application, at which an opportunity will be provided for proponents and opponents of the application to present their views.

(3) The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.



(4) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Town Clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

#### **§ 101-6. Inspection of work; stop-work order.**

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Code Enforcement Officer to inspect periodically any such work to assure compliance. In the event that work is found that is not being performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Historic Preservation Commission, the Code Enforcement Officer shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

#### **§ 101-7. Maintenance and repair required.**

A. It shall be the duty of the Commission to assist the property owner in obtaining information on sources of grants and funding for exterior repairs/renovations and the Commission shall act to the best of its ability as a consulting agency for individuals and buildings and contributing buildings within historic districts. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, color or outward appearance.

B. No owner or person with an interest in real property designated as a landmark or included within an historic district shall willfully permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Historic Preservation Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports.
- (2) Deterioration of roofs or other horizontal members.
- (3) Deterioration of exterior chimneys.
- (4) Deterioration or crumbling of exterior stucco or mortar.
- (5) Ineffective waterproofing of exterior walls, roofs or foundations. including broken windows or doors.
- (6) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

#### **§ 101-8. Penalties for offenses.**

A. Willful failure to comply with any of the provisions of this chapter shall be deemed a violation, and the violator shall be liable to a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) for each day the violation continues.

B. Any person who willfully demolishes, alters, constructs or permits a designated property to fall into a serious state of disrepair in violation of this chapter shall be required to restore the property and its site to its appearance prior to the violation. Any action to enforce this subsection

shall be brought by the Town Attorney. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

**§ 101-9. Appeals.**

Any person aggrieved by a decision of the Historic Preservation Commission relating to hardship or a certificate of appropriateness may, within fifteen (15) days of the decision, file a written application with the Town Board of the Town of Patterson for review of the decision.

## Chapter 103

### LITTERING

- § 103-1. Littering prohibited.
- § 103-2. Use of receptacles.
- § 103-3. Sweeping litter into streets; sidewalks.
- § 103-4. Littering streets from business premises; sidewalks.
- § 103-5. Litter from vehicles.
  
- § 103-6. Litter falling from trucks or truck tires.
- § 103-7. Litter in parks.
- § 103-8. Littering bodies of water.
- § 103-9. Distributing handbills on streets.
- § 103-10. Distributing handbills to vehicle occupants.
  
- § 103-11. Affixing to poles or trees.
- § 103-12. Littering private property; receptacles.
- § 103-13. Maintenance of private property.
- § 103-14. Littering vacant property.
- § 103-15. Mulch piles; ashes as fill.
  
- § 103-16. Penalties for offenses.

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-9-68. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### GENERAL REFERENCES

Burning permits - See Ch.68  
Dumps and dumping - See Ch. 79.  
Garbage, rubbish and refuse - See Ch. 97.  
Parks - See Ch. 115  
Peddling and soliciting - See Ch. 121.

### **§ 103-1. Littering prohibited.**

It shall be unlawful and a violation of this chapter for any person, firm or corporation to place upon or permit to accumulate upon any public street or sidewalk or other public place in the Town of Patterson any trash, papers, garbage, empty containers or other offensive materials, except in public receptacles or in authorized private receptacles for collection.

### **§ 103-2. Use of receptacles.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place.

### **§ 103-3. Sweeping Utter into streets; sidewalks.**

No person shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

### **§ 103-4. Littering streets from business premises; sidewalks.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the town shall keep the sidewalk in front of their business premises free of litter.

### **§ 103-5. Litter from vehicles.**

No person while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the town.

### **§ 103-6. Litter falling from trucks or truck tires.**

No person shall drive or move any truck or other vehicle within the town unless such vehicle is so constructs or loaded as to prevent any load or contents of litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substance or foreign matter of any kind.

### **§ 103-7. Litter in parks.**

No person shall throw or deposit litter in any park within the town except in receptacles provided therefor. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

### **§ 103-8. Littering bodies of water.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, river or any other body of water in a park or elsewhere within the town.

#### **§ 103-9. Distributing handbills on streets.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the town. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

#### **§ 103-10. Distributing handbills to vehicle occupants.**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

#### **§ 103-11. Affixing posters to poles or trees.**

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree or upon any public structure or building, except as may be authorized or required by law.

#### **§ 103-12. Littering private property; receptacles. [Amended 5-8-1996 by L.L. No. 4-1996]**

No person shall throw, deposit or allow permit or cause to be thrown or deposited any refuse, garbage, debris, junk, discarded or abandoned appliance, abandoned boat or abandoned motor vehicle or parts thereof or any other impure or waste materials on or about any public or private property, whether owned by such person or not, except that the owner of person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

#### **§ 103-13. Maintenance of private property. [ Amended 5-8-1996 by L.L. No. 4-1996]**

A. Notwithstanding the aforesaid, the retention of refuse, debris, junk, discarded or abandoned appliances, boats and motor vehicles or parts thereof shall be permitted for a period not exceeding ten (10) days while awaiting removal, provided that the aforesaid matter is placed in a manner that it cannot be seen by the public, and further provided that all health, fire and other rules, regulations and laws are complied with; and the retention of garbage of other putrescible waste shall be permitted for a period not exceeding five (5) days while awaiting removal, provided that such garbage or other waste is placed in containers designed for the storage of such material which shall completely confine the material, shall be rodent proof and insect proof and shall be kept in an inoffensive and sanitary condition at all times, in full compliance with all applicable fire, health and other codes, rules and regulations.

B. Every owner, lessee, tenant, occupant or person in charge of any building, grounds or premises shall keep and cause to be kept the sidewalk, lawn area and road frontage abutting said building, grounds or premises free from obstruction and nuisances of every kind, and shall keep said sidewalks lawn area and road frontage abutting said building, grounds or premises free from garbage, refuse, rubbish, litter and other offensive material.

#### **§ 103-14. Littering vacant property.**

No person shall throw or deposit litter on any open or vacant private property within the town, whether owned by such person or not.

**§ 103-15. Mulch piles; ashes as fill.**

Nothing in this chapter shall be construed as denying any person the right to maintain a mulch pile or accumulation of grass cuttings, leaves or other inoffensive materials on his own or leased property, as long as dust, odors or other nuisances are not permitted to develop from the resulting compost. Nothing in this chapter shall be construed as denying any person the right to use ashes or other clean material as fill on his property so long as dust or any other nuisance is not permitted to develop therefrom.

**§ 103-16. Penalties for offenses. [Amended 9-10-84 by L.L. No. 3-1980; 10-10-84 by L.L. No. 3-1984; 1-24-1990 by L.L. No. 4-1990; 7-24-1996 by L.L. No. 8-1996]**

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law of the State of New York and, upon conviction thereof, shall be punishable for each offense by a fine of one hundred dollars (\$100.) for the first offense, one hundred fifty dollars (\$150.) for the second offense and two hundred dollars (\$200.) for the third and/or subsequent offenses. Additionally, any person convicted of violating any provision of this chapter or Article, as the case may be, shall pay the Town of Patterson restitution equal to the amount actually expended for cleanup costs incurred as a result of said violation.<sup>111</sup>

---

<sup>111</sup> Editor's Note: Former § 103-17, Reward for information, added 3-21-1989 by L.L. No. 5-1989 was repealed 5-22-1996 by L.L. No. 5-1996

## Chapter 107

### **LOITERING**

§ 107-1. Legislative intent.

§ 107-2. Definitions.

§ 107-3. Loitering prohibited.

§ 107-4. Penalties for offenses.

**[HISTORY: Adopted by the Town Board of the Town of Patterson 12-28-79 as L.L. No. 8-1979. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Public assemblies - See Ch. 51**

**Entertainment establishments - See Ch. 84**

**Noise - See Ch. 109**

**Parks - See Ch. 115**

**Trespassing - See Ch. 145**

### **§ 107-1. Legislative intent.**

The Town of Patterson recognizes that loitering in public places must be adequately controlled so as to prevent public disorder, nuisances, littering and other acts and conditions detrimental to the health, safety and welfare of the residents of the town, and this chapter is intended to provide such control and regulation.

### **§ 107-2. Definitions.**

As used herein, the following words shall have the meanings below set forth:

LOITERING - Shall encompass, but shall not be necessarily limited to, one (1) or more of the following acts:

- A. Obstruction of the free, unhampered passage of pedestrians or vehicles.
- B. Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.
- C. Remaining idle in essentially one location without being able to establish having a legitimate purpose in so remaining idle, or, by general conduct, exhibiting the absence of a lawful purpose in so remaining idle. In determining whether or not a legitimate or lawful purpose for remaining idle has been established, consideration shall be given to the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.
- D. Refusing to move on when so requested by a police officer, provided such officer has exercised his discretion reasonably under the circumstances in order to preserve or promote public peace and order.

OTHER PUBLIC PLACE - Shall be deemed to include the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business, and shall include also any parking lots or other vacant property not owned by or under the dominion of the person charged with a violation of this chapter. Enforcement of this chapter as it relates to "other public places" as herein defined shall be conditioned upon a request for such enforcement by the owner or agent of said "other public place" sent by certified mail, return receipt requested, to the attention of the Sheriff of Putnam County. In addition to the name of the owner and a description of the property involved, said request shall include a certification stating that the provisions of this chapter relating to posting of notice have been complied with.

### **§ 107-3. Loitering prohibited.**

- A. It shall be unlawful for any person to idly assemble, loiter, lounge or sleep in or upon any street, sidewalk or public place or in any public building, or in a park during those hours it is closed to the public, or obstruct the access to any public building or any part thereof, or obstruct passage through or upon any public street or park.
- B. It shall be unlawful for any person to idly assemble, loiter, lounge or sleep in other public places, as hereinbefore defined, if the owner thereof has posted a sign in such a place and in such a manner as is reasonably calculated to afford notice of the prohibition to all interested parties.



**§ 107-4. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable as follows: by imprisonment for a term not exceeding fifteen (15) days or by a fine not exceeding two hundred fifty dollars (\$250.), or by both such fine and imprisonment.

## **Chapter 109**

### **NOISE**

- § 109-1. Title**
- § 109-2. Declaration of policy.**
- § 109-3. Definitions.**
- § 109-4. Prohibited acts; measurement.**
- § 109-5. Regulated Activities; responsibility of owner or lessee.**
- § 109-6. Exemptions.**
- § 109-7. Construal of provisions.**
- § 109-8. Enforcement**
- § 109-9. Penalties for offenses.**
- § 109-10. Severability.**
- § 109-11. Repealer.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-05 by L.L. No. 4-2005. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Public assemblies - See Ch. 51**  
**Bingo - See Ch. 55**  
**Entertainment establishments - See Ch. 84.**  
**Games of chance - See Ch. 94.**  
**Peddling and soliciting - See Ch. 121.**

#### **§ 109-1. Title.**

This chapter shall be known as the “Town of Patterson Noise Control Law.”

#### **§ 109-2. Declaration of policy.**

It is hereby declared to be the policy of the Town of Patterson to safeguard the right of its residents within the privacy of their homes to be free from intrusive, unwanted sounds. Problems concerning disturbance of peace and quiet by noise from various activities are best solved by thoughtful discussions and cooperative agreements between affected parties. However, to resolve

remaining problems of noise which is disturbing to others, it is the policy of the town of Patterson to establish standards, enforcement procedures and penalties.

### **§ 109-3. Definitions.**

As used in this Article, the terms and phrases shall mean:

DECIBEL(dB) - A unit for measuring the volume of sound, equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to a standard pressure of twenty (20) micronewtons per square meter.

HOLIDAYS - New Year's Day; Dr. Martin Luther King, Jr., Birthday; President's Day; Columbus Day; Election Day; Veteran's Day; Presidents Day; Memorial Day; Independence Day; Labor Day; Yom Kippur; Thanksgiving Day and Christmas and Easter.

OFF-ROAD MOTOR VEHICLES - Motorized vehicles, whether licensed or unlicensed, including but not limited to snowmobiles, motorcycles, motorized bicycles, mopeds, minicycles or minibikes, trail bicycles or trail bikes, go karts, all-terrain vehicles and all motor vehicles normally manufactured for use or operation off public highways.

SOUND LEVEL - The sound-pressure level measured in decibels with a sound-level meter set to a weighting expressed in dB(a).

SOUND LEVEL METER, DEVICE OR APPARATUS - An instrument for the measurement of sound levels which conforms to Type 1 or Type 2 standards under ANSI Specification S1.4-1971 or the latest approved revision thereof.

SOUND REPRODUCTION DEVICE - Any electronic or electrical device that is used for the production of sound, including but not limited to any loudspeaker, radio, television, tape recorder, phonograph or any other sound-amplifying equipment.

ZONING DISTRICT - Any zone as defined in Chapter 154, Zoning.

### **§ 109-4. Prohibited acts; measurement.**

A. No person shall operate or permit to be operated in the Town of Patterson any sound source that produces a sound level exceeding the limitations in this chapter.

B. The measurement of any sound or noise shall be made with a sound-level meter using the A-weighted scale and slow response, except for sounds or noises which occur in single or multiple bursts with a duration of less than one (1) second, for which fast response shall be used. The sound level determination or measurement shall be conducted not nearer to the sound source than the closest property line of the parcel on which such noise is generated. When the determination or measurement is made for a dwelling unit of a multi-dwelling-unit building as the receiving property, all exterior doors and windows of the dwelling unit shall be closed and the determination or measurement shall be taken in the center of a room.

### **§109-5. Regulated Activities; responsibility of owner or lessee.**

A. Noise produced by an act or activities, including the use of off-road motor vehicles, on properties within any residential or nonresidential zoning district within the Town of Patterson shall not exceed sixty-five (65) dB(A) between 7:00 a.m. and 8:00 p.m. prevailing time on weekdays, including Saturday or forty-five (45) dB(A) during the hours of 8:00 p.m. to 7:00 a.m. weekdays, all day Sunday and on Holidays.

- B. Is shall additionally be unlawful for the owner, lessee or person having possession and control of any property to permit such noise-producing activities thereon.
- C. In addition to Subsections A and B above, Any building or construction activity, including the clearing and removal of trees or other site preparation work which is audible outside of a building or structure is prohibited on holidays and between the hours of 8:00 p.m to 7:00 a.m.
- D. Blasting shall not be permitted on Saturday, Sunday and holidays.
- E. Noise produced on any day, by an act or activities exceeding forty-five (45) dB(A) which occurs chronically, or over an unusually long period of time, such that it causes an unpleasant environment for the adjacent property owners.

#### **§ 109-6. Exemptions.**

The following sounds shall not be deemed to be a violation of this Article:

- A. Sounds created by church bells or chimes.
- B. Sounds created by any government agency by the use of public warning devices.
- C. Sounds created by lawnmowers with working engine mufflers in use between the hours of 8:00 a.m. and 9:00 p.m., prevailing time, weekdays and Saturdays, and between 10:00 a.m. and 8:00 p.m., prevailing time, Sundays and Holidays.
- D. Sounds created by public utilities in carrying out the operations to restore interrupted service..
- E. Sounds created by the use of snow blowers, chain saws and other domestic tools and equipment when there are being used to clear driveways, streets or walkways during and within twenty-four (24) hours after snowfalls, rain storms, ice storms, wind storms or similar conditions which warrant emergency maintenance or repairs to be made.
- F. Sounds created in farming operations as defined by Agriculture and Markets Law.
- G. Sounds connected with activities and equipment of the Town of Patterson.

#### **§ 109-7. Construal of provisions.**

The provisions of this Chapter shall in no case remove, or render less restrictive, limitations on noise generation or other conditions imposed for specific properties by actions of the Patterson Zoning Board of Appeals or by actions of the Patterson Planning Board or required under other applicable laws or regulations.

#### **§ 109-8. Enforcement**

The provisions of the Chapter shall be enforced by the Code Enforcement Officer or the Code Compliance Officer.

#### **§ 109-9. Penalties for offenses.**

- A. Any person or persons, associations, firm or corporation who shall violate any of the provisions of this Article shall be guilty of an offense and shall be punishable by a fine of not more

than two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each day shall constitute a separate offense, punishable by a like fine or penalty as herein set forth.

B. Notwithstanding the penalties herein above provided, the Town Board of the Town of Patterson may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Chapter.

C. The foregoing provisions for enforcement of the regulations in this Chapter are not exclusive, but are in addition to any and all laws applicable thereto.

#### **§ 109-10. Severability.**

If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Chapter, but shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the litigation in which such judgement shall have been rendered.

#### **§ 109-11. Repealer.**

Existing Chapter 117, Article II of the Patterson Town Code is hereby repealed and is hereby replaced with Chapter 109 entitled "Noise".

## **Chapter 110**

### **NOTICE OF DEFECTS**

**§ 110-1. Written notice of highway defects required for liability.**

**§ 110-2. Written notice of sidewalk defects required for liability.**

**§ 110-3. Transmission of notice by Superintendent of Highways; corrective action.**

**§ 110-4. Transmission of notice by Town Clerk; records.**

**§ 110-5. Supersession of statutory provisions.**

**§ 110-6. Interpretation.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 6-13-79 as L.L. No. 1-1979. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Sidewalks - See Ch. 131.**

**Streets - See Ch. 135.**

#### **§ 110-1. Written notice of highway defects required for liability.**

No civil action shall be maintained against the Town of Patterson, hereinafter referred to as the "town," or the Town Superintendent of Highways of the town, or against any improvement district in the town for damages or injuries to persons or property, including those arising from the operation of snowmobiles, sustained by reason of any highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town, or any property owned, operated or maintained by any improvement district therein, being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, bridge, culvert, highway marking, sign or device or any other property owned, operated or maintained by the town, or any property owned, operated or maintained by any improvement district, was actually given to the Town Clerk of the town or the Town Superintendent of Highways of the town, and there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of; and no such action shall be maintained for damages or injuries to persons or property sustained solely in consequence of the existence of snow or ice upon any highway, bridge, culvert or any other property owned by the town or any property owned by any improvement district in the town unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the town or the Town Superintendent of Highways of the town and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

#### **§ 110-2. Written notice of sidewalk defects required for liability.**

No civil action shall be maintained against the town and/or the Town Superintendent of Highways of the town for damages or injuries to persons or property sustained by reason of any defect in the sidewalks of the town or in consequence of the existence of snow or ice upon any of its sidewalks unless such sidewalks have been constructed or are maintained by the town or the Superintendent of Highways of the town pursuant to statute, nor shall any action be maintained for damages or injuries to persons or property sustained by reason of such defect or in consequence of such existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Town Clerk of the town or to the Town Superintendent of Highways of the town and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

#### **§ 110-3. Transmission of notice by Superintendent of Highways; corrective action.**

The Town Superintendent of Highways shall transmit in writing to the Town Clerk within ten (10) days after the receipt thereof, all written notices received by him or her pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law. The Superintendent of Highways of the town shall take any and all corrective action with respect thereto as soon as practicable.

#### **§ 110-4. Transmission of notice by Town Clerk; records.**

The Town Clerk of the town shall cause all written notices received by him or her pursuant to this chapter and Subdivision 2 of § 65-a of the Town Law, to be presented to the Town Board of the town within five (5) days of the receipt thereof or at the next succeeding Town Board meeting, whichever shall be sooner. The Town Clerk shall keep an index record, in a separate book, of all written notices which the Town Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice and snow upon, any town highway, bridge, culvert or a sidewalk or any other property owned by the town or by any improvement district, which record shall state the date of the receipt of the notice, the nature and location of the condition stated to exist and the name and address of the person from whom the notice is received.

The record of such notice shall be preserved for a period of five (5) years from the date it is received. The Town Clerk, upon receipt of such written notice, shall immediately and in writing notify the Town Superintendent of Highways of the town of the receipt of such notice.

**§ 110-5. Supersession of statutory provisions.**

This chapter shall supersede in its application to the Town of Patterson, Putnam County, New York, Subdivisions 1 and 3 of § 65-a of the Town Law.

**§ 110-6. Interpretation.**

This chapter does not affect or impair any act done or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such law had not been effected.



## **Chapter 112**

### **NUMBERING OF STREETS AND BUILDINGS**

- § 112-1. Adoption of system.**
- § 112-2. Official system established; modifications.**
- § 112-3. Street acceptances and extensions.**
- § 112-4. Specifications, standards and requirements.**
- § 112-5. Enforcement; records.**
- § 112-6. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 5-27-1963; amended in its entirety 11-18-1994 by L.L. No. 2-1994. (readopted 4-13-2005 by L.L. No. 9-2005) Subsequent amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Building construction and fire prevention - See Ch.64**  
**Subdivision of land - See Ch. 138**

### **§ 112-1. Adoption of system.**

The uniform system of numbering properties and principal buildings as shown on a map to be identified and entitled the 'Official Street Naming and Numbering Map of the Town of Patterson,' together with all of the explanatory matter thereon, be and the same is hereby adopted for the Town of Patterson, New York.

### **§ 112-2. Official system established; modifications.**

There is hereby established an official system of street names and numbers in the Town of Patterson, New York, as shown on the aforesaid map, a true copy of which will be on file in the town offices and may be examined there during regular business hours. The names of the streets and building numbers in said Town of Patterson shall be and remain as shown on said map and as modified or amended by resolution of the Town Board.

### **§ 112-3. Street acceptances and extensions.**

No new street shall be accepted by the Town of Patterson until such street shall be identified and designated by name, and if new streets are extensions of existing streets, the name of such streets shall be attached to such extension. If such new street is not an extension of an existing street, then the name by which the new street is designated shall not be identical to nor bear any similarity to or conflict with the names of any existing street as shown on said map, amendment or modification thereof.

### **§ 112-4. Specifications, standards and requirements.**

The following specifications, standards and requirements in connection with the numbering of properties and principal buildings are hereby adopted:

A. All properties or parcels of land within the area as shown on the above-mentioned map shall hereafter be identified (for street location purposes) by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with the provisions of this chapter shall be changed to conform to the system herein adopted within three (3) months after the adoption of the Official Street Naming and Numbering Map of the Town of Patterson.

B. Each principal building shall bear the number assigned to the street frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, the entrance to each separate use of such principal building shall bear a separate number.

C. Numerals indicating the official numbers for each principal building or for each separate entrance as specified above shall be posted in a manner so as to be visible from the street on which the property is located. The official number shall be affixed to a gatepost, fence, mailbox post or other appropriate place, so as to be easily discernible from the street line and so as to show clearly, if not otherwise evident, which is the driveway for the property, and on the dwelling. The numbers shall not be less than three (3) inches in height and shall be made of a durable and clearly visible material.

D. Placement of official numerals on new buildings.

(1) The official numerals shall be placed on new buildings by the owner or agent within thirty (30) days after notice to the owner or agent of the number assigned.

(2) A certificate of occupancy shall not be issued for new buildings unless this chapter is complied with.

E. Placement of official numerals on seasonal buildings. The official numerals shall be placed on seasonally occupied buildings by the owner or agent not later than forty-five (45) days after notice by the Town Board that the numbering of all parcels within the town has been completed.

**§ 112-5. Enforcement; records.**

The Department of Code Enforcement shall enforce the provisions of this chapter and shall keep a record of all numbers assigned.

**§ 112-6. Penalties, for offenses.**

Any person who shall violate this chapter is guilty of a violation and punishable by a fine of not less than one hundred dollars (\$100.) nor more than two hundred fifty dollars (\$250.) for each offense. Furthermore, each week that a violation of this chapter shall continue to exist shall constitute a separate violation after thirty (30) days' notice is sent to the property owner by certified mail, return receipt requested, as provided in the Penal Law of the State of New York.

## **Chapter 113**

### **ON-SITE SANITARY SYSTEMS**

**§113-1. Purpose.**

**§113-2. Definitions.**

**§113-3. Inspection requirements.**

**§113-4. Waivers/Variance.**

**§113-5. Enforcement and penalties.**

**§113-6. Compliance with Other Laws.**

**§113-7. Severability.**

**§113-8. Effective Date.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-27-2011 as L.L. No. 4-2011, effective 4-13-2011; Amendments noted where applicable.]**

### **GENERAL REFERENCES**

#### **§113-1. Purpose**

- A. The Town of Patterson hereby finds that it is necessary to the health, safety and welfare of the residents of the Town of Patterson that on-site sanitary systems operate and be maintained in a manner that will prevent, to the extent possible, hazards to the public health, to minimize their potential for failure and to protect the drinking water supply of the Town of Patterson and drinking water supplies which pass through the Town of Patterson.
- B. This chapter intended to implement the provisions of Part IX.A.3.b of the New York State Department of Environmental Conservation, SPDES General Permit GP-0-10-002 ("Permit") for Stormwater Discharge from Municipal Separate Storm Sewer Systems (MS4) effective May 1, 2010, which requires that the Town implement and enforce a program to ensure that on-site sanitary systems are inspected and, where necessary, maintained or rehabilitated as required by Part IX.A.3.b of the Permit and/or similar provisions in successor Permits.

#### **§113-2. Definitions.**

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

**APPEALS AUTHORITY** - The Municipal Code Enforcement Officer.

**INSPECTION** - The evacuation and removal of septage as necessary from a Separate Sewage Disposal System/On-site Sanitary System and subsequent reporting through the completion of an approved inspection form by a Septage Collector that is licensed by the Putnam County Department

of Health.

**SEPARATE SEWAGE DISPOSAL SYSTEM/ON-SITE SANITARY SYSTEM** - A system or facilities or means for the treatment or modification or ultimate disposal of waterborne sewage or domestic wastes or trade wastes or offensive material, each being designed for the treatment of less than 1,000 gallons per day, regardless of location with respect to any building or structure or premises thereby served. Such system shall include, but shall not be limited to, septic tanks, cesspools, absorption fields and other facilities for the treatment or modification or required control of sewage.

**SEPTAGE** - The contents of any container, including but not limited to a septic tank, which is designed and intended to hold sewage .

**SEPTAGE COLLECTOR** - An individual or entity licensed by the Putnam County Health Department who engages in the performance of any one or more of the following services, or who offers to provide any one or more of the following services for a fee, in Putnam County, with respect to separate sewage disposal systems: evacuation, removal, collection or transportation of septage.

**SEWAGE** - The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture, equipment or machine.

### **§113-3. Inspection requirements.**

A. Beginning on May 1, 2011, the owner of any parcel located within the Town of Patterson which relies upon a Separate Sewage Disposal System/On-site Sanitary System shall cause an inspection to be performed on said Separate Sewage Disposal System/On-site Sanitary System at a minimum frequency of once every five (5) years.

B. Upon the completion of any inspection, every owner shall maintain a copy of the record of such inspection, which will be provided to the owner by the Septage Collector, for a minimum of six (6) years

C. The Septage Collector shall furnish one (1) copy of the record of inspection to the Municipal Code Enforcement Officer in the town/village in which the Separate Sewage Disposal System/On-site Sanitary System is located and one (1) copy of the record of inspection to the Putnam County Soil and Water District office.

### **§113-4. Waivers/Variance.**

The Appeals Authority shall not grant a waiver or exemption from any of the requirements of this local law provided, however, that the Appeals Authority may vary the time requirements as referenced within this chapter, upon the submission and consideration of evidence which may necessitate an extension of time to comply with all aspects of this local law. Such extension shall not exceed one hundred eighty (180) days.

### **§113-5. Enforcement and penalties.**

Any owner of a parcel which is located in the Town of Patterson and is served by a Separate Sewage Disposal System/On-site Sanitary System that fails to comply with the provision of this local law, shall be guilty of a violation, and shall be subject to a penalty as follows:

A. The Municipal Code Enforcement Officer shall first issue a written notice of violation to the

owner informing the owner of the anticipated imposition of penalties if the violation is not corrected within 30 days.

B. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, punishable by a fine not exceeding two hundred fifty dollars (\$250), 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 of not less than three hundred fifty dollars (\$350) nor more than seven hundred dollars (\$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 seven hundred dollars (\$700) not more than one thousand dollars (\$1,000). For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each fourteen day (14) period of continued violation shall constitute a separate additional violation.

#### **§113-6. Compliance with Other Laws.**

Compliance with this local law shall not be deemed compliance or approval of the municipality under any other rules, regulations, codes or laws.

#### **§113-7. Severability.**

In the event that any provision of this local law shall be held unconstitutional or unlawful, the remaining provisions in this local law shall remain in full force and effect.”

#### **§113-8. Effective Date.**

This local law shall take effect immediately upon its adoption and filing in the office of the Secretary of State.

## Chapter 115

### PARKS

- § 115-1. Purpose
- § 115-2. Applicability
- § 115-3. Park Advisory Board
- § 115-4. Definitions.
- § 116-5. Interpretation and scope.
- § 115-6. Administration.
- § 115-7. Park use.
- § 115-8. Hours of operation; exception.
- § 115-9. Permits.
- § 115-10. General restrictions.
- § 115-11. Preservation of park, buildings and natural features.
- § 115-12. General rules of conduct.
- § 115-13. Rubbish and refuse; pollution
- § 115-14. Firearms and weapons.
- § 115-15. Dogs, cats and other household pets.
- § 115-16. Operation of motorized conveyances.
- § 115-17. Smoking prohibited on beaches.
- § 115-18. Parking.
- § 115-19. Parental responsibility.
- § 115-20. Alcoholic beverages.
- § 115-21. Compliance with official orders; liability of Town employees.
- § 115-22. Enforcement.
- § 115-23. Penalties for offenses.
- § 115-24. Miscellaneous.

[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-2012 by L.L. No. 7-2012. Amendments noted where applicable.]

### GENERAL REFERENCES

Public assemblies - See Ch. 51  
Dogs and other animals - See Ch. 76  
Littering - See Ch. 103  
Loitering - See Ch. 107  
Noise - See Ch. 109  
Trespassing - See ch. 145  
Vehicles and traffic - See Ch. 150.

### **§ 115-1. Purpose.**

The purpose of this chapter shall be to preserve the public peace and good order on Town lands operated as parks by the Town of Patterson, to provide for their protection and management, and to ensure the safe use and enjoyment of the users of such park land by establishing standards for their use, and by prohibiting certain other activities inimical to customary park recreation use.

### **§115-2. Applicability**

A. This Chapter, and the rules and regulations contained herein shall apply to all lands and the facilities thereon owned by the Veterans Memorial Park District of the Town of Patterson

B. This Chapter shall also apply to all other lands and the facilities owned by the Town of Patterson and designated or operated as park lands, dedicated open space or recreation lands, and any vacant lands owned by the Town of Patterson, except for those lands owned, or operated by the Putnam Lake Park District.

### **§ 115-3. Park Advisory Board.**

A. The Town Board may create a Veterans Memorial Park Advisory Board consisting of seven members, and from the members appointed, shall designate the chairperson thereof. In the absence of a chairperson, the Veterans Memorial Park Advisory Board may designate a member to fulfill the duties of the chairperson, until such time as one is appointed by the Town Board. The Town Board may provide for the compensation for one or more of the Veterans Memorial Park Advisory Board members.

B. Members of the Veterans Memorial Park Advisory Board shall be residents of the Veterans Memorial Park District.

C. Terms of members. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board. Each member whose term has expired shall serve until his or her successor is duly appointed.

D Terms of members now in office. Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.

E. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

F. Removal of members. The Town Board shall have the power to remove any member of the Veterans Memorial Park Advisory Board for cause.

(1) Reasons for termination for cause of a member of the Park Advisory Board shall include:

- (a) Actions of a member of the Board determined to be contrary to the Advisory Board's mission.
- (b) Unresolved conflict of interests.
- (c) Missing 3 (three) consecutive meetings, or any chronic absenteeism within



- a calendar year.
- (d) Disruptive, combative and/or disorderly behavior.
- (e) Habitual neglect of duties.
- (f) Incompetence
- (g) Intoxication

G. Voting requirements. Every motion or resolution of a Park Advisory Board shall require for its adoption the affirmative vote of a majority of all the members of the Board.

H. Appropriation for Veterans Memorial Park Advisory Board. The Town Board is hereby authorized and empowered to make such appropriation as it may see fit for Veterans Memorial Park Advisory Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property of the Park District, and shall be assessed, levied and collected therefrom in the same manner as other town charges.

I. The purpose of the Park Advisory Board shall be to provide for the daily administration of the Veterans Memorial Park, to plan activities at said park, and to make recommendations to the Town Board on financial matters related to the Park and the rules and regulations to be followed by users of Veterans Memorial Park.

J. The duties of the Chairperson shall be:

- (1) All meetings of the Park Advisory Board shall be held at the call of the chairperson or at such other times as such Park Advisory Board may determine.
- (2) The Chairperson shall preside at all meetings of the Park Advisory Board.
- (3) The Chairperson shall oversee the daily operation of the Park District assets, improvements and programs.
- (4) The Chairperson shall perform such other duties as may be assigned by the Town Board.

K. Upon recommendation of the Veterans Memorial Park Advisory Board, the Town Board may appoint such additional committees to assist the Veterans Memorial Park Advisory Board in the performance of their duties.

#### **§ 115-4. Definitions.**

For the purpose of this chapter, the terms used herein are defined as follows:

BEACH - Any area of the lake shore expressly designated for the purpose of provided access for swimming, including the water area and lands underwater adjacent to said area and the docks and structures therein.

BUSINESS - An enterprise or activity engaged in for the purpose of incurring a profit.

NONPROFIT SERVICE ORGANIZATION - An organization exempt from the payment of income tax under § 501 (a) of the Internal Revenue Code of 1954.

OWNER - Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

PARK - Vacant land, or open space lands, or such other lands dedicated to be used for active or passive recreation purposes, which are owned or controlled by the Town of Patterson, and including any buildings thereon, waters therein or any other property necessary for the operation thereof,

which are now or hereinafter will be maintained. As used in this Chapter the term parks shall not include lands owned by the Putnam Lake Park District, and lands and recreation facilities operated by the Patterson Recreation Department, unless those lands are specifically named.

PERMIT - Any written authorization issued by the Town Clerk of the Town of Patterson or other authorized individual for a specified privilege within the aforesaid Park District.

PERSON - Any individual, firm, partnership, corporation or association of persons; and the singular number shall include the plural.

PERSONAL FLOATATION DEVICE (PFD) or LIFE PRESERVER- A wearable flotation device, classified and approved by the United States Coast Guard which is in such a condition that it is fit for its intended purpose, bears a legibly marked United States Coast Guard approval number and is of an appropriate size for the person who intends to use it.

VEHICLE - Every device in, upon or by which a person or property is or may be transported.

#### **§ 115-5. Interpretation and scope.**

The interpretation of these rules and regulations and provisions shall be consistent with the following rules of construction in order to give full effect to the terms and provisions hereof:

- A. Any term in the singular shall include the plural, and vice versa.
- B. Any term in the masculine gender shall include the feminine gender, and vice versa, and the masculine and feminine genders shall include the neuter gender, and vice versa.
- C. Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or the permission or allowance of any minor in the custody of any adult, doing any act prohibited herein.
- D. These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.
- E. Any act performed hereunder which might be otherwise unlawful, shall be lawful if performed under or pursuant to a permit, provided it is not otherwise prohibited by any local law or ordinance.
- F. As used herein, the terms property owner, or lessor shall also include the members of their immediate families and their guests, unless otherwise noted.

#### **§115-6. Administration.**

A. The Town Board of the Town of Patterson shall be directly responsible for administration of this Chapter for all lands designated as park lands or vacant lands, excepting that the Town Board may designate the Veterans Memorial Park Advisory Board or Caretaker to act on behalf of the Town Board in the application of the rules and regulations contained herein for Veterans Memorial Park, or adopted by the Town Board pursuant to this Chapter. The Town Board may also authorize one or more individuals to act on behalf of the Town Board for any other park lands or open space owned by the Town of Patterson.

B. The Town Board may adopt by resolution such additional rules and regulations for the use and operation of parks, and any buildings or pavilion thereon. Nonobservance of such rules and regulations shall constitute a violation of this Chapter.

## **§ 115-7. Park Use**

A. For all property owned by, and operated for the Veterans Memorial Park District, use shall be limited to the residents of the Veterans Memorial Park District or their guests. The Town Board may require individuals using Veterans Memorial Park to present appropriate identification, and require vehicles parked at Park District facilities to display such identification as determined necessary by the Town Board. Groups of fifteen or more persons must also comply with §115-9.

(1) All persons entitled to use the beaches of the Veterans Memorial Park may be required to obtain Park District identification, issued by the Town of Patterson, or shall be accompanied by a person who shall have obtained the appropriate identification. Residents shall produce their Park District identification when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents.

(2) Any vehicle parked at Park District facilities shall be required to display such identification sticker for the Park District, as determined necessary by the Town Board.

B. For all other property owned by the Town of Patterson and designated and operated as a park, use shall be limited to residents of the Town of Patterson, or their guests, excepting that non-residents, may apply for a permit, issued by the Town Clerk, to use one or more of the parks. Any permit issued shall be limited in duration to one day and shall state the park, or parks that will be utilized, the date that the park will be utilized and the number of persons that will utilize the park. Groups of twenty (20) or more persons must also comply with §115-9. Any non-profit organizations, a commercial or business enterprise's use of parks shall also comply with §115-9.

C. Park buildings may only be used by groups upon obtaining a permit as provided herein.

D. All permits for park use must be picked up at the Patterson Town Hall at least forty-eight (48) hours prior to use. Any non-compliance of a condition of the permit shall be considered a violation of this Chapter.

## **§ 115-8. Hours of operation; exception.**

A. The Town Board shall establish, upon recommendation of the Park Advisory Board, the hours of operation of Veterans Memorial Park.

B. For all park lands, except Veterans Memorial Park, no person shall be permitted to remain, stop or park within the confines of any Park between sunset and 7:00 a.m. of the following day, except in the case of an emergency, or as authorized by the Town Board, or by permit issued by the Patterson Town Clerk.

C. In case of an emergency or when, in the judgment of the Veterans Memorial Park Advisory Board or Town Board, the public interest demands it, any portion of a park, including Veterans Memorial Park may be closed to the public or to designated persons until permission is given to reopen.

## **§ 115-9. Permits.**

A. A permit must be obtained from the Patterson Town Clerk for the following uses and activities of the parks owned and maintained by the Town of Patterson:

(1) For Veterans Memorial Park, the use of any of the park, or buildings or pavilions thereon, or any playing field by groups of 20 or more persons, where said use will be for one day.

(2) Camping by one or more persons within Veterans Memorial Park where allowed as may be determined by the Park Advisory Board.

(a) All campfires shall be in an enclosed container or pit approved by the Park Advisory Board.

(b) No campfires shall be permitted during times when New York State has declared that hazardous conditions (red flag) exist.

(3) Serving or preparing of food and drinks, excluding alcoholic beverages, on facilities other than the charcoal grills provided by the park.

(4) For all other parks by Town residents and their guests, the use of any of the park, or buildings or pavilions thereon, by groups of 20 or more persons, where said use will be for one day.

(5) For non-residents who wish to use any park, except for Veteran's Memorial Park, where such use is for one day.

B. Any organizations, clubs, athletic leagues or any other groups, of 75 or more members, wishing to use an athletic fields at Veterans Memorial Park on two or more days shall first obtain a permit to do so from the Town Clerk, upon recommendation of the Park Advisory Board. The permittee will be required to pay a fee as set from time to time by resolution of the Town Board for such permit. The dates and times of such usage for the play areas at Veterans Memorial Park shall be designated by the Veterans Memorial Park Advisory Board.

C. A permit must be obtained by any non-profit organizations, or commercial or business enterprise that wishes to use a park. Non-profit organizations seeking a permit to use the parks for environmental education purposes shall be exempt from any fees required under this section. Commercial or business enterprises shall not be exempt from any fee as may be set from time to time by resolution of the Town Board unless they sufficiently demonstrate that their use of the park is in furtherance of a charitable activity and beneficial to the residents of the Town of Patterson.

D. All permit applicants must be twenty-one (21) years of age or older. All permits must be signed prior to use of a park facility or prior to the activities for which a permit is obtained. The signer of a permit shall be responsible for all damages to park facilities or the contents thereof and shall agree to indemnify the Town of Patterson for such damages.

E. All permits and auto stickers shall be issued by the Town Clerk and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks. Any violation of any term or condition thereof or any law or ordinance or rule or regulation governing parks or otherwise shall constitute grounds for revocation of said permit by the Town Clerk, whose action therein shall be final. No permit for the same purpose shall be issued to the person whose permit has been revoked, during the year in which such revocation has been made.

F. Where an applicant's previous use of one or more of the parks or previous use of Veterans Memorial Park, lands owned by the Putnam Lake Park District, or lands and facilities operated by the Patterson Recreation Department, has resulted in damage to a park or facility, or the issuance of a violation, or has disturbed the peace and good order at a park, the Town Clerk may deny the issuance of a permit, or require the posting of a cash bond in an amount determined by the Town Board. Appeal of such a denial by the Town Clerk shall be to the Town Board of the Town of Patterson.

## **§ 115-10. General restrictions.**

Nonobservance of the following regulations shall constitute a violation:

A. No person shall commit any of the following acts on or within any park regulated by this Chapter, except as may be authorized by the Town Board, or the Veterans Memorial Park Advisory Board:

- (1) Picnic or cook in any area not designated for that purpose or make or kindle any fire, except in places provided therefor and subject to such regulations as may be prescribed.
- (2) Ascend or land any model airplanes, rockets, fireworks, or aircraft, including gliders or parachutes, except in an emergency situation.
- (3) Move or carry any park tables or equipment found within a park for park use to a different area of the park.
- (4) Beg, hawk, peddle or solicit alms, subscriptions or contributions within any park.
- (5) Act as a solicitor of funds, or as a crier or advertiser through the media of voice, public address system or other mechanical device, on beaches or other parklands or in the vicinity of same, except for peddlers and solicitors who have been issued a license pursuant to Chapter 121 of the Patterson Town Code.
- (6) Play or bet in or against any game which is played, conducted, dealt or carried on with cards, dice or other devices for money, chips, credit or any other representation of value, nor shall any person be allowed to maintain or exhibit any gaming table or other instrument of gambling or gaming.
- (7) Violate any rule or regulation adopted by the Town Board relating to any building or place; or damage any notice posted by order of the Town Board or Park Advisory Board.

B. All persons under the age of twelve (12) must be accompanied by a person over the age of eighteen (18) years.

C. Swimming.

- (1) Swimming hours shall be as posted at the park.
- (2) No swimming shall be permitted unless two or more lifeguards are on duty.

#### **§ 115-11. Preservation of park, buildings and natural features.**

A. Except as may be authorized by the Town Board, or the Veterans Memorial Park Advisory Board, no person shall:

- (1) Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property found therein.
- (2) On any park lands, carry, move, remove, destroy, sever from the ground or otherwise damage, any flower, shrub, tree, or other growing thing, or any portion thereof, including, but not limited to, any branch, stem, fruit or leaf thereof.
- (3) Write, paint or carve on any tree, bench or park structure.
- (4) Possess on any park or park land any tool or instrument such as a hatchet, axe, saw or chainsaw for the cutting of any living thing, or any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or

plant.

- (5) Attach any rope, cable or other contrivance to any tree, shrub or other plant.
- (6) Set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands.
- (7) Destroy, damage or otherwise harm any plant or animal habitat, including, but not limited to nests or burrows.
- (8) Hunt or trap wildlife, except where such activities have been specifically authorized by resolution of the Town Board.
- (9) Fishing at the Veterans Memorial Park
- (10) Create any hole, trench or excavation, or place any fill, soil, stone, debris or trash on any park land.
- (11) Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or engage in any construction in or on parklands.
- (12) Deposit or discharge any chemical substance which might be harmful to the parklands, waters, or environment.

#### **§ 115-12. General Rules of Conduct.**

The following general rules of conduct shall be complied with by any person on any park property, and any individual failing to comply with said rules shall be guilty of a violation of this Chapter. No person shall:

- A. Disturb the peace and good order in any park by fighting, quarreling or wrangling with a loud voice or shouts, threatening violence to a person or property of others or engaging in riotous clamor or tumult.
- B. Congregate with others and refuse to comply with a lawful order of the police or of a Town Official or employee to disperse or leave the park.
- C. Loiter in, or near toilet buildings or parking areas.
- D. Using threatening, obscene, profane or abusive language while in the park.
- E. Disobey an order of a police officer, Town Official, playground director, parking attendant, lifeguard or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.
- F. Throw stones or other missiles with the intent to cause harm to persons or property.
- G. Interfere with, encumber, obstruct or render dangerous any drive, path, walk, dock, beach, boardwalk or public place.
- H. Climb or lie upon any wall, fence, building, statue, monument or other structure, or any tree.
- I. Enter or leave any restricted park area except at established entrance ways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, any building or facility located in any park.

J. Feed any waterfowl on the Veterans Memorial Park pond.

K. Appear in a park in a state of nudity or commit, perform or engage in any act of public lewdness, or of public exposure as defined by Penal Law § 245.01, or act in a lascivious, obscene or indecent manner.

L. Doing or aiding, abetting or assisting in any act injurious to any person, animal or property within any park or on any park street not specifically prohibited herein.

#### **§ 115-13. Rubbish and refuse; pollution.**

A. Any individual bringing any items or material into a park shall be responsible for disposing of said items or materials as hereafter stated, or removing said items or materials from the park. No person shall leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such material shall be deposited in receptacles or pits provided for such purposes. Refuse is not to be dropped, thrown or scattered on park property, but must be disposed of in the designated park trash receptacles, except for cans, bottles or other glassware or materials identified as recyclable, which shall be placed in the park recycling receptacles.

B. Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters on, or adjacent to any Park, or any tributary or outflow thereof, whether or not used for bathing, or any other waters within the Park District or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

C. Drains and sewers. No person shall discharge, directly or indirectly, into any stream, lake, wetland, or other body of water, or to any stormwater conveyance leading to a stream, lake, wetland or other body of water, any sewage, pollutant, gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F. For the purpose of this section a stormwater conveyance shall include any gutter, swale, ditch, pipe, receiving basin, catch basin or drain inlet, which is designed to principally convey that portion of precipitation which does not infiltrate into the ground.

D. Protection of beaches. No person shall bring onto, throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any beach.

E. No person shall dump or otherwise leave trash, garbage, unwanted debris, sticks, branches, grass clippings, leaves or any type of yard waste on parklands, unless authorized by the Town Board.

#### **§ 115-14. Firearms and weapons.**

No person shall on any lands of a park, have or carry or possess, whether or not concealed upon his person or in any vehicle owned by him or under his control, any rifle, pistol or revolver, or any instrument or weapon commonly known as a "starter pistol" or in which or upon which loaded or blank cartridges may be used, or any BB gun, pellet gun, or similar device using air as a propellant, or any loaded or blank cartridges or ammunition therefor, or any longbow, cross bow, compound bow or any other weapon. No person shall discharge any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, or any longbow, cross bow, compound bow or any other weapon on, or onto parklands. This

Section shall not apply to a law enforcement officer or peace officer in the performance of their official duties.

#### **§ 115-15. Dogs, cats and other household pets.**

A. No dogs, cats or other types of pets shall be allowed at Veterans Memorial Park, excepting for a guide, service or hearing dog who is on the beach accompanied by a person with a disability and is performing the function of a guide, service or hearing dog.

B. Dogs, cats, and other types of household pets may be permitted on parklands not identified in Subsections A, above under the following conditions.

(1) All animals shall be on a leash and the owners of, or persons in control of such pets shall be responsible for maintaining full control of their pets.

(2) No animal shall cause any harm to any plant, bird or other wildlife in the park.

(3) The owners of, or persons in control of such pets shall be responsible to promptly remove from the park and dispose of, in a sanitary manner, any feces left by said pet.

C. Farm animals may be permitted at functions for which a permit pursuant to §115-9 has been issued, providing that the type and quantity of animals have been listed on the permit.

D. The persons in control of such pets at the time a violation occurs, whether or not the owner of said pet, shall otherwise be responsible for such pets shall be liable for violation of this provision of this chapter.

#### **§ 115-16. Operation of motorized conveyances.**

A. No vehicles, including cars, trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs) or motor-bikes, or airplanes, or model airplanes, or any mechanized conveyance, any of which operates on combustible fuel shall be permitted on any open water or parklands. This section shall not apply to vehicles operated by Town Employees or Officials in the performance of their duties, or emergency service responders, or as may be specifically authorized by the Town Board.

B. No person shall ride a bicycle upon the lawn, walks, pathways or foot trails, unless so designated for such a use by the rules and regulations adopted by the Town Board, and that such use is posted by signs.

#### **§ 115-17. Smoking prohibited on beaches.**

Smoking in Veteran's Memorial Park is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes, or any illegal substances, or any other form of smoking.

#### **§ 115-18. Parking.**

Except in those areas designated for such use by the Town Board, parking of any motor vehicle, trailer, camper or construction equipment on park lands is prohibited.

#### **§ 115-19. Parental responsibility.**



No parent, guardian or custodian of any minor shall permit or allow him or her, as the case may be, to do any act which would constitute a violation of this chapter. Nonobservance of this section shall be a violation.

#### **§ 115-20. Alcoholic beverages.**

A. Except as noted under Subsection B, no person shall enter, use or remain upon any parklands regulated by this Chapter while intoxicated, nor shall any person possess any alcoholic beverage on any parkland, regardless of whether same is in a closed or open container.

B. Group using Veterans Memorial Park for a private function or event may have and consume alcoholic beverages pursuant to a duly issued permit by the Town Clerk, providing that the Town has been indemnified and held harmless against any act which may result from the presence and use of alcohol at said event by a Host Liability Coverage addendum to their insurance policy with the Town named as additional insured, or such other indemnification as deemed appropriate by the Town Board. Nothing in this section shall permit any individual to be at the Veterans Memorial Park while intoxicated.

C. No person shall be intoxicated, or under the influence of a drug or narcotic while on parklands owned by the Town. It shall be a rebuttable presumption that a person exhibiting a pattern of abnormal conduct, erratic or aberrant behavior, deteriorating motor skills, or slurred speech shall be presumed to be under the influence or intoxicated by a drug or alcohol.

#### **§ 115-21. Compliance with official orders; liability of town employees.**

A. No person shall fail or refuse to comply with any reasonable order relative to the regulation, operation, or protection of a park or to any order lawfully given by any police officer or Town official or Town employee in the execution of his office or duties. Nonobservance of this section shall be a violation.

B. No official or employee of the Town of Patterson shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided that such acts are performed in good faith and without gross negligence.

#### **§ 115-22. Enforcement.**

A. This chapter shall be enforced by any individual duly authorized by the Town Board to issue violations or appearance tickets, excepting that on lands owned and operated for the Veterans Memorial Park District this chapter may also be enforced by the Veterans Memorial Park Advisory Board.

B. In addition, any police officer patrolling within the Town of Patterson may issue an appearance ticket, pursuant to Article 150 of the Criminal Procedure Law of the State of New York, to any person when he has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Patterson at a designated future time not later than thirty (30) days from the date of issuance of the appearance ticket in connection with the alleged violation. Any police officer may, without a warrant, arrest any person in violation of this Chapter, or of any park rules or regulations, as set forth in this chapter or as posted within such park, and take such person so arrested forthwith before a judge or court having competent jurisdiction, and he shall have at all times the right to enter the premises of any building, structure or enclosure of any park, including such grounds, buildings and structures which may be leased or set aside for private or exclusive use of any individuals or groups of individuals, for the purpose of arresting violators hereof or may use

all necessary means to attain that end.

C. Any person that is authorized to enforce this Chapter, pursuant to Subsection A, above, may direct any individual who violates a provision of this Chapter to leave the park. When so directed the individual shall be prohibited from returning to the park for a period of not less than 24 hours.

#### **§ 115-23. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the rules and regulations contained herein or hereafter established shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars (\$350.) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars (\$350.) nor more than seven hundred dollars (\$700.) or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.) not more than one thousand dollars (1000.) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors. Each day's continued violation shall constitute a separate additional violation.

B. Any person damaging any park property shall be liable for any damages incurred.

#### **§ 115-24. Miscellaneous.**

A. Failure of the Town Board, the Park Advisory Board or any law enforcement official or peace officer to enforce any provision of this Chapter shall not be deemed a waiver of the right to do so thereafter as to the same violation or breach or as to a violation or breach occurring prior or subsequent thereto.

B. The invalidation of any provision of this Chapter by a judgment, order, or decree of a Court, or by any statute or otherwise, shall not affect any other provision of this Chapter which shall nonetheless remain in full force and effect.

## Chapter 116

### PUTNAM LAKE PARK DISTRICT

- § 116-1. Purpose.
- § 116-2. Applicability.
- § 116-3. Park Advisory Board.
- § 116-4. Definitions.
- § 116-5. Interpretation and scope.
- § 116-6. Administration.
- § 116-7. Park Use; identification; car stickers.
- § 116-8. Boats; registration and operation.
- § 116-9. Hours of operation; exception.
- § 116-10. General restrictions.
- § 116-11. Preservation of park, buildings and natural features.
- § 116-12. General rules of conduct.
- § 116-13. Rubbish and refuse; pollution.
- § 116-14. Firearms and weapons.
- § 116-15. Dogs, cats and other household pets.
- § 116-16. Operation of motorized conveyances.
- § 116-17. Smoking prohibited on beaches
- § 116-18. Parking.
- § 116-19. Structures.
- § 116-20. Fishing restrictions.
- § 116-21. Alcoholic beverages.
- § 116-22. Compliance with official orders; liability of town employees.
- § 116-23. Enforcement.
- § 116-24. Penalties for offenses.
- § 116-25. Miscellaneous.

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-12 by L.L. No.8-2012; Amended 6-8-22 by L.L. No.2-2022; Amendments noted where applicable.]**

### GENERAL REFERENCES

Public assemblies - See Ch. 51  
Dogs and other animals - See Ch. 76  
Littering - See Ch. 103  
Loitering - See Ch. 107  
Noise - See Ch. 109  
Parks - See Ch. 115  
Trespassing - See Ch. 145  
Vehicles and traffic - See Ch. 150.

### **§ 116-1. Purpose.**

It is the purpose of this Chapter to provide for the protection and management of the lands and waters owned by, used or located within the Putnam Lake Park District. Further, it is the purpose of this chapter to establish the framework for the operation of the Putnam Lake Park District and the various rules and regulations applicable to the use of lands and improvements within said District in order to preserve and promote the safe use, and peaceful enjoyment of the parklands and waters.

### **§116-2. Applicability.**

This Chapter, and the rules and regulations contained herein shall apply to all lands, and the facilities thereon, owned by the Putnam Lake Park District of the Town of Patterson, and any waters which benefit the District.

### **§ 116-3. Park Advisory Board.**

A. The Town Board may create a Putnam Lake Park Advisory Board consisting of seven members, and from the members appointed, shall designate the chairperson thereof. In the absence of a chairperson, the Putnam Lake Park Advisory Board may designate a member to fulfill the duties of the chairperson, until such time as one is appointed by the Town Board. The Town Board may provide for the compensation for one or more of the Putnam Lake Park Advisory Board members.

B. Members of the Putnam Lake Park Advisory Board shall be residents of the Putnam Lake Park District.

C. Terms of members. The terms of members of the Board shall be for terms so fixed that the term of one member shall expire at the end of the calendar year in which such members were initially appointed. The terms of the remaining members shall be so fixed that one term shall expire at the end of each calendar year thereafter. At the expiration of the term of each member first appointed, his or her successor shall be appointed for a term which shall be equal in years to the number of members of the board. Each member whose term has expired shall serve until his or her successor is duly appointed.

D. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

E. Removal of members. The Town Board shall have the power to remove any member of the Putnam Lake Park Advisory Board for cause.

(1) Reasons for termination for cause of a member of the Park Advisory Board shall include:

- (a) Actions of a member of the Board determined to be contrary to the Advisory Board's mission.
- (b) Unresolved conflict of interests.
- (c) Missing 3 (three) consecutive meetings or any chronic absenteeism within a calendar year.
- (d) Disruptive, combative and/or disorderly behavior.
- (e) Habitual neglect of duties.

(f) Incompetence

(g) Intoxication

F. Voting requirements. Every motion or resolution of the Park Advisory Board shall require for its adoption the affirmative vote of a majority of the members of the fully constituted Board.

G. Appropriation for Putnam Lake Park Advisory Board. The Town Board is hereby authorized and empowered to make such appropriation as it may see fit for Putnam Lake Park Advisory Board expenses. Such charges and expenses less fees, if any collected, shall be a charge upon the taxable property of the Park District, and shall be assessed, levied and collected therefrom in the same manner as other District charges.

H. The purpose of the Park Advisory Board shall be to fulfill the duties and responsibilities as follows:

- (1) To provide for the administration of the Park District including recommendations to the Town Board on the rules and regulations to be followed by users of Putnam Lake, and the District operated beaches, ballfield, parkland, basketball court, and other improvements;
- (2) To express opinions and recommendations on matters relating to the Park District;
- (3) To promote protection of the natural and cultural features of the Park District;
- (4) To promote communication among the general public, State and County agencies, other lake organizations, and the Town Board regarding Park District issues;
- (5) To inquire into matters of community interest relating to the Park District; and to bring matters of interest to the attention of the public;
- (6) To make recommendations to the Town Board on issues concerning the Park District, including, improvements, planning, recreation, beautification, evaluation, lake management and remedies.

I. The duties of the Chairperson shall be:

- (1) All meetings of the Park Advisory Board shall be held at the call of the chairperson or at such other times as such Park Advisory Board may determine.
- (2) The Chairperson shall preside at all meetings of the Park Advisory Board.
- (3) The Chairperson shall oversee the daily operation of the Park District assets, improvements and programs.
- (4) The Chairperson shall perform such other duties as may be assigned by the Town Board.

J. Upon recommendation of the Putnam Lake Park Advisory Board, the Town Board may appoint such additional committees to assist the Putnam Lake Park Advisory Board in the performance of their duties.

#### **§116-4. Definitions.**

The following terms, wherever used in this chapter, shall have the respective meanings assigned to

them unless another meaning clearly appears from the context:

**BALL FIELD** - The recreation area including the basketball courts located at 293 Haviland Drive and identified as Tax Map No. 25.63-2-48.

**BEACH** - Any area of the lake shore of Putnam Lake expressly designated by the Town Board for the purpose of provided access for swimming, including the water area and lands underwater adjacent to said area and the docks and structures therein.

**BOAT** - Any watercraft that floats on, or moves through the water, and which is designed to carry one or more persons including, but not limited to kayaks, canoes, skiffs, rowboats, sailboats, rafts, sculling boats, inflatable rafts or other types of non-motorized crafts, or pontoons or jet skis and other types of motorized crafts.

**LAKE BED** - All lands lying under the high water mark of the Lake.

**OWNER** - Any person owning or having the use, possession or control of a vehicle, animal or other property by lease or otherwise.

**PARK** - As used in this Chapter, those lands held by the Town of Patterson for the benefit of the Putnam Lake Park District. For the purpose of this Chapter, Park and parklands shall have the same meaning, and shall include the ballfield, basketball courts and beaches.

**PERMIT** - Any written authorization issued by the Town Clerk of the Town of Patterson or other authorized individual for a specified privilege within the aforesaid Park District.

**PERSON** - Any natural person, corporation, association, society, organization, limited liability company, firm or partnership.

**PERSONAL FLOATATION DEVICE (PFD) or life preserver**- shall mean a wearable flotation device, classified and approved by the United States Coast Guard which is in such a condition that it is fit for its intended purpose, bears a legibly marked United States Coast Guard approval number and is of an appropriate size for the person who intends to use it.

**PUTNAM LAKE PARK DISTRICT** - All of the lands in the State of New York and shown on the 19 maps of the Putnam Lake Subdivision filed in the Putnam County Clerk's office between March 20, 1931 and May 28, 1932 (note that Map 149O was filed September 27, 1951) including Map No. 149, "Putnam Lake", Map No. 149A, "2nd Map", Map No. 149B, "3rd Map", Map No. 149C, "4th Map", Map No. 149D, "5th Map", Map No. 149E, "6th Map", Map No. 149F, "7th Map", Map No. 149G, "8th Map", Map No. 149H, "Map A", Map No. 149I, "Map B", Map No. 149J, "Map C", Map No. 149K, "Map B", Map No. 149L, "10th Map", Map No. 149M, Map No. 149N, "Map A", Map No. 149O, "11th Map", "Map of Plum Island at Putnam Lake", 11<sup>th</sup> Map of Putnam Lake, Section 'B', "9<sup>th</sup> Map of Putnam Lake"

**OUT-OF DISTRICT USERS** - Any person who owns property outside of the boundaries of the Putnam Lake Park District, who shall have demonstrated by proof of deed that they have rights to use Putnam Lake.

## **§ 116-5. Interpretation and scope.**

The interpretation of these rules and regulations and provisions shall be consistent with the following rules of construction in order to give full effect to the terms and provisions hereof:

A. Any term in the singular shall include the plural, and vice versa.

- B. Any term in the masculine gender shall include the feminine gender, and vice versa, and the masculine and feminine genders shall include the neuter gender, and vice versa.
- C. Any requirement or provision involving any act shall include the causing, procuring, aiding or abetting, directly or indirectly, of such act, or permitting, allowing, forcing or influencing any minor in the custody or control of any adult, doing any act prohibited herein.
- D. These provisions shall not make unlawful any act necessarily performed by any officer or employee in the line of duty or work.
- E. Any act performed hereunder which might be otherwise unlawful, shall be lawful if performed under or pursuant to a permit, provided it is not otherwise prohibited by any local law or ordinance.
- F. As used herein, the terms property owner, or out of district user shall also include any of the members of their immediate families and any lessee or members of their immediate families.

#### **§116-6. Administration.**

- A. The Town Board of the Town of Patterson shall be directly responsible for administration of this Chapter for all waters, or lands and any improvements thereon, which are owned by, or operated on behalf of the Putnam Lake Park District, excepting that the Town Board may designate the Putnam Lake Park Advisory Board to act on behalf of the Town Board in the application of the rules and regulations contained herein for the Putnam Lake Park District.
- B. The Town Board may adopt by resolution such additional rules and regulations for the use and operation of parks, and any buildings or pavilion thereon. Nonobservance of such rules and regulations shall constitute a violation of this Chapter.

#### **§ 116-7. Park Use; Identification; car stickers and parkland bracelets.**

- A. The use of the beach areas, ballfields and other Park District improvements, shall be restricted to (i) property owners whose property is located in the Putnam Lake Park District and who use said property as their primary or secondary residence, or their respective lessees who reside at property within the district, and (ii) Out-of-District Users to whom the Town of Patterson has issued a permit pursuant to Subsection B, below, or their respective lessees. Only those persons shall be admitted to beach areas ballfields and other Park District improvements who are properly identified as members of those groups named above.

- (1) Authorized users of the Park District may have up to six guests.
- (2) Subsection A, above shall not apply to events or organizations which have received approval for use of the parklands from the Town Board or Park Advisory Board.

- B. Any Out-of-District User shall have the right to access Putnam Lake at those locations determined by the Town Board. Out-of-District Users who use their property with deeded lake rights as their primary or secondary residence, or their respective lessees residing at said property, upon payment of an annual use fee established by resolution of the Town Board upon recommendation of the Park Advisory Board, shall also be entitled to obtain a permit and identification, as determined by the Town Board, and shall have access to use of the beach areas, ballfields and other Park District improvements in accordance with the rules and regulations established therefor.

C. All persons entitled to use the beaches or parklands of the Putnam Lake Park District shall be required to obtain Park District identification annually if they intend to use the parkland, or if a guest shall be accompanied by a person who shall have obtained the appropriate identification. Park District identification is issued by the Town of Patterson. Authorized users shall visibly show their Park District identification at all times while on any Putnam Lake Park District property and when called upon to do so by any authorized representative of the Town Board or any person assigned to such duty by the Town Board or its agents.

D. Any vehicle parked at Park District facilities shall be required to display such identification sticker for the Park District, as may be determined necessary by the Town Board.

E. All permits required pursuant Sections A through D, above shall be issued by the Town Clerk and shall be subject to park rules and regulations. A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the written terms and conditions thereof and not in violation of any law, ordinance or rule or regulation governing parks or otherwise. Any violation of any term or condition thereof or of any law or ordinance or rule or regulation shall constitute grounds for revocation of said permit by the Town Clerk, whose action therein shall be final. No permit shall be issued to the person whose permit has been revoked during the year in which such revocation has been made.

F. The Town Board may issue permits for the use of a beach or ballfield for private parties and special events by District residents, and Out-of-District Users who shall have obtained a permit pursuant to Subsection B, for events to be held during or after the established hours of operation, subject to conditions as may be imposed by the Town Board on a case by case basis. Any non-compliance with a condition of the permit shall be considered a violation of this Chapter.

G. Where an applicant's previous use of parklands has resulted in damage to a park or facility, or the issuance of a violation, or has disturbed the peace and good order at a park, the Town Clerk may deny the issuance of a permit, or require the posting of a cash bond in an amount determined by the Town Board. Appeal of such a denial by the Town Clerk shall be to the Town Board.

H. Any person entitled to use the Park District facilities shall be individually responsible and liable for any acts of any other individual accompanying the permit holder as their guest. Likewise, and individual to which the Town Board has issued a permit shall be shall be individually responsible and libel for any acts of any other individual attending the special event.

#### **§ 116-8. Boats; registration, operation and removal.**

A. Registration.

(1) Only persons who are members of the Putnam Lake Park District, or qualified out-of-District users, shall be entitled to register their boats, store them on Park District property, and launch or use them on Putnam Lake.

(2) All persons storing boats on Park District property or launching or otherwise using a boat on Putnam Lake, regardless that the use is a few hours, single day or of longer duration, shall register each boat with the Town Clerk of the Town of Patterson. The Town Clerk's Office will assign a number and will issue a registration to the first boat of each household, free of charge, which registration shall remain valid for a period of one year. Boats must be registered annually by March 1 or will be removed from Park District property. The total number of boats per household placed on the parklands or waters is limited to three boats. A fee for a second or third additional boat will set by resolution of the Town Board. Boat owners will be charged a replacement fee, as set by resolution of the Town Board, for the re-issuance of any lost registration or identification sticker.



(3) The boat identification sticker issued by the Town Clerk must be affixed to the exterior port (left) or starboard (right) side of the boat as close as possible to the bow (front) so as to be clearly visible when stored on Park District property. Any boat which has not been registered, or does not have the boat identification displayed in accordance with this Section, or in the judgment of the park officials has been abandoned, shall be impounded by the park officials, and a charge set by resolution of the Town Board in its reasonable discretion shall be collected before the same is returned. Said charge shall be added to the Park District funds. No boat, float, or raft shall be moored by anchor, or otherwise secured to the lake bed. Any boat, float or raft found moored or so secured, with or without a valid registration, will be impounded without notice.

B. Operation

(1) Storage Locations. The Town Board shall determine in the rules and regulations of the Park District, such locations as may be appropriate to store boats on property owned by the District, and may limit the number of boats that a household may store in these locations. Any boats, with or without a valid registration, if stored outside designated storage areas on District property shall be impounded, and a charge as may be determined by the Town Board shall be collected before the same is returned.

(2) Personal Floatation Devices (PFD's).

(a) All boats, while in use on Putnam lake, will require one Type I, II, III or V Personal Floatation Devices for each person onboard.

(b) Occupants of boats, who are under 12 years of age, must wear a Type I or Type II personal flotation device while on the water of Putnam Lake. However, between November 1 and May 1, all persons, regardless of age, must wear an approved personal floatation device while on the water of Putnam Lake.

(3) Maximum Length; Boats. No boat shall be allowed on the waters of Putnam Lake that is over 20 feet in length from bow to stern, except with the expressed approval of the Patterson Town Board.

(4) Motorboats Prohibited. No boats, jet skis, or other types of boat powered by gasoline, or any other type of combustible fuel, shall be permitted on Putnam Lake.

(a) Exceptions.

1. Boats operated by the Putnam Lake Fire Department or other similar type of emergency response provider when responding to an emergency situation.

2. Boats, as may be permitted by the Town Board for the purpose of conducting lake maintenance.

(5) Safe Operation. No boat shall be operated in a reckless manner or in a manner which does not conform to the manufacturer's instructions, including, without limitation, maximum number of occupants or maximum load weight.

(6) Boat Maintenance. All registered boats stored on District property shall be maintained in a good and safe condition. The Town Board may revoke the registration of any boat which, in its opinion, is determined to be unsafe or in a poor condition.

(7) Invasive Plants and Animals. In order to prevent the introduction of invasive plants

or animals to the waters of Putnam Lake, prior to any boats, trailers, waders, bait buckets, and any other boating or fishing equipment being placed on, or carried across parklands or placed on or in the Lake said boat or other equipment shall be free from any plant, animal and/or insect species listed on the NYS DEC "Revised Interim List of Invasive Plant Species in New York State" dated May 14, 2012, or as the same may be amended. Boats and other equipment shall be presumed to be free from invasive plants or animals if treated using one of the following methods.

- (a) Cleaned and allow to dry for a period of not less than five days in warm, dry weather and up to 30 days in cool, moist weather.
- (b) Disinfected using hot water by either soaking equipment in water kept above 140°F (hotter than most tap water) for one minute, or by high pressure application of hot water or steam for such that the surface temperature is brought to at least 140°F for thirty seconds.
- (c) Bleach: Soak or spray equipment for at least one minute with a 2% bleach solution (three ounces of household bleach mixed with 1 gallon of water).
- (d) A New York State Department of Environmental Conservation approved Cleaning Agent is used in accordance with the manufacturers recommendations.

C. Removal of Boats from Park District Property. **[amended 3/26/14 by Local Law 1-2014]**

(1) The Town Board may require periodically, upon notice published twice in a newspaper of general circulation, that all boats shall be removed from the Park District property, for a time and duration as determined by the Town Board. Any boat, with or without a valid registration, if found on District property within this period shall be impounded, and a charge set by resolution of the Town Board in its reasonable discretion shall be paid to the Town, in cash, bank check or money order, before the same is returned. Said charge shall be added to the Park District funds. The notice provided for in this § 116-8.B shall include a statement that any boat which is not removed and is impounded will be subject to abandonment as provided for in §116-8.B(2), below.

(2) Abandoned boats

- (a) Boats that have been impounded due to non-compliance with the provisions of §116-8.A or §116-8.C.1, will remain impounded for a period of 60 days. After 60 days any unclaimed boat will be considered abandoned, and will, upon the expiration of seven (7) days after completion of the notice procedure set forth below, become property of the Town of Patterson Park District without further notice of any kind and may be permanently removed, sold or otherwise disposed of without any recourse against the Town by the owner thereof. Any funds from a sale or disposal will be added to the Park District funds.
- (b) After a boat has remained impounded for a period of 60 days, the Town Board shall publish notice of its abandonment once a week, for two (2) consecutive weeks, in a newspaper in general circulation within the Town. Such notice shall also be posted in not less than three (3) conspicuous places within the Town. Such notice shall describe the impounded boat to the extent reasonably possible, include any boat registration number appearing thereon, state that it will be deemed abandoned and disposed of in accordance with this Article, and state that it will be returned to the owner thereof upon proper proof of ownership and payment, in cash, bank check or

money order, of a charge set by resolution of the Town Board in its reasonable discretion before the boat is returned. Said charge shall be added to the Park District funds. In the event that a boat registration sticker issued by the Town is affixed to a boat, the notice described herein shall also be sent via certified mail, return receipt requested, to the owner of the boat as indicated in the records maintained by the Town under this Article to the last known address of the owner shown in such records.

(3) Neither the Town of Patterson Park District nor the Town of Patterson, nor any of its employees, officers, independent contractors, officers or consultants, shall be considered a bailee of any impounded boat under the laws of the State of New York nor shall the Park District or the Town have any responsibility for the due care, maintenance or repair of any impounded boat while in its possession, custody or control.

#### **§ 116-9. Hours of operation; exception.**

A. The Town Board shall establish, upon recommendation of the Putnam Lake Park Advisory Board, the hours of operation for the Putnam Lake Park District beaches and ball field.

B. In case of an emergency or when, in the judgment of the Putnam Lake Park Advisory Board or Town Board, the public interest demands it, any portion of the parklands may be closed to the public until permission is given to reopen.

#### **§ 116-10. General restrictions.**

Nonobservance of the following regulations shall constitute a violation:

A. No person shall commit any of the following acts on or within any park regulated by this Chapter, except as may be authorized by the Town Board, or the Putnam Lake Park Advisory Board:

(1) Picnic or cook in any area not designated for that purpose or make or kindle any fire, except in places provided therefor and subject to such regulations as may be prescribed.

(2) Ascend or land any model airplanes, rockets, fireworks, or aircraft, including gliders or parachutes, except in an emergency situation.

(3) Move or carry any park tables or equipment found within a park for park use to a different area of the park.

(4) Beg, hawk, peddle or solicit alms, subscriptions or contributions within any park.

(5) Act as a solicitor of funds, or as a crier or advertiser through the media of voice, public address system or other mechanical device, on beaches or other parklands or in the vicinity of same, except for peddlers and solicitors who have been issued a license pursuant to Chapter 121 of the Patterson Town Code.

(6) Violate any rule or regulation adopted by the Town Board relating to any building or place; or damage any notice posted by order of the Town Board or Park Advisory Board.

B. All persons under the age of twelve (12) must be accompanied on all of the parkland property by an authorized person over the age of eighteen (18) years at all times. It is prohibited for any authorized user to give or lend any parkland bracelets to a non-resident(s), including but not limited to relatives, friends, and coworkers. In addition to the penalties as outlined below, the authorized user will forfeit use of the lake and parkland for the remainder

of the calendar year and their parkland bracelet will be surrendered to the Town. Any non-authorized person in possession of a fraudulent or stolen beach bracelet or one that is not belonging to their legal, authorized residence, will be treated as a trespasser and will be prosecuted accordingly by the Town Code and the parkland bracelet will be forfeited.

C. Swimming.

(1) Swimming shall only occur at those locations so designated by the Town Board as beach swimming areas. Swimming hours shall be as posted at the beaches.

(2) Regardless of the hours posted, no swimming shall be permitted unless two or more lifeguards are on duty.

**§ 116-11. Preservation of park, buildings and natural features.**

A. Except as may be authorized by the Town Board, or the Putnam Lake Park Advisory Board, no person shall willfully:

(1) Injure, deface, disturb or befoul any part of a park or any building, sign, equipment or other property found therein.

(2) On any parklands, carry, move, remove, destroy, sever from the ground or otherwise damage, any flower, shrub, tree, or other growing thing, or any portion thereof, including, but not limited to, any branch, stem, fruit or leaf thereof.

(3) Possess on any park or park land any tool or instrument such as a hatchet, axe, saw or chainsaw for the cutting of any living thing, or any spade, shovel, rake, hoe or any of the so-called garden or agricultural implements or tools for the removal of any tree, shrub or plant.

(4) Attach any rope, cable or other contrivance to any tree, shrub or other plant, except when securing a boat registered pursuant to Subsection §154-8, above, and in a method approved by the Town Board.

(5) Set fire or assist another to set fire to any timber, tree, shrubs, plants, flowers, grass or plant growth, or suffer any fire upon other land to extend into parklands, or

(6) Destroy, damage or otherwise harm any animal habitat, including, but not limited to nests or burrows.

(7) Hunt or trap wildlife, except where such activities have been specifically authorized by the Town Board.

(8) Create any hole, trench, or other type of excavation, or deposit any fill, soil, stone, yard waste, debris or trash.

(9) Construct, repair or relocate utility fixtures, such as sewers, hydrants, posts, lines and conduits, or engage in any construction in or on parklands.

(10) Deposit or discharge any chemical substance which might be harmful to the parklands, waters, or environment.

**§ 116-12. General rules of conduct.**

The following general rules of conduct shall be complied with by any person on any park property, and any individual failing to comply with said rules shall be guilty of a violation of this Chapter. No person shall:

- A. Disturb the peace and good order in any park by fighting, quarreling or wrangling with a loud voice or shouts, threatening violence to a person or property of others or engaging in riotous clamor or tumult.
- B. Congregate with others and refuse to comply with a lawful order of the police or of a Town Official or employee to disperse or leave the park.
- C. Loiter in, or near toilet buildings or parking areas.
- D. Using threatening, obscene, profane or abusive language while in the park.
- E. Disobey an order of a police officer, Town Official, playground director, parking attendant, lifeguard or other person designated by the Town Board to give orders, or disobeying the notices, prohibitions, instructions or directions on any park sign.
- F. Throw stones or other missiles with the intent to cause harm to persons or property.
- G. Interfere with, encumbering, obstructing or rendering dangerous any drive, path, walk, dock, beach, boardwalk or public place.
- H. Climb or lie upon any wall, fence, building, or tree.
- I. Enter or leave any restricted park area except at established entrance ways or exits or at established times; or using or gaining admittance to, or attempting to use or gain admittance to, any building or facility located in any park.
- J. Feed any waterfowl on Putnam Lake or on any property within the Putnam Lake Park District including any of the beaches within the Park District is prohibited.
- K. Appear in a park in a state of nudity or commit, perform or engage in any act of public lewdness, or of public exposure as defined by Penal Law § 245.01, or act in a lascivious, obscene or indecent manner.

#### **§ 116-13. Rubbish and refuse; pollution.**

- A. Any individual bringing any items or material onto parklands, including a beach or ballfield, shall be responsible for disposing of said items or materials as hereafter stated, or removing said items or materials from said lands. No person shall leave behind or dump any material of any kind in the park, except the refuse, ashes, garbage and other material of a picnic, camp or other permitted activity, and such material shall be deposited in receptacles or pits provided for such purposes. Refuse must be disposed of in the designated park trash receptacles, except for cans, bottles or other glassware or materials identified as recyclable, which shall be placed in the park recycling receptacles or taken off of Putnam Lake Park District property if no receptacle or the appropriate receptacles are unavailable.
- B. Pollution of waters. No person shall throw, cast, lay, drop or discharge into or leave in the waters on, or adjacent to any Park, or any tributary or outflow thereof, whether or not used for bathing, or any other waters within the Park District or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid, which may or shall result in the pollution of said waters.

C. Drains and sewers. No person shall discharge, directly or indirectly, into any stream, lake, wetland, or other body of water, or to any stormwater conveyance leading to a stream, lake, wetland or other body of water, any sewage, pollutant, gas or vapor, or any substance which may form a deposit tending to choke same, or any volatile liquid which will emit an inflammable vapor at a temperature below 160° F., or any steam or hot water above 100° F. For the purpose of this section a stormwater conveyance shall include any gutter, swale, ditch, pipe, receiving basin, catch basin or drain inlet, which is designed to principally convey that portion of precipitation which does not infiltrate into the ground.

D. Protection of beaches. No person shall bring onto, throw, cast, lay or deposit any bottle or piece of crockery, or any glass or glassware or any part thereof, or metallic or other substance with sharp edges or projections, on any beach.

E. No person shall dump or otherwise leave trash, garbage or unwanted debris on Park District lands. **[amended 3/26/14 by Local Law 1-2014]**

F. No person shall blow or rake leaves, leave grass clippings, sticks, branches or any other type of yard waste onto or on the lands of the Park District. **[amended 3/26/14 by Local Law 1-2014]**

#### **§ 116-14. Firearms and weapons.**

No person shall on any lands of a park, have or carry or possess, whether or not concealed upon his person or in any vehicle owned by him or under his control, any rifle, pistol or revolver, or any instrument or weapon commonly known as a "starter pistol" or in which or upon which loaded or blank cartridges may be used, or any BB gun, pellet gun, or similar device using air as a propellant, or any loaded or blank cartridges or ammunition therefor, or any longbow, cross bow, compound bow or any other weapon. No person shall discharge any rifle, shotgun or fowling piece, or any air gun, spring gun or other instrument or weapon in which the propelling force is a spring or air, or any longbow, cross bow, compound bow or any other weapon on, or onto parklands of the Putnam Lake Park District. This Section shall not apply to a law enforcement officer or peace officer in the performance of their official duties.

#### **§ 116-15. Dogs, cats and other household pets.**

A. No dogs, cats or other types of household pets shall be allowed at any time on the designated beaches and ballfield, excepting for a guide, service or hearing dog who is on the beach accompanied by a person with a disability and is performing the function of a guide, service or hearing dog.

B. Dogs, cats, and other types of household pets may be permitted on all other Park District Lands, not identified in Subsections A, above, or all other public lands, or within any road right-of-ways, all located within the boundaries of the Putnam Lake Park District, under the following conditions.

(1) All animals shall be on a leash and the owners of, or persons in control of such pets shall be responsible for maintaining full control of their pets.

(2) No animal shall cause any harm to any plant, bird or other wildlife in the park, or any other dog or any person.

(3) The owners of, or persons in control of such pets shall be responsible to promptly remove and dispose of, in a sanitary manner, any feces left by said pet.

C. The persons in control of such pets at the time a violation occurs, whether or not the owner

of said pet, shall otherwise be responsible for such pets shall be liable for violation of this provision of this chapter.

#### **§ 116-16. Operation of motorized conveyances.**

A. No vehicles, including cars, trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs) or motor-bikes, or airplanes, or model airplanes, or any mechanized conveyance, any of which operates on combustible fuel shall be permitted on any open water or lands of the Putnam Lake Park District. This section shall not apply to vehicles operated by Town Employees or Officials in the performance of their duties, or emergency service responders, or as may be specifically authorized by the Town Board.

B. No person shall ride a bicycle upon the lawn, walks, pathways or foot trails, unless so designated for such a use by the rules and regulations adopted by the Town Board, and that such use is posted by signs.

C. No cars, trucks, motorcycles or tractors shall be permitted on Putnam Lake when covered with ice.

#### **§ 116-17. Smoking prohibited on beaches and basketball court.**

Smoking on any and all of the beaches located within Putnam Lake Park District is strictly prohibited. For the purposes of this section, "smoking" shall include cigarettes, cigars, pipes, vaping or any illegal substances and any other form of smoking.

#### **§ 116-18. Parking.**

Except in those areas designated for such use by the Town Board, parking of any motor vehicle, trailer, camper or construction equipment on parklands, or on the lakeshore side of any road abutting Putnam Lake overnight is prohibited. Parking on the lakeshore side of any road abutting Putnam Lake during the daylight hours is permitted for authorized users or their accompanied guests providing that the parking is for the occasional recreational use of Putnam Lake and parklands, and the parking occurs parallel to the road not less than 3 feet, nor more than 10 feet from the edge of pavement. In no case shall parking cause ruts, or substantial damage to the parklands.

#### **§ 116-19. Structures.**

A. The Town Board shall have the right, but shall not be obligated, to remove or cause to be removed any and all existing projections, encroachments, docks, piers and other impediments when, in the opinion of the Town Board, such removal shall be necessary or desirable for the improvement of the parkland, and when there is no easement, license or, in the Town Board's opinion, prescriptive right to permit said structure or impediment.

B. Hereafter, no person shall erect a wharf, pier, structure or make any other improvement on the park property without obtaining the prior consent of the Town Board by resolution passed at a meeting of the Town Board. Any such authorization, if granted, may provide appropriate safeguards to assure that the structure, when erected, shall be available to all the inhabitants of the Park District and shall otherwise be erected and used in a safe manner.

#### **§ 116-20. Fishing; restrictions.**

A. Only persons who are members of the Putnam Lake Park District, or qualified out-of-District users, shall be entitled to fish on Park District property and Putnam Lake.

B. In the interest of public safety, no fishing of any type shall be permitted on Plot H identified as the Putnam Lake Dam, nor within the greater distance of 50 feet from the edge of the sandy area of a beach, any docks located on any beach, or any ropes established to demarcate the beach area.

C. Ice Fishing

- (1) Use of Putnam Lake for ice fishing, skating, tubing, or walking is permitted when the ice has reached a thickness of not less than 6" throughout the lake.
- (2) Fires are prohibited on the ice.
- (3) A rope no less than 10 feet long must be at the fishing station at all times.
- (4) An ice pick and flashlight, or light signaling device, must be carried at all times.
- (5) Ice fishing is prohibited within 15 feet of the shoreline, near marshy areas or near visible grass under the ice.
- (6) Ice shanties, tents, and all other equipment must be removed from the ice daily after use. Any equipment left overnight or abandoned will be impounded without notice, and may only be redeemable upon the payment of a fee set by resolution of the Town Board.

**§ 116-21. Alcoholic beverages.**

A. Except as noted under Subsection B, no person shall enter, use or remain upon any parklands regulated by this Chapter, while intoxicated, nor shall any person possess any alcoholic beverage on any parkland, regardless of whether same is in a closed or open container.

B. Groups using Putnam Lake Park District lands for a private function or special event may have and consume alcoholic beverages pursuant to a duly issued permit by the Town Clerk, providing that the Town has been indemnified and held harmless against any act which may result from the presence and use of alcohol at said event by a Host Liability Coverage addendum to their insurance policy with the Town named as additional insured, or such other indemnification as deemed appropriate by the Town Board. Nothing in this section shall permit any individual to be at the Putnam Lake Park District lands while intoxicated.

C. No person shall be intoxicated, or under the influence of a drug or narcotic while on parklands owned by the Town. It shall be a rebuttable presumption that a person exhibiting a pattern of abnormal conduct, erratic or aberrant behavior, deteriorating motor skills, or slurred speech shall be presumed to be under the influence or intoxicated by a drug or alcohol.

**§ 116-22. Compliance with official orders; liability of town employees.**

A. No person shall fail or refuse to comply with any reasonable order relative to the regulation, operation, or protection of a park or to any order lawfully given by any police officer or Town official or Town employee in the execution of his office or duties. Nonobservance of this section shall be a violation.

B. No official or employee of the Town of Patterson shall, while acting pursuant to the provisions of this chapter, be personally liable for any damage that may accrue to persons or property as the result of any act required or permitted in the discharge of his official duties, provided



that such acts are performed in good faith and without gross negligence.

**§ 116-23. Enforcement.**

A. This chapter shall be enforced by the Director of Codes Enforcement, and by any individual duly authorized by the Town Board to enforce the requirements of this Chapter.

B. In addition, any police officer patrolling within the Town of Patterson may issue an appearance ticket, pursuant to Article 150 of the Criminal Procedure Law of the State of New York, to any person when he has reasonable cause to believe that such person has committed a violation of this chapter. Said appearance ticket shall direct the designated person to appear in the Justice Court of the Town of Patterson at a designated future time not later than thirty (30) days from the date of issuance of the appearance ticket in connection with the alleged violation. Any police officer may, without a warrant, arrest any person in violation of the Chapter, or of any park rules or regulations, as set forth in this chapter or as posted within such park, and take such person so arrested forthwith before a judge or court having competent jurisdiction, and he shall have at all times the right to enter the premises of any building, structure or enclosure of any park, including such grounds, buildings and structures which may be leased or set aside for private or exclusive use of any individuals or groups of individuals, for the purpose of arresting violators hereof or may use all necessary means to attain that end.

**§ 116-24. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, who or which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the rules and regulations contained herein or hereafter established shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both. Each day's continued violation shall constitute a separate additional violation.

B. Any person damaging any park property shall be liable for any damages incurred.

**§ 116-25. Miscellaneous.**

A. Failure of the Town Board, their agent, the Park Advisory Board or any law enforcement official or peace officer to enforce any provision of this Chapter shall not be deemed a waiver of the right to do so thereafter as to the same violation or breach or as to a violation or breach occurring prior or subsequent thereto.

B. The invalidation of any provision of this Chapter by a judgment, order, or decree of a Court, or by any statute or otherwise, shall not affect any other provision of this Chapter which shall nonetheless remain in full force and effect.

## **Chapter 121**

### **PEDDLING AND SOLICITING**

- § 121-1. Definitions.**
- § 121-2. Exemptions.**
- § 121-3. License required.**
- § 121-4. Application for license.**
- § 121-5. Issuance of license; unauthorized use.**
- § 121-6. License fees; expiration.**
- § 121-7. Revocation or denial of license.**
- § 121-8. Restrictions.**
- § 121-9. Entering upon private property.**
- § 121-10. Written orders; warranties.**
- § 121-11. Magazine subscription solicitors; licensing.**
- § 121-12. Records.**
- § 121-13. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-8-79 as Ord. No. 1-1979. Adopted in its entirety 9-24-2003. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Public Assemblies - See Ch. 51**  
**Christmas Tree Sales - See Ch. 70**  
**Entertainment Establishments - See Ch. 84**  
**Littering - See Ch. 103**  
**Loitering - See Ch. 107**  
**Noise - See Ch. 109**  
**Political advertising - See Ch. 124**  
**Vehicles and traffic - See Ch. 150.**

---

#### **§ 121-1. Definitions.**

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

**HAWKER and PEDDLER** - Includes, except as hereinafter expressly provided, any person, either principal or agent, who in any public street or public place, or by going from house to house or place of business to place of business, on foot or on or from any animal or vehicle standing in a street, sells or barter, offers for sale or barter or carries or exposes for sale or barter any goods, wares or

merchandise, except as hereinafter exempted.

PERSON - Includes one (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

PLACE OF BUSINESS - A building, store, shopping center or mall in which persons transact business or deal in goods, wares, merchandise and services which they hawk, peddle or solicit for during regular business hours.

SOLICITOR - Includes, except as hereinafter expressly provided, any person who goes from place to place or house to house or who stands in any street or public place, taking or offering to take orders for goods, wares, merchandise, publications or services, except as hereinafter exempted, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery, or for work to be done at the premises of the offeree.

SOLICITOR OF FUNDS - Includes, except as hereinafter provided, any person who goes from place to place or house to house or who stands in any street or public place, asking, collecting or accepting pledges for money, funds, contributions or merchandise in lieu of money, funds or pledges for any purpose whatever.

## **§ 121-2. Exemptions. [Amended 3-22-1995 by L.L. No. 2-1995]**

A. Nothing in this chapter shall be held to apply to the following:

- (1) Any sales conducted pursuant to statute or by order of the court.
- (2) Any person selling personal property at wholesale to dealers in such articles.
- (3) The peddling of meats, fish, fruit, vegetables and similar produce by farmers and persons who produce such commodities
- (4) Dealers in baked goods, heating oil and daily or weekly newspapers
- (5) Any honorably discharged member of the Armed Forces of the United States who has procured a license as provided in the General Business Law of the State of New York.
- (6) Persons soliciting or collecting anything for a bona fide charitable organization, a local character-building youth agency, local church societies, veterans groups or local volunteer firemen's associations or other similar local non-profit-making organizations.
- (7) A child under the age of 18 years of age and who solicits or peddles on behalf of a charitable, religious, athletic, social, educational, or civic organization, including but not limited to the Boy Scouts, Girl Scouts, Cub Scouts, Brownie scouts, clubs, classes or organizations sponsored by the school which he/she attends.

B. This chapter shall also not apply so as unlawfully to interfere with interstate commerce.

## **§ 121-3. License required.**

It shall be unlawful for any person, within the territorial limits of the Town of Patterson, to act as a hawker, peddler or solicitor, or to solicit funds, as herein defined, without first having obtained and paid for and having in force and effect a license therefor issued by the Town Clerk of the Town of Patterson.

#### **§ 121-4. Application for license.**

A. Every applicant for a license is required to submit to the Town Clerk a written application supplying, under affidavit, the following information:

- (1) That he is a citizen of the United States.
- (2) That he has never been convicted of a felony or misdemeanor.
- (3) The particular business, trade, occupation or purpose for which the application is required or requested, stating such in detail.
- (4) The manner or means of conveyance, if any, in which said business or trade, solicitation or collection shall be conducted.
- (5) The locality within which it is desired to carry on or engage in said trade, business, occupation or solicitation.
- (6) The name of the person or persons and the residence of such person or persons, any firm applying for a license, or the principal place of business of any such corporation and the name and address of the officer of the corporation upon whom process or other legal notice may be served.
- (7) The length of time the applicant desires a license.
- (8) Such other information as may be required by the Town Clerk.

B. Each person or individual to be employed as a solicitor, hawker or peddler, or solicitor of funds, shall apply individually for a separate license, and each such applicant shall submit three (3) facial photographs of himself taken within thirty (30) days of the date of application.

C. In order to protect the health, safety, morals and general welfare of Patterson citizens, each applicant for a license to hawk, peddle or solicit, or to solicit funds, shall complete an Authorization/Request for Criminal Record/NYS Driver's Record from Non-Police Agency form supplied by the Putnam County Sheriff's Department that will subject the applicant to a background check. A copy of the form may be obtained in the office of the Town Clerk.

#### **§ 121-5. Issuance of license; unauthorized use.**

A. Upon the filing of the application for a license as provided in § 121-4, the Town Clerk shall, upon his approval of such application, issue to the applicant a license as provided for in § 121-3, signed by the Town Clerk, such license to be attached to a copy of the facial photograph as submitted.

B. Except as hereinafter provided, no license shall be refused except for a specific reason or reasons and for the protection of the public safety, health, morals or general welfare.

C. A license shall not be assignable, and unauthorized use thereof, either by the holder of such license or by any other person, shall be deemed a violation of this chapter.

#### **§ 121-6. License fees; expiration.**

A. The license processing fee to hawkers, peddlers or solicitors, and solicitors of funds, shall be as set from time to time by resolution of the Town Board for the following:

- (1) Those hawking , peddling or soliciting on foot.
- (2) Each vehicle used for peddling, hawking or soliciting.
- (3) Those soliciting funds.

B. All licenses issued hereunder shall automatically expire on the first day of January of the year following their issuance.

#### **§ 121-7. Revocation or denial of license.**

A. The Supervisor of the Town of Patterson, after a complaint of violation of this chapter or other ordinance or any law, after investigation of the complaint by the Putnam County Sheriff or New York State Police and/or a hearing by the Supervisor of the complaint, may revoke any license.

B. Upon the refusal of the Town Clerk to issue a license to an applicant, or upon the determination of the Supervisor that a license should be revoked, the procedure prescribed in § 137 of the Town Law of the State of New York shall be complied with.

C. When a license is revoked, no refund of any unearned portion of the license fee shall be made.

D. Notice of such revocation and the reason or reasons therefor, in writing, shall be served by the Supervisor upon the person of the licensee, on the person designated in the application or by mailing the same to the address given in the application, and a copy of such notice of revocation shall be filed with the Town Clerk, the Putnam County Sheriff's Department and the New York State Police.

#### **§ 121-8. Restrictions.**

A licensed hawker, peddler or solicitor, or solicitor of funds, shall:

A. Not falsely or fraudulently misrepresent the quality or quantity of any article or articles offered for sale, nor offer for sale unwholesome, tainted or diseased provisions or merchandise.

B. Keep the vehicle or receptacles used by him in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects. Additionally, if peddling or hawking from a motor vehicle, he/she shall keep two lidded garbage cans, one for regular trash and one for recyclables, which shall be emptied at the end of each day.

C. Not stand or permit the vehicle used by him to stand in one (1) place for more than ten (10) minutes nor in front of any premises or business establishment if the owner, occupant or lessee objects.

D. Not sell any confectionery or ice cream within two hundred fifty (250) feet of any day school between the hours of 8:00 a.m. and 4:00 p.m. on school days.

E. Not blow a horn, ring a bell or use any other noise or device to attract public attention to his wares, nor shout or cry out his wares; except that peddlers of ice cream and ice cream products for immediate consumption are exempted from the foregoing prohibition of the use of a bell.

F. Not permit any vehicle used by him to stop for any length of time so as to block or endanger vehicular or pedestrian traffic or to block a crosswalk.

G. Not create or maintain a booth or stand, nor place barrels, boxes or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.

H. Not engage in peddling or soliciting before the hour of 9:00 a.m. of any day, or after sunset of any day, or after the hour of 7:00 p.m. of any day, whichever occurs first..

I. Not enter any dwelling or residence without first obtaining the consent of an adult occupant to do so.

J. Not stand, hawk, peddle or solicit, or solicit funds, on or near the premises of any business establishment, shopping center or mall without the written consent of the owner or individual, agency or organization responsible for the management and/or operation of the same.

K. Not solicit funds, money or merchandise in lieu of funds without first obtaining endorsement or approval in writing, to be filed with the Town Clerk, from the Better Business Bureau, Chamber of Commerce, Human Resources Commission, United Fund or some similar established agency coordinating and approving fund-raising drives. The approval should attest to the bona fide nature of the fund-raising drive and the purpose for which funds are to be collected or pledged.

L. Not peddle, solicit or canvass on private or public property which has displayed a sign bearing the words "No Peddling, Soliciting or Canvassing" or words of the like intent, nor shall any peddler, solicitor or canvasser remain on the premises after the owner or occupant thereof request his/her departure therefor,

#### **§ 121-9. Entering upon private property.**

To protect the residents of the Town of Patterson and visitors to the town from harassment, intimidation and endangerment to life and property, it shall be unlawful for any person to enter upon any private residential property for the purpose of hawking, peddling or soliciting without the consent of an adult occupant of the premises previously given.

#### **§ 121-10. Written orders; warranties.**

A. All orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance of final delivery. One (1) copy of the order so written shall be given the purchaser at the time the deposit of money is paid the solicitor.

B. For all sales, whether partial or final, for wares, etc., immediately delivered or promised for future delivery and containing a warranty or guaranty, such warranty and/or guaranty should be in writing and expressly spelled out.

#### **§ 121-11. Magazine subscription solicitors; licensing.**

A. No licensed or unlicensed hawker, peddler or solicitor for the sale of, or sale of subscriptions to, magazines or other periodicals, except newspapers of general circulation, shall visit a private residence for such purpose unless previously invited by the owner or occupant thereof

B. The license for hawkers, peddlers or solicitors of magazines or other periodicals, except newspapers of general circulation, shall be signed by the Town Clerk.

## **§ 121-12. Records.**

It shall be the duty of the Town Clerk to keep a record of all applications and of all licenses granted under the provisions of this chapter, giving the number and date of each license, the name and residence of the person licensed, the amount of the license fee paid and also the date of expiration or revocation of all licenses.

## **§ 121-13. Penalties for offenses.**

Any person who, himself or by his clerk or employee, shall act as a hawker, peddler or solicitor, or solicitor of funds, as defined herein, without a license, or who shall violate any provision of this chapter, or who upon having had his license revoked shall continue to act as a hawker, peddler or solicitor, or solicitor of funds, shall, upon trial and conviction, be guilty of a violation punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both; and each day on which such violation continues shall constitute a separate offense.

## **Chapter 124**

### **POLITICAL ADVERTISING**

[Former Ch. 124, Political Advertising, adopted 12-28-1983 by L.L. No. 2-1983 (readopted 4-13-2005 by L.L.), was repealed 8-14-2013 by L.L. No 6-2013. For current provisions regarding signs, see Ch. 154, Zoning, Art. XIII, Signs and Billboards]



**Chapter 128**  
**RECYCLING**

- § 128-1. Title.**
- § 128-2. Intent; purpose.**
- § 128-3. Definitions.**
- § 128-4. Single Stream required.**
- § 128-5. Phasing in of separation requirements, collection recyclables; elimination of materials from list of recyclables.**
- § 128-6. Scavenging prohibited.**
- § 128-7. Penalties for offenses.**
- § 128-8. Enforcement**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-27-11 as L.L. No. 3-2011 ,Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Dumps and dumping - See Ch. 79.**  
**Garbage, rubbish and refuse - See Ch. 97.**  
**Littering - See Ch. 103.**

### **§ 128-1. Title.**

This chapter shall be cited and may be referred to hereafter as the "Mandatory Recycling Law of the Town of Patterson."

### **§ 128-2. Intent; purpose.**

It is the intent of the Town of Patterson to reduce the amount of solid waste generated within the Town of Patterson, consistent with the objectives of the state solid waste management policy, articulated in § 27-0106 of the New York State Environmental Conservation Law. Further, it is the intent of the Town of Patterson to comply with § 120-aa of the General Municipal Law to promulgate a local law requiring the removal of recyclables from the solid waste stream at the point of generation. Lastly, the Town of Patterson hereby finds that recycling and this chapter are in the interest of public health, safety and welfare by conserving energy and natural resources and protecting the environment.

### **§ 128-3. Definitions.**

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

**CONSOLIDATED WASTE GROUP** - A collection of dwelling units which combine waste or recyclables into a common area or receptacles for collection.

**CONSTRUCTION AND DEMOLITION DEBRIS** - Waste resulting from the construction, remodeling, repair and demolition of structures, road building and land clearing. Such waste includes but is not limited to bricks, concrete and other masonry materials, soil, rock, lumber, road spoils, paving material and tree and brush stumps. "Construction and demolition debris" shall not be construed to include garden and yard waste.

**CURBSIDE** - Within five (5) feet of the town, county or state highway nearest to a residence or business and visible and accessible so as not to interfere with sidewalk or vehicular traffic or parking.

**DISPOSAL** - The permanent dumping or placing of any solid waste into or on any land or water, including but not limited to that at disposal facilities.

**DISPOSAL FACILITY** - A solid waste management facility or part of one at which solid waste is intentionally placed into or on any land or water and at which solid waste will remain after closure.

**DWELLING UNIT** - One (1) or more rooms designed for occupancy by one (1) family for cooking, living and sleeping purposes.

**GARDEN AND YARD WASTE** - Organic plant matter, including but not limited to grass clippings, leaves and cuttings from shrubs, hedges and trees.

**HOUSEHOLD GARBAGE** - Putrescible solid waste, including animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking or serving of foods. "Household garbage" originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared or served. "Household garbage" also includes nonrecyclable containers and packaging. "Household garbage" shall not be construed to include garden and yard waste.

**MIXED SOLID WASTE** - Solid waste which consists of recyclables combined with other forms of solid waste.

MULTIFAMILY DWELLING - A building or portion thereof containing two (2) or more dwelling units and designed or used for occupancy by two (2) or more families living independently of each other.

RECYCLABLES - Solid waste that exhibits the potential to be reused or used in place of a virgin material. "Recyclables" include but are not limited to paper, glass, metals, plastics, newspaper, paperboard, junk mail, cardboard, and garden and yard waste and may include other items which may be determined by the Town Board of the Town of Patterson.

SINGLE STREAM - a system in which commodities such as newspaper, metal cans, plastic glass, paperboard and junk mail are placed together in a single container by the resident and handled separately from solid waste throughout the collection process. The term "single stream" shall also mean "fully commingled" or "single-sort"

SOLID WASTE - All putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form.

SOURCE SEPARATION - Dividing solid waste into some or all of its component parts at the point of generation.

USED MOTOR OIL - Used engine lubricating oil which has not subsequently been re-refined and does not contain and is not considered a hazardous waste as defined by state or federal law.

WHITE GOODS - Appliances and large solid metal items, including but not limited to washers, dryers, refrigerators, freezers, stoves, water tanks, hot water heaters, air conditioners, vending machines, copy machines, metal tubs and shower stalls.

#### **§ 128-4. Single Stream required.**

A. Single Stream recycling is required from all solid waste left for curbside collection in Garbage District 2.

B. All recyclables will be placed loose in containers no larger than 35 gallons. Recyclables will not be accepted when left roadside and placed in plastic garbage bags or other disposable containers.

#### **§ 128-5. Phasing in of separation requirements; collection of recyclables; elimination of materials from list of recyclables.**

A. In order to effect an orderly implementation of this chapter, taking into account the present and future economic market conditions, the availability of recycling centers and other equipment and other factors that may bear on the effectiveness of this chapter, the Town Board is hereby empowered to phase in the application of this chapter by mandating the single Stream recycling of specific recyclables and/or limiting the amount of solid waste which may be collected for disposal by resolution following a public hearing. The Town Board's notice of public hearing shall include the following:-

- (1) The time and place of the public hearing.
- (2) The definition of the recyclables to be separated.

(3) The manner in which the recyclables shall be separated and prepared for collection.

B. The days that recyclables are to be collected, methods of collection and the individual recyclable items to be collected may be established after public hearing, by resolution of the Town Board, and any such resolution may be modified from time to time. Any such resolution or modification shall take effect after adoption and upon filing with the Town Clerk.

C. In the event that economic markets can no longer be found for designated recyclables, the Town Board may, by resolution, eliminate such materials from the list of designated recyclables. A duly noticed public hearing must be held within thirty (30) days of the decision to eliminate any recyclable material.

#### **§ 128-6. Scavenging prohibited.**

It shall be unlawful for any person, other than that person under contract with the Town of Patterson or otherwise expressly authorized by the Town of Patterson, to collect, remove or dispose of recyclables which have been left for collection within the town.

#### **§ 128-7. Penalties for offenses.**

A. Residents, owners or operators of commercial property or other generators or collectors of solid waste who violate any provision of this chapter and any Town Board resolution or regulation adopted pursuant to this chapter shall be guilty of a violation, punishable as follows:

(1) For the first Conviction, a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50).

(2) For the second conviction, a fine of not less than fifty dollars (\$50) nor more than one-hundred dollars (\$100).

(3) For the third conviction, a fine of not less than one hundred dollars (\$100) nor more than one hundred and fifty dollars (\$150) .

(4) For a fourth and subsequent conviction, a fine of not less than one hundred and fifty dollars (\$150.) nor more than. three hundred dollars (\$300).

#### **§ 128-8. Enforcement.**

The Director of Codes Enforcement of the Town of Patterson, or his designated representative shall have the authority to issue appearance tickets and/or summonses for a failure to comply with this chapter or any resolutions or regulations promulgated thereunder.

## **Chapter 129**

### **RENTAL REGISTRATION LAW**

**§129-1. Legislative Intent.**

**§ 129-2. Definitions.**

**§ 129-3. Applicability; more restrictive provisions to prevail.**

**§ 129-4. Permit Required.**

**§ 129-5. Application for Permit.**

**§ 129-6. Fees.**

**§ 129-7. Review of Application.**

**§ 129-8. Term of Permit; Renewal.**

**§ 129-9. Register of Permits.**

**§ 129-10. Additional Criteria for Granting of Permits.**

**§ 129-11. Inspections.**

**§ 129-12. Application for Search Warrant Authorized.**

**§ 129-13. Duty to Maintain.**

**§ 129-14. Unlawful Acts.**

**§129-15. Penalties for Offenses.**

**§ 129-16. Administration.**

**§ 129-17. Severability.**

**§ 129-18. Implementation of provisions.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 9-26-2007 by L.L. No. 9-2007. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Building construction – See Ch. 64.

Zoning – See Ch. 154.

### **§ 129-1. Legislative Intent.**

The Town Board of the Town of Patterson has determined that there exists in the Town of Patterson serious conditions arising from the renting of dwelling units that are substandard or that are in violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of Patterson's Zoning Code, or other Chapters of the Patterson Town Code; that such dwelling units are inadequate in size, overcrowded and dangerous; that such dwelling units pose hazards to life, limb and property of residents of the Town and others; that such dwelling units tend to promote or encourage deterioration of the housing stock of the Town; that such dwelling units create blight, excessive vehicle traffic and parking problems; and that such dwelling units overburden municipal services. The Board finds that current Code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by enactment of the regulations set forth in this Chapter, which regulations are remedial in nature and effect.

### **§ 129-2. Definitions.**

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

**CODE ENFORCEMENT OFFICIAL** – The Building Inspector, or Code Enforcement Officer, or Fire Code Inspector of the Town of Patterson, or their delegates or assistants as may be appointed by the Patterson Town Board.

**DWELLING UNIT** – One or more rooms connected together, constituting a separate, independent housekeeping unit for one (1) individual person or one (1) family containing independent sanitary, cooking and sleeping facilities, physically separated from any other dwellings that may be in the same building, and having either separate access, or an access shared in common, to the outside.

**FAMILY** - Any number of individuals related by blood, marriage or adoption [or not more than three (3) individuals who are not so related], living together as a single housekeeping unit, using rooms and housekeeping facilities in common, having such meals as they may eat at home prepared and eaten together, and is permanent and stable. Three (3) or more individuals not so related shall not be considered as a family unless they can sufficiently demonstrate to the administrative officer charged with enforcement of this code that they:

- A. Share the entire dwelling unit
- B. Live and cook together as a single housekeeping unit
- C. Shares expenses for food, rent, utilities or other household expenses, and
- D. Is permanent and stable

**OWNER** – The individual, partnership or corporation that holds fee simple title and right of possession of a dwelling unit, or the underlying land. thereto.

**RENT** – A return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value) for use and occupancy or the right to use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL DWELLING UNIT** – A dwelling unit established, occupied, used or maintained for rental occupancy.

**RENTAL OCCUPANCY** – The occupancy or use of a dwelling unit by one (1) or more persons as

a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

**RENTAL OCCUPANCY PERMIT** - A permit issued for the rental occupancy of a dwelling unit which is issued in conformance with the requirements of this Chapter.

**§ 129-3. Applicability; more restrictive provisions to prevail.**

A. Scope. This Chapter shall apply to all rental dwelling units located within the Town, whether or not the use and occupancy thereof shall be lawfully permitted, or legally established under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as set forth in Chapter 154, Zoning.

(1) An accessory apartment, as defined by Chapter 154, for which a special use permit issued by the Zoning Board of Appeals is in effect shall not be required to comply with the provisions of this Chapter.

B. Applicability. The provisions of this Chapter shall be deemed to supplement applicable state and local laws, ordinances, codes or regulations, and nothing in this Chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the town, county or state, or existing requirements of any other applicable state or local laws, ordinances, codes or regulations. In case of conflict between any provision of this Chapter and any applicable state or local laws, ordinances, codes or regulations, the more restrictive or stringent provision or requirement shall prevail.

**§ 129-4. Permit Required.**

It shall be unlawful and a violation of this Chapter for any person who owns a dwelling unit in the Town to establish, maintain, use, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without having first obtained a permit for such rental occupancy from the Code Enforcement Officer of the Town as hereinafter provided. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation pursuant to §129-15, herein.

**§ 129-5. Application for Permit.**

A. Application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Building Department on a form provided by the Building Department for that purpose.

B. Such application shall be filed in duplicate and shall contain:

(1) The name, address and telephone number, if any, of the owner of the dwelling unit intended for rental occupancy.

(2) The street address and tax map description (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.

(3) A floor plan showing the number of rooms in the structure and in each proposed dwelling unit therein, the dimensions of each room, means of ingress and egress and a description of the present use or uses thereof, if any.

(4) A description of each dwelling unit intended to be established, used or occupied for rental occupancy in the premises, including the number of dwelling units, and the number of persons intended to be accommodated by and reside in each such dwelling unit.

(5) The name, address and telephone number, if any, of the managing agent or operator of each such intended rental dwelling unit.

(6) The name and address of the insurance company, if any, providing the fire and other hazard and public liability insurance for the owner of the premises, with a description of the type of insurance provided, policy limits for each coverage and the policy number and expiration date of such policy.

C. Such application shall be signed by the owner of the premises, and the statements of such owners therein contained shall be verified under oath.

D. Such application shall be accompanied by the following:

(1) A property survey of the premises drawn to a scale not greater than forty (40) feet to one (1) inch.

(2) If not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, drives and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(3) A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.

(4) A copy of the certificate of occupancy or certificate of existing use, if any.

E. In the case of a condominium unit, the application shall be accompanied by a scale drawing or floor plan of the condominium unit, in lieu of a survey or site plan.

F. Notwithstanding the above, no rental occupancy permit shall be required for a residential care facility established under New York State guidelines only with respect to housing of persons requiring such care, and excluding any housing provided for employees of such facility or other individuals.

#### **§ 129-6. Fees.**

A. Permit Application Fee. A non-refundable permit application fee shall be paid, upon filing an application for a rental occupancy permit, shall be established by resolution of the Town Board, and shall be set forth in the Schedule of Fees.<sup>1</sup>

B. The fee required by this section may be waived by the Town Board for any applicant which demonstrates that it is a not-for-profit housing development corporation organized under the laws of the State of New York, and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulations.

<sup>1</sup>. Editor's Note: The schedule of fees is on file in the Town Offices.



C. Any commercial hotel or motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at such establishments for short durations of time for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel or motel operation, shall pay a fee of \$200.00 per application every three years. For the purposes of this Chapter, a “short duration of time” shall be defined as not more than 21 consecutive days. This section shall not apply to any commercial hotel or motel operation which provides permanent residences to its customers. For the purposes of this Chapter, “permanent residence” shall be defined as more than 21 consecutive days.

D. Permit Renewal Fee. A non-refundable permit renewal fee, equal in amount to the initial application fee, shall be paid upon filing an application for renewal.

#### **§ 129-7. Review of Application.**

The Code Enforcement Official shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which same are located, comply fully with all applicable laws of the state and local laws, ordinances, rules and regulations of the county and town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition, or create an unsafe or substandard structure as defined in the Town Code or create a nuisance to adjoining or nearby property, the Code Enforcement Official shall issue the permit or permits applied for.

#### **§ 129-8. Term of Permit; Renewal.**

All permits issued pursuant to this Chapter shall be valid for a period of three (3) years from the date of issuance. The renewal applications shall contain substantially the same information required by § 129-5 of this Chapter upon forms to be furnished by the Building Department, and shall be subject to the payment of the renewal fees specified in §129-6 hereof.

#### **§ 129-9. Register of Permits.**

It shall be the duty of the Code Enforcement Official to maintain a register of permits issued pursuant to this Chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date of expiration of permit for such unit.

#### **§ 129-10. Additional Criteria for Granting of Permits.**

A. Smoke Detectors. No permit shall be issued or renewed until the Code Enforcement Official shall inspect the rental dwelling unit to determine that it is equipped with a functioning smoke detector device, in accordance with the New York State Uniform Fire Prevention and Building Code.

B. On-Site Parking. The premises shall provide on-site parking spaces for the structure in which the rental dwelling units are to be located, which shall be designed, constructed and in such number set forth in the Zoning Code.

C. No rental dwelling unit shall consists of one (1) room only, and no rental permit shall be issued for a rental dwelling unit consisting of one (1) room only, unless such room shall provide a minimum clear floor area of one hundred (100) square feet.

D. Each rental dwelling unit shall contain at least one bathroom area containing a shower, toilet and sink, and shall provide independent kitchen facilities.

#### **§ 129-11. Inspections.**

The Code Enforcement Official is authorized to make, or cause to be made, inspections, from time to time, to determine the condition of rental dwelling units and to safeguard the health, safety, morals and welfare of the public. The Code Enforcement Official is authorized to enter, upon consent of the owner or occupant, any rental dwelling unit and the premises in which same is located, at any reasonable time during daylight hours, or at such other times as may be necessary in an emergency without consent of the owner or occupant for the purpose of performing his duties under this Chapter. It shall be a condition of each rental occupancy permit, expressly stated therein, that the Code Enforcement Official shall have the right to inspect each permitted rental dwelling unit during the term of the permit, in accordance herewith, for the purpose of performing his duties under this Chapter.

#### **§ 129-12. Application for Search Warrant Authorized.**

The Code Enforcement Official is authorized to make application to the Justice Court of the Town of Patterson or any court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer, in order to conduct an inspection of any premises covered by this Chapter where the owner or occupant refuses or fails, after due notice by certified mail, to allow an inspection of the rental dwelling unit or premises, and where there is reasonable cause to believe that a violation of this Chapter or a violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of this Chapter or other Chapters of the Patterson Town Code has occurred. The application for a search warrant shall, in all respects, comply with the applicable laws of the State of New York.

#### **§ 129-13. Duty to Maintain.**

It shall be a condition of each permit issued pursuant to this Chapter, that the permit holder shall continuously maintain the rental unit in compliance with all applicable Codes and Regulations.

#### **§ 129-14. Unlawful Acts.**

A. It shall be unlawful and a violation of this Chapter for any person to:

- (1) Permit any tenant or other person to take up residence by a rental occupancy in any dwelling unit without the owner's first having completed and filed with the Building Department a rental registration form, and a permit thereto has been issued by the Building Department in accordance with this Chapter.
- (2) List, solicit, advertise or offer, exhibit or show to any person, a rental dwelling unit located within the Town of Patterson, for the purpose of bringing about the rental thereof, where no currently effective permit has been issued with respect to such rental dwelling unit by the Code Enforcement Official of the Town, as herein provided.
- (3) Accept a deposit of rent or security, or a commission, in connection with the rental of a rental dwelling unit located within the Town of Patterson where no currently effective permit has been issued with respect to such rental dwelling unit by the Code Enforcement Official of the Town, as herein provided.

(4) Fail to comply with any provisions of this Chapter.

B. In the event that a person convicted of a violation of Subsection (A) of this section shall have been a real estate broker or sales person licensed by the State of New York at the time such violation was committed, it shall be the duty of the Town Clerk to transmit a record of such conviction to the Division of Licensing Services of the Department of State and to make complaint thereto against such licensee on behalf of the Town, pursuant to the provisions of Article 12-a of the Real Property Law.

#### **§ 129-15. Penalties for Offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this Chapter or permits any such violation or fails to comply with any of the requirements of this Chapter shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. Complaints of violations. Whenever a violation of this Chapter occurs, any person may file a complaint in regard thereto. All such complaints filed by an individual must be in writing and filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. This Section shall not relieve the Building Department from investigating or acting upon any violation of which they personally observe or become aware of in the course of performance of their duties.

C. Accountability. For every violation of the provisions of this Chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists shall also be punishable according to the provisions of this Chapter.

D. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town and a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Chapter.

#### **§ 129-16. Administration.**

This Chapter shall be enforced by the Code Enforcement Official as defined by this Chapter.

#### **§ 129-17. Severability.**

If any clause, sentence, paragraph, section or part of this Chapter 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 or part thereof directly involved in said judgment.

**§ 129-18. Implementation.**

This Chapter shall be effective upon filing with the Secretary of State.

A. No violation of this Chapter shall be charged prior to the effective date of this Chapter, and no violation of this Chapter regarding failure to obtain a permit will be charged against a person or entity which:

- (1) Has filed the necessary application in proper form and in good faith, with all required information and attachments, on or before the effective date of this Chapter, and
- (2) Has not received a final determination on the application for reasons beyond the control of the applicant.

## **Chapter 130**

### **SEWER USE LAW**

#### **ARTICLE I**

##### **Short Title and Purpose**

- §130-1. Title**
- §130-2. Purpose**
- §130-3. Applicability**

#### **ARTICLE II**

##### **Definitions**

- §130-4. Terms Defined**
- §130-5. Abbreviations**

#### **ARTICLE III**

##### **Conformance Required**

- §130-6. Limitations on the discharge of sewage.**
- §130-7. Connection to Public Sewer Required**
- §130-8. Permit Required for Sewer Connections**
- §130-9. Limitation on Use of Public Sewers**
- §130-10. Inflow/Infiltration Prohibited**
- §130-11. Trucked or Hauled Waste**

#### **ARTICLE IV**

##### **New Sewers or Sewer Extensions**

- §130-12. Proper Design**
- §130-13. Interior Clean-Out**
- §130-14. Grease, Oil, and Sand Interceptors**

#### **ARTICLE V**

##### **Discharge Restrictions**

- §130-15. General Prohibitions**
- §130-16. Rejection of Wastewater**
- §130-17. Non-Residential Notification**
- §130-18. Vandalism, Tampering or Damage**

#### **ARTICLE 6**

##### **Enforcement And Penalties**

- §130-19. Liability of Property Owner**
- §130-20. Notification of Violation**
- §130-21. Penalties for offenses.**
- §130-22. Additional Injunctive Relief**
- §130-23. Severability**
- §130-24. Effective Date.**

**HISTORY:** Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No.5

**-2005 (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

#### GENERAL REFERENCES

Unsafe buildings - See Ch. 67

Subdivision of land - See Ch. 138.

ARTICLE I  
**Short Title and Purpose**

**§130-1. Title**

This Law may be cited as the “Patterson Sewer Use Law”.

**§130-2. Purpose**

The purpose of this chapter is to:

- A. To provide for efficient, economic, environmentally safe, and legal operation of the wastewater treatment plant and collection system which services the sewer areas located in the Hamlet Sewer District,
- B. To prevent the introduction of substances into the POTW that will:
  - (1) interfere with the POTW in any way,
  - (2) pass through the POTW to the state's waters and cause contravention of standards for those waters or cause violation of the POTW's SPDES permit,
  - (3) increase the cost or otherwise hamper the disposal of POTW sludge and/or residuals, endanger municipal employees, cause air pollution, or groundwater pollution, directly or indirectly, cause, directly or indirectly, any public nuisance condition.
- C. To prevent new sources of infiltration and inflow and, as much as possible, eliminate existing sources of infiltration and inflow.
- D. To assure that new sewers and connections are properly constructed.
- E. To provide for equitable distribution to all users of the POTW of all costs, associated with sewage transmission, treatment, and residuals disposal.

**§130-3. Applicability**

Except as may be provided herein, this Local Law shall apply to those areas incorporated into the Front Street Sewer District or the Patterson Hamlet Sewer District including Cornwall Meadows Townhouses, Patterson Village Condominiums, Covington Greens Townhouses, twelve parcels along Front Street identified as the Front Street Sewer District, and shall also include any out-of district users to the Hamlet Sewer District POTW.

ARTICLE II  
**Definitions**

**§130-4. Definitions**

Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. “Shall” is mandatory; “may” is permissive.

**ABNORMAL SEWAGE** - Sewage whose concentration of one or more characteristics of normal sewage exceeds the maximum concentrations of the characteristics of normal sewage. See normal sewage.

**BOD**, denoting Biochemical Oxygen Demand - The result obtained when using an approved laboratory procedure to determine the quantity of oxygen utilized in the aerobic biochemical oxidation of organic matter or in a sample, expressed in milligrams per liter.

**BUILDING DRAIN** - That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the building walls, and conveys it to the building lateral, which begins five (5) feet outside the inner face of the building wall.

**CHLORINE DEMAND** - The result obtained when using an approved laboratory procedure to determine the difference between the amount of chlorine added to a sample and the amount of chlorine remaining in the sample at the end of a specified contact time at room temperature, expressed in milligrams per liter.

**COD**, denoting Chemical Oxygen Demand - The result obtained when using an approved laboratory procedure to measure the oxygen requirement of that portion of matter, in a sample, that is susceptible to oxidation, by a specific chemical oxidant, expressed in milligrams per liter.

**COLOR** - The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

**COMPOSITE SAMPLE** - The sample resulting from the combination of individual samples of wastewater taken at selected intervals, for a specified time period. The individual samples may have equal volumes or the individual volumes may be proportioned to the flow at the time of sampling.

**CONNECTION** - Attachment of one user to a sewer. (See Extension)

**CONTROL MANHOLE** - A manhole accessible to the Control Authority in or upstream of the street lateral, such that samples collected from the manhole represent the discharge to the POTW.

**CONVENTIONAL POLLUTANT** - A pollutant that the POTW treatment plant was designed to treat.

**COOLING WATER** - The water discharged from any system of condensation, air conditioning, refrigeration, or other sources. It shall contain no polluting substances which would produce COD or suspended solids in excess of five (5) milligrams per liter, or toxic substances, as limited elsewhere in this Law.

**DIRECT DISCHARGE** - The discharge of treated or untreated wastewater directly to the Waters of the State of New York. (For reference, see Indirect Discharge.)

**EASEMENT** - An acquired legal right for the specific use of land owned by others.

**ENGINEER** - The Town Engineer of the Town of Patterson.

**EXTENSION** - Attachment of a sewer line, with more than one user, to an existing sewer line.

**FACILITY** - All buildings, other structures, grounds and contiguous property at any locations related to or connected with a user at the user's location.

**FLOATABLE OIL** - Oil, grease, or fat in a physical state such that it will separate by gravity from wastewater by treatment in a wastewater treatment facility.



FLOW RATE - The quantity of liquid or waste that flows in a certain period of time.

GARBAGE - The solid wastes from the preparation, cooking, and dispensing of food, from the handling, storage, and sale of produce, and from the packaging and canning of food.

GRAB SAMPLE - A single sample of wastewater representing the physical, chemical, and biological characteristics of the wastewater at one point and time.

HAMLET SEWER DISTRICT - (also Patterson Hamlet Sewer District) those areas within the Town of Patterson identified in the Map, Plan and Report dated and last revised on March 2002 prepared by Dufresne-Henry Engineers and Landscape Architects, P.C. including Cornwall Meadows Townhouses, Patterson Village Condominiums, Covington Greens Townhouses, twelve parcels along Front Street identified as the Front Street Sewer District, and the Carmel Central School buildings

INDIRECT DISCHARGE - The introduction of wastewater into a POTW for treatment and ultimate discharge of the treated effluent to the State's Waters. (For reference, see Direct Discharge).

INDUSTRIAL - Meaning or pertaining to industry, manufacturing, commerce, trade, business, or institution, and is distinguished from domestic or residential.

INDUSTRIAL USER - See User, Industrial.

INDUSTRIAL WASTES - The liquid or liquid-carried solid, liquid and/or gaseous wastes from industrial manufacturing processes, trade, service, utility, or business, as distinct from sanitary sewage.

INFILTRATION - Water, other than wastewater, that enters a sewer system (excluding building drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow. Infiltration is inadvertent, that is, not purposely designed or built into the sewer or drain.

INFLOW - Water, other than wastewater, that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, foundation drains, swimming pools, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration. Inflow is purposely designed and/or built into the sewer or drain.

INTERFERENCE - A discharge which, alone or in conjunction with discharges by other sources inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the Hamlet Sewer District POTW's SPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations):

- (a) Section 405 of the Clean Water Act,
- (b) the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act - RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the SWDA),
- (c) Clean Air Act;

- (d) Toxic Substance Control Act; and
- (e) Marine Protection Research and Sanctuaries Act.

**LATERAL, BUILDING** - The sewer extension from the building drain to the Street Lateral or other place of wastewater disposal.

**LATERAL, STREET** - The sewer extension from the public sewer to the property line.

**NATURAL OUTLET** - Any outlet, including storm sewers and combined sewer overflows, to State's Waters.

**NUISANCE** - The use or lack of use of the POTW in such a manner so as to endanger life or health, give offense to the senses, or obstruct or otherwise interfere with the reasonable use or maintenance of the POTW.

**OIL AND GREASE** - The result obtained when using an approved laboratory procedure to determine the quantity of fats, wax, grease, and oil, in a sample, expressed in milligrams per liter.

**OTHER WASTES** - Garbage (shredded or unshredded), refuse, wood, egg shells, coffee grounds, sawdust, shavings, bark, sand, lime, ashes, and all other discarded matter not normally present in sewage or industrial wastes. Also, the discarded matter not normally present in sewage or industrial waste.

**OUT OF DISTRICT USER** - Any person, as defined herein, which is contributing sewage to the Hamlet Sewer District POTW and who is not included or a part of the Hamlet Sewer District.

**PASS THROUGH** - The discharge which exits the Hamlet Sewer District POTW into waters of the State in quantities, which, alone or in conjunction with Discharges from other sources, is a cause of a violation of any requirement of the POTW's SPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON** - Any individual, firm, company, association, institution, society, public or private corporation or group.

**POLLUTANT** - Any material placed into or onto the State's waters, lands and/or airs, which interferes with the beneficial use of that water, land and/or air by any living thing at any time.

**POLLUTION** - The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of the State's waters, lands and/or airs resulting from the introduction of a pollutant into these media.

**PRIORITY POLLUTANTS** - The most recently revised or updated list, developed by the EPA, in accordance with the Act.

**PROHIBITIVE DISCHARGE STANDARD** - see National Prohibitive Discharge Standard.

**PROPERLY SHREDDED GARBAGE** - The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, and with no particle having a dimension greater than one-half (1/2) inch in any dimension.

**POTW TREATMENT PLANT** - That portion of the POTW designed to provide treatment to wastewater, and to treat sludge and residuals derived from such treatment.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** - A treatment works, as defined by Section

212 of the Act, (33 U.S.C 1292), which is owned, in this instance, by the Hamlet Sewer District. This definition includes any sewers and appurtenances that transport wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected directly or indirectly to a facility providing treatment.

RECEIVING WATERS - A natural water course or body of water (usually Waters of the State) into which treated or untreated sewage is discharged.

ROOF DRAIN - A drain installed to receive water collecting on the surface of a roof for disposal.

SEPTAGE - All liquids and solids in and removed from septic tanks, holding tanks, cesspools, or approved type of chemical toilets, including but not limited to those serving private residences, commercial establishments, institutions, and industries. Also sludge from small sewage treatment plants. Septage shall not have been contaminated with substances of concern or priority pollutants.

SEPTIC TANK - A private domestic sewage treatment system consisting of an underground tank (with suitable baffling), constructed in accordance with any and/or all local and State requirements.

SERVICE AREA OF THE POTW - The legally defined bounds of real property from which wastewater may be discharged into the POTW. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined, or consolidated by action of the Town Board of the Town of Patterson.

SEWAGE - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, and such ground, surface, and storm water as may be inadvertently present. The admixture of sewage, as defined above, with industrial wastes and other wastes shall also be considered "sewage", within the meaning of this definition.

SEWAGE, DOMESTIC (Domestic Wastes) - Liquid wastes from the non-commercial preparation, cooking, and handling of food, liquid wastes containing human excrement and similar matter from the sanitary conveniences in dwellings, commercial buildings, industrial buildings, and institutions, or liquid wastes from clothes washing and/or floor/wall washing. Therefore, domestic sewage includes both black water and grey water. (See Sewage, Sanitary.)

SEWAGE, NORMAL -

A. Sewage, industrial wastes, or other wastes, which show, by analysis, the following characteristics:

- (1) B.O.D. (Five Day) - 2090 lbs. per million gallons (250 milligrams per liter), or less.
- (2) SUSPENDED SOLIDS - 2500 lbs. per million gallons (300 milligrams per liter), or less.
- (3) PHOSPHORUS - 125 lbs. per million gallons (15 milligrams per liter), or less
- (4) AMMONIA - 250 lbs. per million gallons (30 milligrams per liter), or less.
- (5) Total KJELDAHL NITROGEN - 417 lbs. per million (50 milligrams per liter), or less.
- (6) CHLORINE DEMAND - 209 lbs. per million gallons (25 milligrams per liter), or less.
- (6) CHEMICAL OXYGEN DEMAND - 2920 lbs. per million gallons (350 milligrams per liter), or less.

(8) OIL AND GREASE - 830 lbs. per million gallons (100 milligrams per liter), or less.

B. In spite of satisfying one or more of these characteristics, if the sewage also contains substances of concern, it may not be considered normal sewage.

SEWAGE, SANITARY - Liquid wastes from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm water, surface water, industrial, and other wastes. (See Domestic Wastes.)

SEWAGE WORKS - All facilities for the collecting, pumping, treating and disposing of sewage.

SEWAGE, UNUSUAL STRENGTH OR CHARACTER - Sewage which has characteristics greater than those of Normal Sewage and /or which contains Substances of Concern.

SEWER - A pipe or conduit for carrying or transporting sewage.

SEWER, COMBINED - A sewer designed to receive and transport both surface runoff and sewage.

SEWER, SANITARY - A sewer which carries sewage, and to which storm, surface, and groundwaters are not intentionally admitted.

SEWER, STORM (Storm Drain) - A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewaters, other than cooling waters and other unpolluted waters.

SIGNIFICANT INDUSTRIAL USER - see User, Significant Industrial.

SIGNIFICANT NON-COMPLIANCE (SNC) - A user of the sewage works is in significant non-compliance if its violation(s) meet(s) one or more of the following criteria:

(a) Chronic violations of wastewater discharge limits, defined here as those, in sixty-six (66) percent or more of all of the measurements taken during a six-month period, which exceed (by any magnitude) the daily maximum limit or average limit for the same pollutant parameter;

(b) Technical Review Criteria (TRC) violations, defined here as those, in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period, which equal or exceed the product of the daily maximum limits multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease; TRC = 1.2 for all other pollutants);

(c) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Superintendent's exercise of its emergency authority under Article 11 of this Law;

(d) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(e) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(f) Failure to report accurately any non-compliance;

(g) Any other violation which the Superintendent determines will adversely affect the

implementation or operation of the local pretreatment program.

**SLUG** - A substantial deviation from normal rates of discharge or constituent concentration (see normal sewage) sufficient to cause interference. In any event, a discharge which, in concentration of any constituent or in quantity of flow, that exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal user operations, shall constitute a slug.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and subsequent revisions.

**STANDARD METHODS** - Procedures contained in the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, procedures established by the Administrator, pursuant to Section 304 (G) of the Act and contained in 40 CFR, Part 136, and amendments thereto. (If 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, then procedures set forth in EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, shall be used.), any other procedure approved by the Administrator, or any other procedure approved by the Superintendent, whichever is the most conservative.

**STATE** - State of New York.

**STORM WATER** - Any flow occurring during or following any form of natural precipitation; also the flow resulting therefrom.

**SUBSTANCES OF CONCERN** - Those compounds which the New York State Department of Environmental Conservation has determined may be harmful to man or the environment.

**SUMP PUMP** - A mechanism used for removing water from a sump or wet well.

**SUSPENDED SOLIDS** - The result obtained, using an approved laboratory procedure, to determine the dry weight of solids, in a sample, that either float on the surface of, or are in suspension, or are settleable, and can be removed from the sample by filtration, expressed in milligrams per liter.

**TOTAL KJELDAHL NITROGEN (TKN)** - The result obtained, using an approved laboratory procedure, to determine the quantity of ammonia in a sample and released during the acid digestion of organic nitrogen compounds, expressed as milligrams of nitrogen per liter.

**TOTAL PHOSPHORUS** - The result obtained, using an approved laboratory procedure, to determine the total quantity of orthophosphate, in a sample of wastewater, following the hydrolysis of phosphorus compounds, expressed as milligrams of phosphorus per liter of sample.

**TOWN** - The Town of Patterson.

**TOXIC SUBSTANCES** - Any substance, whether gaseous, liquid, or solid, that when discharged to a public sewer in sufficient quantities may be hazardous to POTW operation and maintenance personnel, tend to interfere with any biological sewage treatment process, or to constitute a hazard to recreation in the receiving waters, due to the effluent from a sewage treatment plant or overflow point. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA under provisions of CWA 307 (A), or other Acts.

**USER, INDUSTRIAL** - A discharger to the POTW who discharges non-domestic wastewaters.

**USER, NEW** - A discharger to the POTW who initiates discharge after the effective date of this

Law.

**WASTEWATER** - The liquid and water-carried industrial or domestic wastewaters from dwellings, commercial establishments, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATERS OF THE STATE (State's Waters)** - All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

### **§130-5. Abbreviations**

The following abbreviations shall have the designated meanings:

ANSI - American National Standards Institute  
ASTM - American Society for Testing and Materials  
AWWA - American Water Works Association  
BOD - Biochemical Oxygen Demand  
CFR - Code of Federal Regulations  
CPLR - Code of Public Law and Rules  
COD - Chemical Oxygen Demand  
EPA - Environmental Protection Agency  
L - Liter  
Mg - Milligram  
Mg/l - Milligrams per liter  
NCPI - National Clay Pipe Institute  
NYCDEP - New York City Department of Environmental Protection  
NYSDEC - New York State Department of Environmental Conservation  
NYSDOH - New York State Department of Health  
NYSDOT - New York State Department of Transportation  
POTW - Publicly Owned Treatment Works  
PPM - Parts per Million, weight basis  
SIC - Standard Industrial Classification  
SPDES - State Pollutant Discharge Elimination System  
SWDA - Solid Waste Disposal Act, 42 U.S.C. 690 L, et seq.  
U.S.C. - United State Code of Laws  
USEPA - United State Environmental Protection Agency  
TSS - Total Suspended Solids

## **ARTICLE III Conformance Required**

### **§130-6. Limitations on the discharge of sewage.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited, in any unsanitary manner, on public or private property, on or in any area under the jurisdiction of the Town of Patterson, any human or animal excrement, garbage, or objectionable waste.
- B. No person shall, within any area of the Town of Patterson, discharge domestic sewage onto the surface of the ground or discharge it in a way that permits it to come to the surface of the ground.
- C. No person shall, within any area of the Town of Patterson, connect a private sewage system

so that sewage flows into a storm sewer or into a drain intended exclusively for storm water.

D. No person shall, within any area of the Town of Patterson, discharge sewage into a well.

E. It shall be unlawful to discharge to any natural outlet, within Town of Patterson, or in any area under the jurisdiction of the said municipality, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Law.

#### **§130-7. Connection to Public Sewer Required**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Patterson Hamlet Sewer District is hereby required, at the owner's expense to install suitable sanitary facilities therein, and to connect such facilities directly with the proper sewage works, in accordance with the provisions of this law, within ninety (90) days after official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

#### **§130-8. Permit Required for Sewer Connections**

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb the Hamlet Sewer District sewage works or appurtenance thereof without first obtaining a written permit from the Supervisor of the Town of Patterson.

#### **§130-9. Limitation on Use of Public Sewers**

The use of the Hamlet Sewer District sewage works shall be strictly limited and restricted to receive and accept the discharge of domestic sewage, generated on or discharged from real property within the bounds of the Hamlet Sewer District, and the Carmel Central Schools as an out of district user.

#### **§130-10. Inflow/Infiltration Prohibited**

No person shall discharge or cause to be discharged any stormwater, groundwater, cooling water, unpolluted industrial waters or other sources of inflow to the Hamlet Sewer District sewage works. Such prohibited connections include, but are not limited to, curtain drains, roof drains, footing drains, cellar drains, sump pumps, catch basins or swimming pool drains.

#### **§130-11. Trucked or Hauled Waste**

The discharge of trucked or hauled wastes into the Hamlet Sewer District sewage works is expressly prohibited without the written consent of the Town Board of the Town of Patterson.

### **ARTICLE IV New Sewers or Sewer Extensions**

#### **§130-12. Proper Design**

New sanitary sewers and all extensions or repairs to sanitary sewers owned and operated by the Hamlet Sewer District, or any connections thereto, shall be designed, by a professional licensed

to practice sewer design in the State, in accordance with the Recommended Standards for Sewage Works, as adopted by the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers ("Ten State Standards"), and in strict conformance with all requirements of any applicable regulatory authority. Plans and specifications shall be submitted to, and written approval shall be obtained from the Town Board of the Town of Patterson, the Putnam County Health Department, the NYC DEP and the NYSDEC, before initiating any construction.

### **§130-13. Interior Clean-Out**

An interior clean-out fitting shall be provided for each building lateral at a readily accessible location, preferably just inside the basement wall, the costs of which shall be borne by the property owner. The fitting shall contain a 45-degree branch with removable plug or test tee, and so positioned that sewer cleaning equipment can be inserted therein to clean the building lateral. The cleanout diameter shall be no less than the building lateral diameter.

### **§130-14. Grease, Oil, and Sand Interceptors**

A. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Town Engineer, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, or other harmful substances; except that such interceptors shall not be required for private living quarters or living units. All interceptors shall be of type and capacity approved by the Town Engineer and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his expense.

B. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. they shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times.

## **ARTICLE V Discharge Restrictions**

### **§130-15. General Prohibitions**

A. No user shall contribute or cause to be contributed, in any manner or fashion, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW or sewage works. These general prohibitions apply to all such users of a POTW. Without limiting the generality of the foregoing, a user may not contribute the following substances to the POTW or sewage works:

(1) Any solids, liquids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause a fire or an explosion or be injurious, in any way, to the POTW, or to the operation of the POTW. At no time shall both of two successive readings on a flame type explosion hazard meter, at the point of discharge into the system (or at any other point in the system) be more than 25 % nor any single reading be more than 40 % of the lower explosive limit (LEL) of the meter. Unless explicitly allowable by a written permit, prohibited materials include, but are not



limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, carbides, hydrides, and sulfides, and any other substance which the Town, the State, or the EPA has determined to be a fire hazard, or hazard to the POTW.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or otherwise interfere with the operation of the wastewater treatment facilities. Unless explicitly allowable by a written permit, such substances include, but are not limited to, grease, garbage with particles greater than one-half ( $\frac{1}{2}$ ) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing fuel or lubricating oil, mud, or glass or stone grinding or polishing wastes.

(3) Any wastewater having a pH less than 5.0 or greater than 10.0, unless the POTW was specifically designed to manage such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or POTW personnel.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants (including heat), to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(A) of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., as may be amended.

(5) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.

(6) Oils and grease - Any commercial, institutional, or industrial wastes containing fats, waxes, grease, or oils which become visible solids when the wastes are cooled to ten (10) degrees centigrade (50 degrees Fahrenheit); any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in excess of 100 mg/l or in amounts that will cause interference or pass through.

(7) Any wastewater which will cause interference or pass through.

(8) Any wastewater with objectionable color which is not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.

(9) Any solid, liquid, vapor, or gas having a temperature higher than 65 degrees C (150 degrees F); however, such materials shall not cause the POTW treatment plant influent temperature to be greater than 40 degrees C (104 degrees F). The Superintendent reserves the right, in certain instances, to prohibit or limit the discharge of wastes whose maximum temperatures are lower than 65 degrees C.

(10) Unusual flow rate or concentration of wastes, constituting slugs.

(11) Any wastewater containing any radioactive wastes except as approved by the Superintendent, and in compliance with applicable State and Federal regulations.

(12) Any wastewater which causes a hazard to human life or which creates a public nuisance, either by itself or in combination, in any way, with other wastes.

(13) Any wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Part 261.21.

(14) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

#### **§130-16. Rejection of Wastewater**

The Town Board of the Town of Patterson, may reject a User's wastewater, on recommendation of the Town Engineer, when it is has been determined that the wastewater contains substances or possesses characteristics which have a deleterious effect on the POTW and its processes, or on the receiving water, or which constitute a public nuisance or hazard.

#### **§130-17. Non-Residential Notification**

A. As a means of determining compliance with this Law, with applicable SPDES permit conditions, and with applicable State and Federal law, each non-residential user shall be required to file a report with the Patterson Planning Department concerning their individual discharges to the POTW, or any changes thereto. The Report shall contain at a minimum shall contain the following information:

- (1) Property Owner, address and phone number
- (2) Applicants Name, address and phone number
- (3) Address of Location
- (4) Tax Map Identification Number
- (5) Anticipated flows
- (6) Type and quantity of any substance which will be discharged to the sewage works which exceed the typical characteristics of normal domestic sewage.

#### **§130-18. Vandalism, Tampering or Damage**

A. No unauthorized person shall negligently break, damage, destroy, uncover, deface, tamper with, prevent access, or render inaccurate, or cause or permit the negligent breaking, damaging, destroying, uncovering, defacing, tampering with, preventing access, or rendering inaccurate to:

- (1) any structure, appurtenance, or equipment which is a part of the Hamlet Sewer District sewage works, or
- (2) any measuring, sampling, and/or testing device or mechanism installed at the direction of the Town Board or pursuant to any permit or requirement or any regulatory authority.

### **ARTICLE VI Enforcement And Penalties**

#### **§130-19. Liability of Property Owner**

During the performance, on private premises, of inspections, sampling, or other similar operations, any individual acting on behalf of the Town (hereinafter the Agent) shall observe all applicable safety rules established by the owner or occupant of the premises. The owner and/or occupant shall be held harmless for personal injury or death of the Agent and the loss of or damage to the Agent's supplies and/or equipment; and the Agent shall indemnify the owner and/or occupant against loss or damage to property of the owner or occupant by the inspector and against liability claims asserted against the owner or occupant for personal injury or death of the Agent or for loss of or damage to the Agents's supplies or equipment arising from inspection and sampling operations, except as such may be caused by negligence or failure of the owner or occupant to maintain safe conditions.

#### **§130-20. Notification of Violation**

Whenever any person has violated or is violating this Law, or any Wastewater Discharge Permit, order, prohibition, limitation, or requirement permitted by this Law, the Codes Enforcement Officer may serve upon such person a written notice stating the nature of the violation. Within ten (10) calendar days of the date the Codes Enforcement Officer mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Codes Enforcement Officer and the Town Engineer, by the individual, corporation or user to which the violation was issued. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the individual, corporation or user of liability for any violations caused by the individual, corporation or user before or after receipt of the Notice of Violation.

#### **§130-21. Penalties for offenses.**

Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof or who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Law, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Law shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate additional violation.

#### **§130-22. Additional Injunctive Relief**

Whenever any individual, corporation or user has violated or continues to violate the provisions of this Law or permit or order issued hereunder, the Town Board of the Town of Patterson, through counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains the violation of, or compels the compliance with any order, or determination or permit.

#### **§130-23. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law 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, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

**§130-24. Effective Date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

## **Chapter 131**

### **SIDEWALKS**

**§ 131-1. Removal of snow, ice and dirt; lien.**

**§ 131-2. Bicycles.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 8-29-51 as Town Ord. No. X. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

### **GENERAL REFERENCES**

**Littering - See Ch. 103.**

**Notice of defects - See Ch. 110**

**Streets - See Ch. 135.**

**§ 131-1. Removal of snow, ice and dirt; lien.**

The owner and occupant of premises abutting on any street where a sidewalk has been laid shall keep the sidewalk in front of such premises free and clear of snow, ice, dirt and other obstructions; upon default thereof, the Town Board may provide for the removal thereof at the expense of the owners of such premises, and such charge shall become a lien on the premises benefitted thereby, until paid.

**§ 131-2. Bicycles.**

No person shall ride any bicycle upon any sidewalk in the Town of Patterson.

## **Chapter 133**

### **STORMWATER, SOIL EROSION AND SEDIMENT CONTROL**

#### **Article I General Provisions**

- §133 -1. Purpose.**
- §133 -2 Statutory authority.**
- §133 -3. Definitions.**

#### **Article II Regulated Activities; Exemptions**

- §133 -4. Regulated Activities.**
- §133 -5. Exemptions.**
- §133 -6. Erosion control permit with site plan or subdivision approval.**

#### **Article III Land Development Permit Procedures and Requirements**

- §133 -7. Application Requirements.**
- §133 -8. Review Standards.**
- §133 -9. Additional Costs and Expenses.**

#### **Article IV Performance, Technical and Design Standards**

- §133 -10. Performance Standards.**
- §133 -11. Technical Standards.**
- §133 -12. Erosion and sediment control plan requirements.**
- §133 -13. Stormwater Pollution Prevention Plan (SPPP) Requirements.**
- §133 -14. Maintenance During Construction.**
- §133 -15. Maintenance Easement(s).**
- §133 -16. Maintenance after Construction.**
- §133 -17. Maintenance Agreements.**
- §133 -18. Notations.**
- §133 -19. Permit Standards.**
- §133-20. Redevelopment.**
- §133-21. Contractor Certification.**

#### **Article IV Administration and Enforcement**

- §133 -22. Performance guaranty.**
- §133 -23. Waiver of requirements.**
- §133 -24. Damage due to violation; penalties for offenses.**
- §133 -25. Conflicts with other provisions.**
- §133 -26. Appeals.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson on 2-27-2002 by L.L. No. 1-2002; Amended 4-13-05 by L.L. No. 6 (readopted 4-13-2005 by L.L. No. 9-2005).Amendments noted where applicable.]**

## **Article I**

### **General Provisions**

#### **§133-1. Purpose.**

A. The Town of Patterson finds that land development activities, associated increases in site impervious cover, disturbances to the natural vegetative cover, and changes to the topography of the land can often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes. These changes to the hydrology of the watershed can cause an increase in flooding, stream bank erosion, impairment to aquatic resources from silt or other pollutants, degradation of water quality and a loss of wildlife habitat. Land development activities can also cause, unchecked erosion, sediment transport and deposition which can impair aquatic resources, clog drainage ways and cause increased flooding. The potential impairment of the Town's natural resources caused by unchecked erosion, sedimentation and increased stormwater runoff results in a significant economic and social loss to the community. It is the purpose of this chapter to protect the public health, safety and welfare in the Town of Patterson, and its aquatic resources by establishing minimum requirements for stormwater management, preventing erosion and controlling sedimentation for activities which cause changes to the watershed hydrology and may increase erosion and sediment transport including but not limited to construction activities, land alterations including excavation, filling, grading, land stripping and tree clearing, and increases in the rate of stormwater runoff.

B. Regulating land development activities by means of performance standards governing stormwater management, erosion and sediment control and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of stormwater runoff from changes in the natural conditions due to development. It will also protect the Town and other governmental bodies from the additional expense of having to undertake, as a public obligation, increased maintenance of stormwater management practices, programs of repairing roads and other public facilities, of providing flood protection facilities and of compensating private property owners for the destruction of properties arising from the adverse effects of site preparation and construction.

C. To accomplish the aforementioned purpose, the Town Board of the Town of Patterson has promulgated these, standards and regulations which seek to achieve the following objectives:

- (1) Minimize increases in peak rate of stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- (2) Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
- (3) Minimize the total volume of stormwater runoff which flows from any specific site during, and following development to the maximum extent practicable in order to minimize the economic impact of installation, operation and maintenance of drainage facilities;
- (4) Reduce soil erosion and sediment transport, wherever possible, through appropriate structural and non-structural best management practices (BMPs), and to ensure that these management practices are properly maintained to eliminate threats to public safety.
- (5) Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-02-02 or as amended or revised;
- (6) Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;

## **§133-2. Statutory authority.**

In accordance with Article 9 of the Town Law of the State of New York, and the Municipal Home Rule Law and the General Municipal Law, the Town Board of the Town of Patterson has the authority to enact local laws for the purpose of promoting the health, safety and general welfare of the Town of Patterson, including the protection and preservation of the property of its inhabitants. By the same authority, the Town Board may include in any such law a provision for the appointment of any municipal officers or employees to effectuate and administer such law.

## **§133-3. Definitions.**

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

**CLEARING** - Any activity that removes the vegetative surface cover.

**CLEARCUTTING** - the removal of ten (10) or more trees over 12" DBH within an area of 20,000 sq.ft.

**COMMON PLAN OF DEVELOPMENT** - where multiple construction activities are occurring, or will occur, whether in stages or phases on a contiguous area.

**DRAINAGE** - The gravitational movement of water or other liquids by surface runoff or overland surface flow.

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

**EXCAVATION** - Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

**FARM OPERATIONS** - All activities and practices which contribute to the growing or raising of crops, livestock and livestock products as a commercial enterprise, including a commercial horse boarding operation

**FILLING** - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses.

**FINAL STABILIZATION** - when all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of eighty percent has been established or equivalent stabilization measures (such as the use of mulches, riprap or geotextiles) have been employed on all areas not permanently improved by pavement, concrete or structures.

**GRADING** - The alteration or reshaping of the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses by excavation or filling.

**IMPERVIOUS SURFACE OR COVER**- Those surfaces in the urban landscape which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall including, but not limited to building rooftops, pavement, sidewalks, driveways and roads with a surface of compacted dirt or gravel, asphalt or concrete, decks and swimming pools.

**MULCHING** - The application of a layer of organic material such as wood chips, hay, pine bark or other material at a sufficient thickness for the purpose of effectively controlling erosion.

**PARCEL** - A designated lot, tract or area of land to be used, disturbed, developed or built upon as a unit.



**REDEVELOPMENT** - the reconstruction or modification to any existing, previously developed land, regardless of use, which involves disturbance to soil or its existing overlying cover.

**SEDIMENT** - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.

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

**SOIL** - All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

**STRIPPING** - Any activity which removes or significantly disturbs trees, brush, grass or any other kind of vegetation.

**TOPSOIL** - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

**WATERCOURSE** - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainage way, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and bank and any area adjacent thereto subject to inundation by reason of overflow, flood or stormwater. For the purpose of this Chapter of the Town Code, the term "watercourse" shall be deemed to include ponds and lakes.

**WETLANDS** - Shall be as defined in Section 154-18 of the Town Zoning Code under the term "Freshwater Wetlands".

## **Article II Regulated Activities; Exemptions**

### **§133-4. Regulated Activities.**

A. None of the following activities shall be commenced until a Land Development Permit has been issued under the provisions of this Chapter.

- (1) Site preparation or clearing on slopes which exceed one (1) foot of vertical rise to five (5) feet of horizontal distance (twenty percent (20%)) or site preparation in soils known to be subject to severe erosion, based upon the rating given to individual soil types by the USDA Soil Conservation Service.
- (2) Site preparation or clearing within the one-hundred-year flood-plain of any watercourse.
- (3) Excavation which affects more than four hundred (400) cubic yards of material within any parcel.
- (4) Soil stripping or clear cutting which affects:
  - (a) an area exceeding 5,000 square feet of contiguous ground surface; or
  - (b) one or more areas that in total exceed 20,000 square feet on any individual parcel.
- (5) Grading which affects more than 5,000 square feet of ground surface within any parcel.

- (6) Filling which exceeds a total of two hundred (200) cubic yards of material within any parcel.
- (7) A subdivision of a parcel into two (2) or more lots.
- (8) Any activity requiring approval of a site plan by the Planning Board.

B. Notwithstanding the requirement that certain activities obtain a permit under this section, or any exemption therefrom, any filling, grading, excavation, or any other activity that disturbs the natural vegetative cover shall not cause or contribute to an impairment of aquatic resources, a degradation of water quality, or to otherwise harm the natural resources of the Town of Patterson as described in Section 133-10, below, and in all cases shall utilize appropriate erosion control measures in accordance with the New York Standards and Specifications for Erosion and Sediment Control.

C. Any temporary or permanent alteration of the land surface of greater than one acre, including but not limited to removal of fifty percent of the vegetative cover, grading or filling, or any of the activities provided in Subsection A, above which results in one or more acres of disturbance shall be deemed to be a "Major Land Development" activity. Smaller disturbances which are part of a common plan of development equal to, or greater to one acre shall also be considered a Major Land Development activity.

- (1) All Major Land Development activities shall prepare a Stormwater Pollution Prevention Plan which shall include means and measures for controlling erosion and sedimentation.

- (2) Any activity which shall be deemed to be a Major Land Development activity shall obtain a permit from the Town Planner, excepting as provided in §133-6, below.

D. All other activities described in Subsection A, above shall be considered a "Minor Land Development" activity including but not limited to any temporary or permanent alteration of the land surface of 5,000 square feet or greater, but less than one acre including but not limited to removal of fifty percent of the vegetative cover, grading, or filling, and any activities provided in Subsection A above which do not exceed the requirements in Subsection C above.

- (1) Any Activity which shall be deemed a Minor Land Development activity, as defined herein shall prepare a Erosion and Sediment Control Plan which meets the requirements contained herein.

- (2) Any activity which shall be deemed to be a Minor Land Development activity shall obtain a permit from the Town Planner, excepting as provided in §133-6, below.

### **§133-5. Exemptions**

The following activities are exempt from obtaining a permit pursuant to this Chapter, however such activities shall not be conducted in a manner that causes or results in soil erosion, sedimentation or a visible change in the quality of runoff as set forth in §133-10, below.

A. Excavations for the basements and footings of single-family houses and for septic-tank systems, wells and swimming pools attendant to single-family homes, excepting where those excavations are proposed in such locations as described under Subsection A(1) and (2) of §133-4, above. The area of excavation set forth herein shall be included in calculating the total amount of site disturbance for the purposes of compliance with §133-4 C&D, above.

B. Farm Operations as defined by Article 25AA of the Agriculture and Markets Law.

- C. Cemetery graves.
- D. Activities of an individual engaging in home gardening by growing flowers, vegetables or other plants primarily for use by that person and his or her family.
- E. Landscaping and horticultural activities in connection with an existing structure that result in less than 11,000 square feet in aggregate of disturbance.
- F. Emergency activities immediately necessary to protect life, property or natural resources.
- G. Governmental activities, but only to the extent that such activities are exempted from the provisions of this chapter or are otherwise exempt pursuant to state law.
- H. Repairs to stormwater management facilities authorized by the Town Planner.

#### **§133-6. Erosion Control Permits with Site Plan or Subdivision Approval**

A Site Plan, approved pursuant to §154-75, or a Subdivision Plat approved pursuant to Chapter 138 of the Patterson Town Code, which also includes a separate Erosion and Sediment Control Plan meeting the requirements of this Chapter, approved by the Planning Board shall constitute an Erosion and Sediment Control Permit approved under this Chapter.

### **Article III**

#### **Land Development Permit Procedures and Requirements**

#### **§133-7. Application Requirements.**

Where a major or minor Land Development Permit is required pursuant to §133-4(C) or (D), an Application shall be submitted to the Town Planner which includes the following:

- (A) Five (5) copies of a Land Development Application Form.
- (B) An application fee as set from time to time by resolution of the Town Board. The fee shall be deemed a reasonable sum to cover the costs of administration and shall in no part be returnable to the applicant(s).
- (C) Five (5) copies of a Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan, or both as may be required herein.
  - (1) Maps and plans accompanying the application shall be prepared by an individual authorized by the State of New York to prepare such plans which may include an architect, engineer or landscape architect licensed by the State of New York, or a Certified Professional in Erosion and Sediment Control.
- (D) An Environmental Assessment Form (EAF) pursuant to SEQRA prepared and submitted by the applicant, unless the application concerns a site plan or subdivision project already before the Planning Board for which a SEQRA declaration has already been made.

#### **§ 133-8. Review Standards**

- A. Within thirty days of the receipt of an application or any plans or material in support thereof, the Town Planner shall notify the Applicant if the application is determined to be complete or if

additional information is required.

B. The Town Planner shall approve, with or without modifications or deny all permits within thirty (30) days of the date of determining that the application is complete, unless the applicant consents, in writing, to a time extension.

C. Prior to granting a permit, the Town Planner shall determine that the request is in harmony with the purpose and standards set forth in this chapter.

D. In granting a permit, the Town Planner may fix a reasonable time limit for the termination of the permit and may attach any conditions which he deems necessary to assure compliance with the provisions of this Chapter. Any permit issued for a major or minor land disturbance shall not exceed one (1) year in duration. The performance guaranty so specified under §133-20, shall be posted before any permits may be granted or site work commenced.

E. Modifications of the terms of an approved permit shall follow the same application, review and approval procedures as those set forth in this section for the original permit.

F. It shall be the responsibility of the Town Planner and Code Enforcement Officer to inspect any sites for which a permit has been issued under this Chapter as frequently as necessary to assure compliance with the terms and conditions of the approved permit and the provisions of this Chapter and to submit written notification of any violations of these terms or provisions of the Permit to the property owner to which the permit has been issued.

G. If, at any time during the effective period of a permit issued by the Town Planner the terms of the permit are violated, or if the permit expires prior to the completion of the work, the Town Planner may revoke the permit and thereafter recommend to the Town Board that the performance guaranty be forfeited to the Town. If the applicant becomes unable to complete the project or any phase thereof within the specified time, he shall within thirty (30) days prior to the specified date of completion, present, in writing, a request for an extension of time, setting forth therein the reasons for the request. If, in the discretion of the Town Planner, such an extension is warranted, the Town Planner may grant additional time for the completion of the work.

H. The Town Planner is authorized to consult with and obtain recommendations from the Town Planning Board and/or its Chairman, the Town Engineer, the Town Highway Superintendent, the Town Environmental Conservation Inspector, the Putnam County Soil and Water Conservation District, the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation.

#### **§ 133-9. Additional Costs and Expenses.**

In the event that an application requires the Town to incur additional expenses for technical assistance in the review of an application, the applicant shall pay the reasonable expenses incurred by the Town. The applicant shall be notified of the expenses and shall deposit said funds in escrow as necessary to cover to the costs being incurred.

### **Article IV Performance, Technical and Design Standards**

#### **§ 133-10. Performance Standards.**

Upon the approval of this Chapter by the Town Board, all Land Development activities regulated under this Chapter shall be in conformance with the provisions set forth herein. It shall be a violation of this Chapter, or for any permit issued thereof, to either cause or contribute to an

impairment of aquatic resources, a degradation of water quality, or to otherwise harm the natural resources of the Town of Patterson. More specifically:

- A. There shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions of surface water;
- B. There shall be no increase in suspended, colloidal and settleable solids that will cause deposition or impair the waters for their best usages;
- C. There shall be no residue from oil and floating substances, nor visible oil film, nor globules of grease.
- D. No uncontrolled sedimentation shall occur from any land disturbance which;
  - (1) is not properly managed by appropriate erosion and sediment control practices
  - (2) causes, or may potentially cause an impairment to water quality.
- E. There shall no increase in the peak rate of runoff which causes an impairment to any stream channel or drainage structure.

#### **§133-11. Technical Standards**

The following technical standards shall be used in the design and installation of all erosion control, sediment control and stormwater practices designed or installed under this Chapter.

- A. New York Standards and Specifications for Erosion and Sediment Control (Empire State Chapter of the Soil and Water Conservation Society) 2004 or the most current version or its successor (also referred to as the Erosion Control Manual).
- B. New York State Stormwater Design Manual, latest edition (New York State Department of Environmental Conservation).
- C. Urban Hydrology for Small Watersheds (TR55) (USDA Natural Resource Conservation Service)
- D. Soil Survey of Putnam and Westchester Counties, New York (USDA Soil Conservation Service).
- E. East of Hudson Phosphorus Removal Supplement

#### **§133-12. Erosion and Sediment Control Plan Requirements.**

An Erosion and Sediment Control Plan shall be prepared in accordance with the Technical Standards provided for herein, and at a minimum shall include the following information:

- (A) Existing features map(s), at a scale no smaller than one (1) inch equals fifty (50) feet indicating:
  - (1) The boundaries of all parcels on which site preparation activities are proposed to be undertaken.
  - (2) All public improvements within a distance of two hundred (200) feet of the parcel on which site preparation activities are proposed to be undertaken, the

structures identified by their uses and capacities, and the roads identified by their surface material and width of surface.

(3) All wetlands, greater than 4,000 square feet in size and any watercourses located either on the site or within a distance of one hundred (100) feet of the parcels on which site preparation activities are proposed to be undertaken.

(4) Existing topography at contour intervals of two (2) feet referenced to USGS datum.

(5) All sewer, water, gas and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken.

(6) The location and description of all vegetation located within the area of proposed disturbance, and including the area within one hundred (100) feet of the disturbance.

(7) The depth to bedrock on the site proposed for site preparation activities.

(8) The depth to permanent groundwater aquifers on the site proposed for site preparation activities.

(9) The boundary of the one-hundred-year floodplain, together with wetland boundaries.

(B) Drainage computations to evaluate the peak rates, and volumes of runoff for the site in its pre-developed and post-developed conditions may be required.

(C) Development standards. All development plans, specifications and timing schedules, including extensions of previously approved plans, shall comply with the Technical Standards identified herein and shall be designed for “newly graded” or “during construction” conditions. In the event of conflict with this Chapter, the requirements which, to the greater extent, will serve to minimize erosion shall apply.

(D) Site plan. A site plan shall be prepared at a scale no smaller than one (1) inch equals fifty (50) feet, which shows the proposed developed conditions for the site and the proposed erosion and sediment control measures including:

(1) The location of all excavation, filling and grading proposed to be undertaken, identified as to the depth, volume and nature of the materials involved.

(2) The location of all soil stripping or tree cutting, identified as to the nature of vegetation affected.

(3) All areas where topsoil is to be removed, stockpiled and ultimately placed.

(4) All temporary and permanent vegetation to be placed on the site, identified as to plant type, size, quantity, location, seed mixture and rate of application, as appropriate.

(5) The type, location and application rate of all mulch.

(6) All temporary and permanent drainage, erosion and sediment control practices, including such practices as stormwater ponds and temporary sediment basins, identified as to the type of facility, the materials from which it is constructed, its specifications or manufacturer product identification number, its dimensions and

its capacity.

- (7) The anticipated pattern of surface drainage during periods of peak runoff, upon completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage systems.
- (8) The location of all roads, driveways, sidewalks, structures, utilities and other improvements, including the finished grade of any proposed structures.
- (9) The final contours of the areas of the site affected by an action requiring a permit in intervals of no greater than two (2) feet.
- (E) Supporting calculations to demonstrate the suitability of erosion and sediment control measures.
- (F) A construction schedule which is keyed to the site plan indicating:
  - (1) When major phases of the proposed project are to be initiated and completed.
  - (2) When major site preparation activities are to be initiated and completed.
  - (3) When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities are to be completed.
  - (4) The anticipated duration, in days, of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.
- (G) An estimate of the costs of providing temporary and permanent vegetation and drainage, erosion and sediment control facilities prepared by a qualified individual as contained herein.

### **§ 133-13. Stormwater Pollution Prevention Plan (SPPP) Requirements**

A. When required pursuant to this Chapter, a stormwater pollution prevention plan shall be prepared in accordance with the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-02-01), using the Technical Standards identified herein, and at a minimum shall include the following information:

- (1) Background information about the scope of the project, including location, type and size of project.
- (2) Site map/construction drawing(s) for the project at a scale no smaller than one (1) inch equals fifty (50) feet. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final grades at two-foot contours; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);
- (3) A location map at a scale of not less than one (1) inch equals two thousand feet.
- (4) Description of the soil(s) present at the site;
- (5) Construction phasing plan describing the intended sequence of construction

activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SPPP.

(6) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(7) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention and response;

(8) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

(9) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(10) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the location and sizing of any temporary sediment basins or traps;

(11) Temporary practices that will be converted to permanent control measures;

(12) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(13) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(14) Name(s) of the receiving water(s);

(15) Delineation of SPPP implementation responsibilities for each part of the site;

(16) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree reasonably attainable; and

(17) Any existing data that describes the stormwater runoff at the site.

(18) Description of each post-construction stormwater management practice;

(19) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;

(20) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms

(21) Comparison of post-development stormwater runoff conditions with pre-development conditions.



(22) Dimensions, material specifications and installation details for each post-construction stormwater management practice;

(23). Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.

(24) Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property and where required by law shall be filed with the Town and/or County Clerk.

(25) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures.

B. The SPPP shall be prepared by a landscape architect, Certified Professional in Erosion and Sediment Control (CPESC) or licensed professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements if this local law.

C. Each contractor and subcontractor identified in the SPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : “I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards.”

D. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

E. The certification statement(s) shall become part of the SPPP for the land development activity, a copy of which shall be filed with the Patterson Planning Department.

F. A copy of the SPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

#### **§133-14. Maintenance During Construction.**

A. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment basins whenever their design capacity has been reduced by fifty (50) percent.

B. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 or more inches of precipitation. The reports shall be delivered to the Patterson Planning Department and also copied to the site log book.

#### **§133-15. Maintenance Easement(s).**

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that

shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Town of Patterson to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Town Attorney of the Town of Patterson.

#### **§133-16. Maintenance after Construction**

A. The owner or operator of permanent stormwater management practices installed in accordance with this law shall operate and maintain the stormwater management practices to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

- (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
- (2) Written procedures for operation and maintenance and training new maintenance personnel.

B. Discharges from stormwater management practices shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with §133-11.

#### **§133-17. Maintenance Agreements.**

As a condition of the approval of a Land Development Permit the Town Planner may require that a maintenance agreement for the future operation and maintenance of one or more of the stormwater management practices proposed for the site, in a form acceptable to the Town Attorney and binding on all subsequent landowners, be executed and recorded in the office of the County Clerk as a deed restriction on the property.

#### **§ 133-18. Notations.**

The following notations are to be included on all subdivision and site plan erosion and sediment control plans, and may be required on erosion and sediment control plans prepared for major and minor Land Development Permits:

A. Road and drainage improvements.

- (1) All topsoil to be stripped from the area being developed shall be stockpiled not less than two hundred (200) feet from any body of surface water and shall be immediately seeded with rye grass mixture with a quick germination time.
- (2) On all embankment fill slopes, topsoil shall be stripped at least five (5) feet wider than required for the embankment toe of slope. All fill slopes shall be immediately stabilized using appropriate techniques which meet the design criteria described in the New York Standards and Specifications for Erosion and Sediment Control.
- (3) Erosion and sediment control measures, including but not limited to silt fencing, sediment traps, and checkdams, shall also be employed where necessary for supplementary erosion control measures.
- (4) All cut slopes and embankment fills are to be immediately laid back and stabilized

using appropriate techniques which meet the design criteria described in the New York Standards and Specifications for Erosion and Sediment Control which may include the following:

- (a) Grade to finished slopes.
  - (b) Scarified.
  - (c) Topsoiled with not less than four (4) inches of suitable topsoil material.
  - (d) Seeded with perennial rye grass. Seed shall be applied at the rate of not less than five (5) pounds per one thousand (1,000) square feet.
  - (e) Mulched with not less than one (1) inch and not more than three (3) inches of straw [two (2) tons per acre] and anchored in a suitable manner.
- (5) Temporary on-site sedimentation basins for the immediate control of erosion and sediment transport are to be provided when and where required or ordered. The length, width and depth of such basins are to be determined in the field in accordance with the New York Standards and Specifications for Erosion and Sediment Control.
- (6) All erosion control structures are to be maintained in proper functioning order and are to be replaced or repaired as necessary.

**B. General.**

- (1) Construction equipment shall not unnecessarily cross live streams except by means of bridges and culverts or other approved methods.
- (2) Wherever feasible, natural vegetation should be retained and protected.
- (3) Only the smallest practical area of land should be exposed at any one time during development.
- (4) Erosion control requirements shall include surface stabilization measures applied as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. From November 1 through March 31 any disturbed area must be stabilized using a heavy mulch layer, a rolled erosion control product or another method that does not require seed germination to control erosion.
- (5) The permanent final vegetation and structures shall be installed as soon as practical and as may be directed by the Town Planner or Town Engineer.
- (6) All erosion control measures employed during construction shall comply with the standards found in New York Standards and Specifications for Erosion and Sediment Control, latest edition.
- (7) Phasing shall be required on all sites disturbing greater than five (5) acres, with the size of each phase to be established by the Planning Board or Town Planner.

**§133-19. Permit standards.**

The standards and requirements contained herein shall be applied in reviewing and approving all permit pursuant to this Chapter.

- A. An Erosion and Sediment Control Plan shall seek to return the quality of the stormwater leaving the site to its pre-disturbance condition to the maximum extent practicable.
- B. Excavation, filling, grading and stripping shall be permitted to be undertaken only in such locations and in such a manner as to minimize the potential of erosion and sediment and the threat to the health, safety and welfare of neighboring property owners and the general public. Alterations of grade, or disturbances to the natural vegetative cover on slopes greater than thirty percent shall be avoided.
- C. Site preparation and construction shall be fitted to the vegetation, topography and other natural features of the site and shall preserve as many of these features as feasible.
- D. The control of erosion and sediment shall be a continuous process undertaken as necessary prior to, during and after site preparation and construction.
- E. The smallest practical area of land shall be exposed by site preparation at any given time.
- F. Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.
- G. Where slopes that have been exposed or re-graded during site preparation are to be re-vegetated, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sediment may result.
- H. Site preparation and construction shall not cause a permanent adverse effect on the free flow of water by encroaching on, blocking or restricting watercourses.
- I. All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and brush, stumps, tree debris, rocks, frozen material and soft or easily compressible material.
- J. Fill material shall be compacted sufficiently to prevent problems of erosion, and where the material is to support structures, it shall be compacted to a minimum density of ninety percent (90%) of modified proctor with proper moisture control.
- K. All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion. Topsoil is not to be removed or sold from the site unless restoration has been completed.
- L. Prior to, during and after site preparation and construction, an integrated drainage system shall be provided which at all times minimizes erosion, sediment, hazards of slope instability and adverse effect on neighboring property owners.
- M. The natural drainage system shall generally be preserved in preference to modifications of this system, excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.
- N. All drainage systems shall be designed to handle adequately the anticipated flows, both within the site and from the entire upstream drainage basin, so as to achieve no net increase in peak rate of runoff from the site.
- O. Sufficient grades and drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed by the approved in site plan, in which event there shall be sufficient water flow to maintain proposed water levels and to avoid stagnation.

P. There shall be provided, where necessary to minimize erosion and sediment, such measures as benches, berms, terraces, diversions, temporary sediment basins and retention basins. During the course of construction, where the Town Planner, Town Engineer or Environmental Conservation Inspector determines that additional erosion control measures are needed, they shall be provided by the Project Owner at no cost to the Town of Patterson.

Q. Drainage systems, plantings and other erosion or sediment control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to ensure that the free flow of water is not obstructed by the accumulation of silt, debris or other material or by structural damage.

R. Wherever possible, clean water shall be diverted around any areas of disturbance.

S. For any proposed grades planned to have a slope greater than 3H:1V the design engineer shall provide calculations documenting that the slope will be stable as designed. Slope stability should be demonstrated by two-dimensional limiting equilibrium methods such as the Bishop Simplified Method. Further, the analysis should include an evaluation of seasonal high groundwater conditions, including subsurface investigations if deemed necessary, to assure that the slope will remain stable in "worst case" conditions."

T. The exposure of an area by site preparation shall be kept to the shortest practical period of time prior to the construction of structures or improvements or the restoration of the exposed areas to an attractive natural condition. The developer shall initiate stabilization measures as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than seven days after the construction activity in that portion of the site has temporarily or permanently ceased excepting where the initiation of stabilization measures by the seventh day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable.

#### **§133-20. Redevelopment.**

A. The redevelopment of a site shall comply with the technical standards contained herein for water quality for the entire site, including the area proposed for redevelopment, except as noted in Subsection C below.

B. The redevelopment of a site shall comply with the technical standards contained herein for water quantity for any increase in the volume or rate of runoff due to the redevelopment, except as noted in Subsection C below.

C. A deviation from the technical and performance standards contained in this Chapter may be permitted where an owner or developer proposing to redevelop a site demonstrates that proper sizing and installation of acceptable stormwater management practices is not feasible due to inadequate space, head or other physical constraints of the site, and that the proposed change will not cause or contribute to a significant adverse change in any water resource within that drainage basin. Inadequate space in which to locate stormwater management practices caused directly by the size or location of the proposed redevelopment shall not be considered acceptable justification to permit a deviation from the standards.

#### **§133-21. Contractor Certification.**

A copy of all Notice of Intents and all contractor's certification, required pursuant to the New York State General Permit for Stormwater Discharges from Construction Activity Permit No. GP-02-01 for all land disturbances, development or redevelopment located within the Town of Patterson shall also be filed with the Patterson Planning Department.

## **Article V**

### **Administration and Enforcement**

#### **§133 -22. Performance guaranty.**

A. After the approval of the application and before the issuance of any permit, the applicant shall, when so required, file with the Town Board, surety for the amount of the estimated cost of the project, one (1) of the following performance guaranties:

- (1) A joint savings account in both the name of the Town of Patterson and the property owner, along with a withdrawal slip endorsed by the property owner.
- (2) A performance bond which shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution, surety and period of execution.
- (3) An irrevocable letter of credit from a bank, which letter of credit shall be approved by the Town Board and Town Attorney.

B. The Town Planner in approving an application submitted under §133-4, or the Town Planning Board, whichever shall retain jurisdiction of the application, may grant a waiver of such guaranty if it deems the proposed activities to be of minor scope and to be in full compliance with the intent of this Chapter.

C. The party or parties filing the performance guaranties shall certify that either upon termination of the permit or the operation, whichever may come first, the project shall be in conformity with both the approved specific requirements of the permit and the provisions of this Chapter. In the event of default of such and violation of any other applicable laws, such performance guaranty shall be forfeited to the Town. The Town shall return to the applicant any amount that is not needed to cover the costs of restoration, administration and any other expenses incurred by the Town as a result of the applicant's default. Such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the Town Planner after such consultation with any agencies or individuals as he deems necessary to insure that all provisions of this Chapter and of the permit have been met.

#### **§133 -23. Waiver of requirements.**

Where one or more of the requirements contained herein are not requisite in the interest of health, safety or general welfare, or will provide information extraneous to the issuance of a permit, then one or more of the requirements may be waived by either the Planning Board or the Town Planner, whichever shall have original jurisdiction.

#### **§133 -24. Damage due to violation; penalties for offenses.**

A. If there is any damage due to violation of this chapter, or if there is any damage to adjacent properties, or if any soil, liquid or other material is caused to be deposited upon or to roll, flow or wash upon any public property, private property or right-of-way in violation of this Chapter, the person, firm, partnership, corporation or other party responsible shall be notified and shall cause the same to be removed from such property or right-of-way within thirty-six (36) hours of written notice. In the event of an incident which presents an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the violation shall be immediately remedied by the party responsible for the incident, or at its discretion and when the responsible party fails to adequately remedy the incident in a reasonable time, the Town shall cause such remedy and the cost of such remedy by the Town shall be paid to the Town by the party who failed to so remedy and shall be a debt owed to the Town.

B. Any person, firm or corporation, whether as owner, lessee, principal, agent, employee or otherwise, violating any of the provisions of this Local Law shall be guilty of a violation, which shall be punishable by a fine of not less than two hundred dollars (\$200) nor more than three hundred and fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both, for a conviction of the first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than three hundred and fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both, and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both.

C. Every day that a violation of any of the provisions of this chapter continues after written notice shall have been served upon the owner or his agent, either personally or by registered mail addressed to such person at his last known address, or after three days of having posted notice on the property on which the violation has occurred, shall constitute a separate violation.

D. The Town Planner, in the administration of his duties contained herein, shall have the authority to issue stop work orders and appearance tickets for violations of this Chapter. The Code Enforcement Officer shall also have the authority to enforce the provisions of this Chapter.

#### **§133-25. Conflict with other provisions.**

Where this Chapter imposes greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, this chapter shall control. Where greater restrictions are imposed by any law, ordinance, regulation or private agreement than are imposed by this Chapter, such greater restrictions shall control.

#### **§133 -26. Appeals**

Any person aggrieved by an order or decision issued pursuant to this section may seek review by the Patterson Zoning Board of Appeals and then may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam. Such appeals shall be filed within thirty (30) days after the date of a determination on the issuance of a permit or in the case of a decision by the Planning Board, the filing of the particular order or decision with the Patterson Town Clerk.

## **Chapter 135**

### **STREETS**

#### **ARTICLE I Street Openings**

- § 135-1. Permits; regulations; prohibitions.**
- § 135-2. Application procedure.**
- § 135-3. Fees and deposits.**
- § 135-4. Insurance.**
- § 135-5. Protection of existing structures and traffic.**

#### **ARTICLE II Driveways**

- § 135-6. Permit required.**
- § 135-7. Application procedure; permit issuance; permit conditions; inspection.**
- § 135-8. Fees and deposits.**
- § 135-9. Insurance.**
- § 135-10. Driveway Design Specifications**

#### **ARTICLE III Protection of Highways**

- § 135-11. Prohibited operations or encroachments.**

#### **ARTICLE IV Dedication of Highways**

- §135-12 Acceptance of Roads**

#### **ARTICLE V Penalties and Severability**

- § 135-13. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson on 12-13-2000 as L.L. No. 7-2000. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable]<sup>1111</sup>**

### **GENERAL REFERENCES**

|  |  |
|--|--|
| <b>Littering - See Ch. 103</b>               | <b>Soil erosion sediment control – See Ch. 133</b> |
| <b>Notice of defects - See Ch. 110</b>       | <b>Subdivision of land – See Ch. 138</b>           |
| <b>Peddling and soliciting - See Ch. 121</b> | <b>Zoning See Ch. 154</b>                          |
| <b>Sidewalks - See Ch. 135</b>               |  |

---

<sup>1111</sup> Editor's Note: This local law superseded former Ch. 135 adopted by the Town Board of the Town of Patterson on 4-12-72.



## ARTICLE I Street Openings

### **§ 135-1. Permits; regulations; prohibitions.**

A. General regulations. No opening or excavation by cutting, trenching, tunneling, digging or otherwise, subsequently herein referred to as an “operation,” shall be made, commenced or carried on in or under any Town-owned or regulated street, highway, easement or sidewalk in the Town of Patterson for any purpose whatsoever, except as hereinafter provided in Article II, until a written permit there for has been duly issued as herein provided and in accordance with the procedures set forth in § 135-2 hereof and in compliance with §§ 135-3 and 135-4 hereof.

(1) The provisions of this Article shall be applicable to any and all operations being worked at the time this Article shall become effective. No operation shall be extended in area after the effective date of this Article without first securing a permit therefore in accordance with the provisions of this Article.

(2) Public utility companies making twelve (12) applications or more per year may, in lieu of the deposit hereinafter mentioned, may deposit with the Town Clerk a bond or a surety company bond approved as to form, manner of execution and sufficiency by the Town Attorney of Patterson, which bond shall be retained as security for the faithful performance by the applicant of all the terms, agreements, covenants and conditions of the permit on the applicant's part to be done or performed, which said bond shall be in an amount to be determined by the Superintendent of Highways, but in no case shall the face amount of the bond be less than five thousand dollars (\$5,000.).

(3) Any city, village, town, public improvement district or other municipality may, in lieu of making the cash deposit hereinafter mentioned, file with the Superintendent of Highways a certified copy of a resolution duly adopted by the governing board of such municipality, which said resolution shall guarantee faithful performance by said municipality of all the terms, agreements, covenants and conditions as set forth in the permit. Said resolution shall be effective for the remainder of the calendar year in which it is adopted.

(4) Emergency openings. If it becomes necessary in case of an emergency or any unforeseen happening to enter upon a town road for the purpose of making emergency repairs to any sewer, water pipe, conduit or other underground or overhead structure, any person, firm, corporation, public utility or municipal subdivision may do so forthwith, provided that within twenty-four (24) hours of the time of making such opening (Sundays or holidays not included), proper application for a permit is made therefore.

B. Prohibited operations. In any residence district, no operation authorized under this Article shall be permitted on Sunday nor before 8: 00 a.m. or after 5: 00 p.m. on other days. In any business or industrial district, no operation authorized under this Article shall be conducted on Sunday, except where otherwise expressly permitted by law. The Superintendent of Highways, in his discretion may vary or modify the application of this provision as occasion and/or necessity may demand.

### **§ 135-2. Application procedure.**

A. Application for a permit under this Article shall be made to the Superintendent of Highways in writing, in duplicate, for each such operation, and shall contain the following information:

(1) Full name and address of applicant.

- (2) Full name and address of owner or owners of Property in front of which the operation is to be performed.
- (3) The location by street address, if any, of the property in front of which the operation is to be performed, and the Tax Map designation of the same.
- (4) Statement of the proposed operation and size thereof and purpose thereof.
- (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.
- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation.
- (8) The estimated maximum quantity to be excavated and/or removed, and the estimated part thereof that will be used for regarding or filling.
- (9) The rehabilitation proposed.
- (10) The estimated cost of the entire proposed operation.
- (11) The location, if any, of any tiles or drainage system, water mains or other public conduits, etc., which may be within the area of the proposed operation.
- (12) Any additional information which may be reasonably required by the Superintendent of Highways.
- (13) A signed statement by the applicant that the said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any law and other applicable statutes, and ordinances of the Town of Patterson and the rules and regulations of the Highway Department of the Town of Patterson.

B. Upon receipt of the application as herein provided for in Subsection A hereof, the Superintendent of Highways shall act thereon by issuing with or without conditions, or denying the issuance of a permit. No permit shall be issued by him except where there is compliance with the provisions of this Article and all other laws and ordinances and with the rules and regulations of the Highway Department of the Town of Patterson. Such a permit, when issued, shall be effective for such period of time, not to exceed thirty (30) consecutive calendar days, as specified thereon by the Superintendent of Highways. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time authorized by the said Superintendent of Highways.

C. Any operation conducted shall restore the area disturbed by the operation to the street construction standards set forth in §138-30(B) unless otherwise specified in the permit issued by the Superintendent of Highways.

D. Any person or corporation conducting an operation shall erect suitable barriers or safeguards for the protection of persons using the streets or sidewalks and in addition thereto, shall set up and maintain during the hours of darkness suitable warning devices such as lights or flares to properly identify and illuminate the area and shall take all necessary precautions for the protection of the property of the town and of public-service companies or municipal districts and others which may be endangered by such excavations or constructions or the work incident thereto and shall comply

with all directions given by the Superintendent of Highways with respect to such barriers, lights, flares and protective measures.

E. Any person or corporation conducting an operation shall erect suitable erosion control devices as are necessary to prevent sediment from leaving the site and/or entering a drainage system, wetland or waterbody. Further any disturbed areas shall immediately be stabilized and seeded upon completion of the operation, or sooner as may be determined by the Highway Superintendent or Town Engineer.

### **135-3. Fees and deposits.**

A. No permit for an operation shall be issued by the Superintendent of Highways until the applicant therefor shall have first paid to the Superintendent of Highways, in cash or by check payable to the order of the Town of Patterson:

(1) A fee as set from time to time by resolution of the Town Board to cover the cost of issuing the permit and the supervision and the inspection of the operation done in connection therewith.

(2) Deposit.

(a) A cash bond as surety to the proper completion of the improvements, in an amount to be determined by the Superintendent of Highways, computed at the rate per square yard of said surface to be disturbed, as set from time to time by resolution of the Town Board; and if and when machinery is used in connection with an operation and there is the likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required, said additional amount to be determined by the Superintendent of Highways, computed at the rate per square yard of the area affected, as set from time to time by resolution of the Town Board, and shall be posted with the Town Clerk.

(b) Said deposit shall be retained by the town for the duration of the period of maintenance as herein below defined: The period of maintenance shall be considered as a period of six (6) months after the date of final completion, as determined by the Superintendent of Highways, of the operation to be done pursuant to the terms of the permit; except, however, that in the event the termination of said six (6) months' period shall fall within the months of December, January, February, March or April, then and in that event the period of maintenance shall be considered as extending to the first day of May next ensuing; and the permittee shall be responsible for the entire operation and shall keep every portion of the same in good order and repair during the entire period of maintenance.

B. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittee's part to be done, to be performed or to be completed, said deposit may be used by the town for any expense incurred by the town by reason of such failure or default on the part of the permittee, and any balance left after the expense caused by such failure or default, as determined and certified by the Superintendent of Highways, has been paid and deducted from the amount of the deposit, shall be refunded to the permittee.

#### **§ 135-4. Insurance.**

A. Amount. No permit for an operation under this Article shall be issued by the Superintendent of Highways until the applicant therefor shall have first placed on file with the said Superintendent of Highways, without cost to the town, satisfactory evidence of public liability insurance in an amount of not less than fifty thousand dollars (\$50,000.) for any one (1) person and not less than one hundred thousand dollars (\$100,000.) for any one (1) accident, and of property damage insurance in an amount of not less than twenty-five thousand dollars (\$25,000.) aggregate, and satisfactory evidence that said insurance has been approved as to form, correctness and adequacy by the Town Attorney of the town, to insure the town against any loss, injury or damage arising out of the granting of the permit or from any negligence of the said applicant, his servants, agents or employees in connection with the said operation or with any and all work related thereto.

B. Duration. Such insurance herein above referred to shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least thirty (30) days' prior written notice to the Town of Patterson of any modification or cancellation of any such insurance, and shall contain a clause to the effect that termination of said insurance shall be without prejudice to the right of the Town of Patterson to make claim or claims thereafter for any loss or damage sustained as a result of any act or acts committed or omitted during the term of said insurance.

#### **§ 135-5. Protection of existing structures and traffic.**

A. Existing structures. The contractor shall call the Underground Facilities Protective Organization (UFPO) at 1-800-962-7962 two (2) full days prior to performing any excavation work. No work shall be commenced in connection with an operation for which a permit has been granted under the provisions of this Article until the permittee shall have given written notice of the issuance of such a permit at least twenty-four (24) hours prior to the commencement of such work, to the owner or lessee of any pipes, conduits or other structures lying upon, over or under the surface of the area wherein the operation is to be performed pursuant to the permit issued hereunder, or to the person, firm or corporation having the custody, control, care or maintenance of said pipes, conduits or other structures, and said permittee shall file with the Superintendent of Highways proof of the service of said written notice herein referred to. The permittee shall at all times during the performance of the work on said operation, at his own expense, preserve, support, maintain in operation and protect and safeguard from injury or damage such pipes, conduits or other structures, and, in case of injury or damage, shall restore the same, at his own cost and expense, to the same condition as they were prior to the commencement of the work on the said operation, and in the event of the failure of the permittee to comply with the provisions of this section, such injuries and damages may be corrected and repaired by the owner thereof, his agents or employees, and the cost thereof and all damages sustained shall be paid by the permittee.

B. Traffic. Unless otherwise authorized by the Superintendent of Highways, traffic shall be maintained at all times during the progress of the operation being performed under the permit, and the permittee shall have due regard for the safety of all traffic and the public and shall:

(1) Erect and maintain suitable barricades, fences and/or guardrails around the area of operation during the work on said operation, and arrange the same in such manner as to cause a minimum of inconvenience, hazard and delay to any and all traffic.

(2) Suitably place, install and maintain adequate warning flags or signs and lighted red lamps or flares.

(3) Provide a watchman, if deemed necessary by the Superintendent of Highways and, if so ordered by the Superintendent of Highways, in accordance with his directions and instructions.

(4) Designate and furnish competent persons to direct and expedite traffic, by means of lights and flags, when necessary, to minimize inconvenience, hazard and delay to any and all traffic.

(5) Arrange and conduct the work in connection with said operation so as to make possible the removal completely of any obstructions to any and all traffic Saturdays, Sundays and holidays, if so required by the Superintendent of Highways.

## **ARTICLE II**

### **Driveways**

#### **§ 135-6. Permit required.**

No driveway entrances and exits and no alteration, change, relocation or reconstruction of existing driveway entrances and exits, subsequently herein referred to as an "operation," shall be constructed by owners and occupants of property abutting on town highways for any purpose whatsoever until a written permit therefor has been duly issued as herein provided and in accordance with the procedures set forth in §§ 135-7 and 135-8 hereof.

#### **§ 135-7. Application procedure.**

A. Application for a permit under this Article shall be made to the Superintendent of Highways in writing, in duplicate, for each such operation, and shall contain the following information:

- (1) Full name and address of applicant.
- (2) Full name and address of owner or owners of property in front of which the operation is to be performed.
- (3) Full name and address of the owner or owners of the property for whom the operation is to be performed.
- (4) The location by street address, including E-911 number, of the property in front of which the operation is to be performed, and the Tax Map designation of the same.
- (5) Statement of the proposed operation and size thereof and purpose thereof.
- (6) The date or dates when the proposed operation is to be commenced and the date or dates when the operation is to be completed.
- (7) A sketch of the proposed operation, including a profile from the crown of the road and including a distance of 50 (fifty) linear feet from the property line.
- (8) The location, if any, of any tiles or drainage system, water mains or other public utility conduits, etc., which may, be within the area of the proposed operation.
- (9) Any additional information which may be reasonably required by the Superintendent

of Highways.

(10) A signed statement by the applicant that the said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the Town Law and other applicable statutes, and ordinances of the Town of Patterson and the rules and regulations of the Highway Department of the Town of Patterson.

(11) The proposed location of the entry of said driveway onto the town highway.

B. Upon the receipt of the application as herein provided for in Subsection A hereof, the Superintendent of Highways shall act thereon by issuing or refusing to issue a permit. No permit shall be issued by him except where there is compliance with the provisions of this Article and all other laws and ordinances and with the rules and regulations of the Highway Department of the Town of Patterson. Such a permit, when issued, shall be effective for such period of time, not to exceed thirty (30) consecutive calendar days, as specified thereon by the Superintendent of Highways. Such specified period of time may be extended for the completion of the operation, if so requested in writing by the permittee prior to the expiration date thereof, for such additional period or periods of time authorized by the said Superintendent of Highways.

C. Said permit, when issued, shall contain the following conditions to be complied with by the permittee:

(1) The proposed driveway at the point of entrance on the town highway shall have the optimum of sight distances, both vertical and horizontal.

(2) The driveway entrance for a distance of twenty-five (25) linear feet from the edge of the town right-of-way shall not exceed a maximum grade of three (3) percent.

(3) The grade, width and drainage of said proposed driveway shall not cause damage or injury to the town highway and shall be such as to provide the maximum safety for all traffic on the town highway in the area of the entrance of the said proposed driveway on a said town highway.

(4) The driveway shall be constructed to the standards set forth in §154-74 or §135-10 of the Code of the Town of Patterson, whichever is greater.

(5) Any additional requirements which may be imposed by the Superintendent of Highways for the preservation of the town highway at the point of entrance of the proposed driveway onto the town highway and for minimizing hazards and dangers to the traffic on said public highway.

D. Upon notification by the permittee of the completion of the proposed driveway, the Superintendent of Highways shall inspect said driveway to determine that its completion is in accordance with the permit, any applicable requirements of the Patterson Town Code and any conditions imposed by a municipal body of the Town of Patterson. When the Superintendent of Highways is satisfied that the conditions of such permit have been met, he shall issue a certificate of compliance. There shall be no use of such driveway for any purpose other than the construction until such certificate of compliance has been issued. No certificate of occupancy shall be issued by the Code Enforcement Officer of the Town of Patterson for a building where a driveway permit is also required to be issued by the Patterson Highway Superintendent, until such certificate of compliance has also been issued.

### **§ 135-8. Fees and deposits.**

A. No permit for an operation as defined under §135-6 shall be issued by the Superintendent of Highways until the applicant therefore shall have first paid to the Superintendent of Highways, in cash or by check payable to the order of the Town of Patterson:

(1) A fee as set from time to time by resolution of the Town Board to cover the cost of issuing the permit and the supervision and inspection of the work done in connection with said operation.

(2) Deposit.

(a) A cash bond as surety to the proper completion of the improvements shall be posted with the Town Clerk in an amount to be determined by the Superintendent of Highways, computed at the rate as set from time to time by the Town Board per square yard of the surface of any street, highway, sidewalk, sidewalk area or public place, including drainage ditches, gutters, culverts, pipes, curbs or curbing, which may be disturbed, injured or damaged in connection with an operation hereunder, and if and when machinery is used in connection with an operation and there is a likelihood of damage or injury to areas other than the specific location of the operation, a deposit of an additional amount may be required, said additional amount to be determined by the Superintendent of Highways, computed at the rate as set from time to time by the Town Board per square yard of the area affected, shall also be posted with the Town Clerk.

(b) Said deposit shall be retained by the town until a certificate of compliance shall have been issued by the Superintendent of Highways as hereinbefore provided in § 135-7D.

B. Upon the failure or default by the permittee of or in any of the terms, agreements, covenants and conditions of the permit on the permittee's part to be done, to be performed or to be completed, said deposit may be used by the town for any expense incurred by the town by reason of such failure or default on the part of the permittee, and any balance left after the expense caused by such failure or default, as determined and certified by the Superintendent of Highways, has been paid and deducted from the amount of the deposit, shall be refunded to the permittee.

### **§ 135-9. Insurance.**

A. Amount. No permit for an operation under this Article shall be issued by the Superintendent of Highways until the applicant therefor shall have first placed on file with the said Superintendent of Highways, without cost to the town, satisfactory evidence of public liability insurance in an amount of not less than fifty thousand dollars (\$50,000.) for any one (1) person and not less than one hundred thousand dollars (\$100,000.) for any one (1) accident, and of property damage insurance in an amount of not less than twenty-five thousand dollars (\$25,000.) aggregate, and satisfactory evidence that the said insurance has been approved as to form, correctness and adequacy by the Town Attorney of the town, to insure the town against any loss, injury or damage arising out of the granting of the permit or from any negligence of the said applicant, his servants, agents or employees in connection with the said operation or with any and all work related thereto.

B. Duration. Such insurance herein above referred to shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least ten (10) days' prior written notice to the Town of Patterson of any modification or cancellation of any such insurance, and shall

contain a clause to the effect that termination of said insurance shall be without prejudice to the right of the Town of Patterson to make claim or claims thereafter for any loss or damage sustained as a result of any act or acts committed or omitted during the term of said insurance.

**§ 135-10. Driveway design specifications.**

A. The following minimum construction specifications shall apply to all driveways entering onto a Town road:

- (1) Six inches (6") of subbase Course of Item 4 (NYSDOT Item 304.05)
- (2) Two inches (2") of Type 6 Top Course (NYSDOT Item 403.16)
- (3) A maximum grade of three (3) percent for a distance of twenty-five feet prior to entering onto the Town Road
- (4) The driveway shall contain adequate provisions to ensure that stormwater runoff will not enter onto the Town Road.

**§ 135-11. Prohibited operations or encroachments. [Amended 3-12-2003 by L.L. No. 1-2003; 2-12-2020 by L.L. No. 1-2020]**

- A. The deposit of any snow, dirt, filth, waste or rubbish in, upon, under or across any street, road or highway, including, without limitation by reason of specification, the right-of-way thereof, or in, upon, under or across any sidewalk, sidewalk area or public place (collectively, a Public Improvement"), or any type of excavation or filling activities in, upon, under or across any Public Improvement, or the erection, installation, construction, assembling or other encroachment of any temporary or permanent buildings or structures in, upon, under or across any Public Improvement, or any act which in any manner damages or injures a town highway or other Public Improvement or interferes or obstructs in any manner the drainage and other uses of the highway for municipal purposes and for use by the public and traffic thereon, is hereby prohibited, except as may be permitted under sub-paragraph (C) of this Section 135-11. No tractor, tractor crane, power shovel, farming equipment or other vehicle or conveyance equipped with metal lugs, chains or spiked wheels such that they threaten or cause damage to the surface of a paved road will be operated upon or over any town highway or other Public Improvement.
- B. No surface water, groundwater, septic effluent or other liquid shall be discharged directly in, upon, under or across any Town road or other Public Improvement, or discharged up-gradient so as to flow onto a Town road or other Public Improvement, or discharged into any pipe, catch basin, manhole or swale or other component of the stormwater conveyance system owned or maintained by the Patterson Highway Department, or to any road proposed to be dedicated to the Town at a future date, without the expressed written consent of the Patterson Superintendent of Highway.
- C. No individual, firm, partnership, limited liability company, corporation or other entity shall construct, install, or otherwise place any stonewall, retaining wall or other structure or improvement upon, under, over or across a Town right of way or any Public Improvement, or within 25' of the centerline of a Town road or any road proposed to be dedicated to the Town at a future date, or upon, over under or across any other without the expressed written consent of the Patterson Superintendent of Highway and the Town Board of the Town of Patterson.



**ARTICLE IV**  
**Dedication of Highways**

**§ 135-12. Acceptance of Roads**

A. In order to ensure that adequate funds are available for the proper maintenance of the roads of the Town of Patterson, acceptance by the Town of the dedication of a road, right-of way, an improvement created pursuant to an approved subdivision or such other improvement as other-wise may be offered, of which the care and maintenance of said road, right-of-way or improvement will be the responsibility of the Town of Patterson Highway Superintendent, will be made only during the period of the year from April 1 through September 30.

B. The following conditions shall be satisfied prior to August 31 and before consideration by the Town Board of the acceptance of a new road, right-of-way or improvement as herein defined:

(1) Two sets of as-built plans of the highway showing right-of-way lines, drainage and utility easements and a road center-line profile must be submitted to the Town Clerk and Highway Superintendent. These plans must bear the stamps of both a licensed professional engineer and a licensed land surveyor.

(2) All deeds, easements, title policy or other legal documents as may be required for the acceptance of the road, right-of-way or improvement shall be submitted to the Town Attorney and shall be complete as to form and content.

(3) Metes and bounds descriptions of all right-of-way and easements prepared by a licensed land surveyor must be submitted to the Town Clerk and the Highway Superintendent.

(4) The plans and descriptions of the road, right-of-way or improvement shall be reviewed by the Town Engineer who shall submit a recommendation to the Town Board and the Highway Superintendent. If the road, right-of-way or improvement offered for acceptance is part of a subdivision or site plan approved by the Planning Board, the Town Engineer shall certify that all of the improvements as required by the approved subdivision or approved site plan have been completed.

(5) Approved permanent concrete or granite monuments shall be set according to the town highway specifications or as directed by the Town Engineer and their location shall be shown on the road plan. Iron pipes, unless embedded in concrete, shall not be considered permanent monuments for the purpose of these regulations.

C. Upon receipt of a request for the acceptance of an road, right-of-way or improvement, by the Town, the Town Clerk shall immediately notify the Highway Superintendent. Within thirty (30) days of the Highway Superintendent's notification, he shall render a recommendation to the Town Board. No road, right-of-way or improvement shall be accepted by the Town except upon an affirmative recommendation by the Highway Superintendent to accept said road, right-of-way or improvement.

**ARTICLE IV**  
**Penalties**

**§ 135-13. Penalties for offenses.**

A. Notwithstanding any other provisions of this chapter, any person who violates or causes or participates in any violation of the provisions of this chapter or any part thereof or of any condition or requirement imposed as part of a permit issued under Article I, II or III of this chapter shall be guilty of a violation, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six months, of both, for a 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 of not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine of not less than \$700.00 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both.

B. Whenever any person shall have been notified in writing by the Superintendent of Highways that he is violating the provisions of Article I, II or III or of any permit or extension thereof issued hereunder, or is served with a summons or warrant by the Codes Compliance Officer or Code Enforcement Officer accusing him thereof, each day that he shall continue such violation after such notification or service shall constitute a separate offense punishable by a like fine or penalty.

C. Notwithstanding the penalties herein provided, the Town Board may maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.

D. The foregoing provisions for the enforcement of the regulations in this chapter are not exclusive, but are in addition to any and all other laws applicable thereto.

## **Chapter 138**

### **SUBDIVISION OF LAND**

#### **Part 1 Subdivision Regulations**

##### **ARTICLE I General Provisions**

- § 138-1. Authority
- § 138-2. Policy
- § 138-3. Definitions

##### **ARTICLE II Procedures**

- § 138-4. Compliance required
- § 138-5. Fees
- § 138-6. Date of official submission
- § 138-7. Preliminary consideration/ Sketch Plan
- § 138-8. Minor subdivision
- § 138-9. Lot Line Adjustment
- § 138-10. Land utilization and feasibility report
- § 138-11. Preliminary plat
- § 138-12. Final plat
- § 138-13. Mutual consent for waiver of time

##### **ARTICLE III Improvements; Bonds; Recreation; Agreements**

- § 138-14. Improvements required; bond
- § 138-15. Inspection fees
- § 138-16. Reservation of parkland on subdivision plats containing residential units
- § 138-17. Additional requirements
- § 138-18. Application for area variance
- § 138-19. Inspection of improvements
- § 138-20. Proper installation of improvements
- § 138-21. Utilities assurance
- § 138-22. Agreements

##### **ARTICLE IV Planning Criteria**

- § 138-23. Guidelines
- § 138-24. General considerations
- § 138-25. Streets
- § 138-26. Lots
- § 138-27. Reservations and easements
- § 138-28. Drainage improvements
- § 138-29. Erosion control standards
- § 138-30. Street Design Standards
- § 138-31. Driveways
- § 138-32. E-911

**ARTICLE V**  
**Specifications for Plans and Plats**

- § 138-33. Preliminary plat
- § 138-34. Lot Line Adjustment Details
- § 138-35. Final plat details
- § 138-36. Construction plans

**ARTICLE VI**  
**Variances and Waivers**

- § 138-37. Variances
- § 138-38. Waivers
- § 138-39. Conditions

**ARTICLE VII**  
**Indemnification; Enforcement; Penalties**

- § 138-40. Indemnification
- § 138-41. Enforcement
- § 138-42. Penalties
- § 138-43. When effective; applicability

**Part 2**  
**Additional Subdivision Requirements**

**ARTICLE VIII**  
**Open Space Development**

- § 138-44. Intent.
- § 138-45. Authority.
- § 138-46. Definitions.
- § 138-47. Applicability; Open Space Overlay Zone.
- § 138-48. Maximum Number of Lots Permitted.
- § 138-49. Minimum Lot Requirements.
- § 138-50. Design Requirements.
- § 138-51. Plat Requirements.
- § 138-52. Conveyance and maintenance of open space.
- § 138-53. Variance from Standards
- § 138-54. Fees.
- § 138-55. Penalties for offenses.
- § 138-56. When Effective; compliance.

[HISTORY: adopted by the Town Board of the Town of Patterson 7-22-1998 by L.L. No. 2-19981; amended in its entirety 4-25-2001 by L.L. No. 3-2001. amended in part 2-25-04 by L.L. No. 3. ; Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No. 7-2005 (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]

## **GENERAL REFERENCES**

**Building Construction – See Ch. 64**

**Fees – See Ch. 87**

**Fire Prevention – See Ch. 90**

**Flood damage prevention – See Ch. 91.**

**Numbering of streets and buildings – See Ch. 112**

**Sidewalks – See Ch. 131**

**Streets – See Ch. 135**

**Zoning – See Ch. 154**

<sup>1</sup> Editor's Note: This local law also superseded former Ch. 138, Subdivision of Land, adopted 3-11-1976 by the Planning Board, approved 4-14-1976 by the Town Board, as amended.

## ARTICLE I General Provisions

### **§ 138-1. Authority;title.**

In order that land will be subdivided in accordance with the following statements of intent, the Official Map, if one exists, the Comprehensive Plan and Chapter 154, Zoning, these regulations are hereby adopted by authority pursuant to the provisions of Article 16, §276 of the Town Law and §10 of Municipal Home Rule Law. The Planning Board is hereby authorized and empowered to approve plats for subdivisions within the Town of Patterson. To the extent that any provision of this Part 1 is inconsistent with Article 16 of the Town Law of the State of New York, including §§ 276 and 277, this Part 1 shall supersede such provision of Article 16 pursuant to Municipal Home Rule Law §10. These regulations shall be known as and may be cited by the title "Subdivision Regulations, Town of Patterson."

### **§ 138-2. Policy.**

It is declared to be the policy of the Planning Board to consider land subdivisions as part of the orderly and efficient development of land guided by the following regulations. These regulations provide a set of procedures and standards. Their intent is to encourage the most appropriate and best development of land in order to protect and promote the health, safety, and general welfare, which is intended to include the following:

- A. To assure that land to be subdivided will produce building sites of such character and area as will permit their development for homes without danger to health or peril from fire, flood or other menace.
- B. To facilitate the adequate and efficient provision of community facilities, services and utilities. The most desirable and appropriate systems for drainage, water supply, sewage disposal and other needed improvements, including any appropriate parks and playgrounds, shall be required.
- C. To promote the safe and convenient circulation of vehicles and pedestrians. Roads and streets shall be designed, located and constructed as to accommodate current traffic and future traffic where required, shall be properly related to the proposals shown on the Town Comprehensive Plan, and shall facilitate fire protection and provide access of fire-fighting equipment to buildings.
- D. To restrain the destruction of the natural character of the land and promote the conservation of all elements of topography and vegetation which contribute to the natural beauty of the land.
- E. To promote the wise use and sound management of the groundwater systems, drainage basins, wetlands, streams, lakes and ponds and all other natural resources throughout the Town.
- F. To maintain, through all subdivision planning and development the existing character and development patterns of neighboring properties.

### **§ 138-3. Definitions.**

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

**CLERK OF THE PLANNING BOARD** - That person who shall be designated to perform the duties of the Clerk of the Planning Board for all purposes of these regulations.

**CUL-DE-SAC** - A street or portion of a street with only one (1) point of vehicular traffic ingress or egress.

**EASEMENT** - Authorization by a property owner for the use by another, and for a specified

purpose, of any designated part of his property.

ENGINEER or LICENSED PROFESSIONAL ENGINEER- a person licensed as a professional engineer by the State of New York.

EROSION AND SEDIMENT CONTROL PLAN - A plan, including detailed drawings and narrative indicating the specific measures and sequencing to be used to minimize erosion and control sediment on a development site during and after construction. **[added 2-25-04 by L.L. No. 3]**

MASTER OR COMPREHENSIVE PLAN - A Comprehensive Plan prepared by the Town Board pursuant to § 272-a of Town Law, which indicates the general locations recommended for various functional classes of public works, places and structures and for general physical development of the Town, and includes any unit or part of such plan separately prepared and any amendment to such plan or parts therein.

OFFICIAL MAP - The map established by the Town Board pursuant to § 270 of Town Law, showing streets, highways, parks and drainage, both existing and proposed.

PLANNING BOARD or BOARD - The Planning Board of the Town of Patterson.

PRELIMINARY PLAT - A drawing or drawings clearly marked 'preliminary plat,' showing the layout of a proposed subdivision, as specified in Article V, §138-33 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

SEQRA - State Environmental Quality Review Act 6 NYCRR -Part 617

STREET - Includes streets, roads, avenues, lanes or other traffic ways between right-of-way lines.

A. MAJOR STREET - A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

B. COLLECTOR STREET - A street which serves as an access to abutting properties and also is designed to serve as a traffic way ~~for~~ between neighborhoods or subdivisions or as a feeder to a major street.

C. MINOR STREET - A street intended to serve primarily as an access to abutting properties.

D. DEAD-END STREET or CUL-DE-SAC - A street or a portion of a street with only one (1) vehicular traffic outlet.

SUBDIVIDER - Any person, firm corporation, partnership or association who shall lay out any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION - The division of any parcel of land which creates two (2) or more lots or parcels, with or without streets or highways.

A. MAJOR SUBDIVISION - Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five (5) or more lots or any size subdivision requiring any new street or extension of municipal facilities. A Major subdivision shall also include any resubdivision of a lot which occurs within a two (2) year period .

B. MINOR SUBDIVISION - Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road or the extension of

municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map or Chapter 154, Zoning, if such exists, or these regulations.

C. RESUBDIVISION - The subdivision of a parcel into two or more lots, where said parcel was part of a subdivision application approved by the Planning Board within a period of two (2) years prior thereto. For the purpose of determining the date of Planning Board approval, the date of approval shall be the date the subdivision plat was filed in the office of the Putnam County Clerk. **[added 2-25-04 by L.L. No. 3]**

D. LOT LINE ADJUSTMENT - Any change of existing property lines, excluding the joining or combining of one or more lots into a single larger parcel. **[added 2-25-04 by L.L. No. 3]**

SUBDIVISION PLAT or FINAL PLAT - A drawing in final form showing a proposed subdivision containing all information of detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk or Registrar.

SUBSTANTIAL COMPLETION - The completion (including acceptance by the Town Engineer's Office) of all improvements necessary for the construction of a new road up to and including all grading, road pavement binder course, curbing, final grading, seeding and mulching of all shoulder areas, any grading for driveways required under §138-31 of the Subdivision Code, utility conduits and all drainage improvements for that portion of the development. **[added 2-25-04 by L.L. No. 3]**

SURVEYOR - A person licensed as a land surveyor by the State of New York.

TOWN ENGINEER - A duly designated engineer of the Town.

ZONING ORDINANCE - That body of regulations which is in effect at the time of application to the Planning Board, also known as the "Zoning Ordinance of the Town of Patterson" and which was adopted by the Town Board of Patterson to establish a comprehensive zoning plan for the Town by establishing various districts for the unincorporated area of the Town and prescribing certain regulations for each of said districts.

## ARTICLE II Procedures

### § 138-4. Compliance required.

A. Whenever any subdivision of land or an adjustment to any property line is proposed to be made, and before any contract for the sale of or an offer to sell any lots in such a subdivision of part thereof or any lot to which an adjustment of a lot line is made, and before any permit for the erection of a structure in a proposed subdivision or lot line adjustment shall be granted, the subdivider or his duly authorized agent shall comply with the following regulations and procedures.

B. Before submitting an application for the subdivision or resubdivision of land in the Town of Patterson, a subdivider and his consultants and agents shall become knowledgeable of the requirements of the Patterson Town Code including:

(1) This Part 1.

(2) Chapter 154, Zoning, of the Code of the Town of Patterson



- (3) The Comprehensive Plan of the Town of Patterson.
- (4) The Fee Schedule of the Town of Patterson.
- (5) The New York State Environmental Quality Review Act.

C. The subdivider or his duly authorized representative shall attend regularly scheduled meetings or any public hearings during which his subdivision is to be considered by the Planning Board.

#### **§ 138-5. Fees**

A. Fees for application to the Planning Board and review of applications before the Planning Board shall be set for in Chapter 87, Schedule of Fees.

B. Certified Check. All fees required by any part of these regulations shall be in the form of a certified check or bank draft payable to the Town of Patterson.

#### **§ 138-6. Date of official submission.**

In order to determine the date of submission for either major or minor subdivision application, an application, complete in every respect and accompanied by the required plans and fees, shall be considered officially submitted to and received by the Planning Board on the date of its regularly scheduled monthly meeting following no less than fourteen (14) days the date on which the same was submitted to the Secretary or Clerk of the Planning Board.

#### **§ 138-7. Preliminary consideration/ Sketch Plan.**

A. Prior to the subdivision of any parcel of land and in accordance with the following provisions, the owner or his duly authorized representative shall meet with the Planning Board to discuss the general aspects of the project as to character of the site, land planning, its effect on existing and future developments, its effect on existing and future facilities, such as roads, drainage, lakes, ponds, wetlands, watercourses, recreation, water supply and sewage disposal, fire protection and similar aspects, as well as the availability of existing services and other pertinent information, any restrictions, covenants, easements and zoning lines, etc., and to determine classification as to whether it is a major subdivision, a minor subdivision or lot line adjustment as defined in these regulations.

B. Submission requirements. In order that the Planning Board may adequately understand the proposed subdivision the initial submission shall consist of eleven (11) copies of the following documents:

- (1) The application form.
- (2) Copies of all prior actions of the Town Board, Planning Board, Zoning Board of Appeals, and any other county, state, or federal agency.
- (3) Copies of any restrictions or easements on the land.
- (4) Sketch plan. The sketch plan shall contain the information as outlined in §138-33.A, B, E, G, H, I, M, N, O, P.
- (5) Full Environmental Assessment Form (EAF)

(6) The review fee for preliminary consideration in an amount as set forth in the Schedule of Town Fees.

C. Classification of subdivision. Classifications will be made at this time by the Planning Board as to whether the subdivision is minor, major, or a lot line adjustment as defined in these regulations.

(1) If classified as a major subdivision, all the regulations contained herein shall be complied with, and the subdivider shall then submit a "Land Utilization and Feasibility Report" which complies with §138-10.

(2) If classified as a minor subdivision the applicant shall comply with the requirements of § 138-8.

(3) If classified as a lot line adjustment the applicant shall comply with §138-9.

### **§ 138-8. Minor subdivision.**

A. Application. If the application is classified as a minor subdivision, the application shall proceed directly to review of the final plat and follow the procedures and requirements of §138-12 and §138-35. The Board may require, however, for the protection of public health, safety and welfare, that a minor subdivision comply with all or some of the requirements of §138-10 and §138-11. Application for review of a final plat of a minor subdivision shall be made within forty-five (45) days of classification and shall incorporate the recommendations of the Planning Board into the final plat. If the applicant fails to submit the application for review of the final plat of a minor subdivision within the forty-five (45) day period, the Planning Board may in its discretion terminate the review of the application.

B. Submission requirements. In order that the Planning Board may adequately understand the proposed subdivision the initial submission shall consist of eleven (11) copies of the following documents:

(1) The application form.

(2) Copies of all prior actions of the Town Board, Planning Board, Zoning Board of Appeals, and any other county, state, or federal agency.

(3) Copies of any restrictions or easements on the land.

(4) A Final Subdivision Plan. The Final Subdivision Plat shall contain the information as outlined in § 138-28 and §138-35.

(5) A Full Environmental Assessment Form.

(6) The review fee for final plat consideration in an amount as set forth in §87 the Schedule of Town Fees.

C. A final plat shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

D. Within sixty-two (62) days of the receipt of a complete application a public hearing shall be held. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if no hearing is held on a draft

environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

E. Subdivider's notice to property owners. The subdivider shall mail notice of the public hearing to all property owners whose property is within five hundred (500) feet of the site of the proposed subdivision or within five hundred (500) feet of any property contiguous to said site that is owned partially or wholly by the subdivider, members of the subdivider's family (ies) or firms in which the subdivider owns a financial interest.

F. Decision. The Planning Board shall make its decision on the final plat as follows:

(1) If such Board determines that the preparation of an environmental impact statement on the final plat is not required, the Planning Board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two (62) days after the date of the public hearing; or

(2) If such Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the final plat. Within thirty days of the filing of the final environmental impact statement, the Planning Board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

G. No lot created through a minor subdivision shall be treated as a minor subdivision again for a period of two (2) years from the date of Final Approval of the minor subdivision.

#### **§ 138-9. Lot Line Adjustment.**

A. Submission requirements. In order that the Planning Board may adequately understand the proposed lot line adjustment, the initial submission shall consist of eight (8) copies of the following documents:

(1) The application form.

(2) Copies of all prior actions of the Town Board, Planning Board, Zoning Board of Appeals, and any other county, state, or federal agency.

(3) Copies of any restrictions or easements on the land.

(4) A Lot Line Adjustment Plat. The Lot Line Adjustment Plat shall contain the information as outlined in § 138-34.

(5) A short-form Environmental Assessment Form (EAF)

(6) The review fee for lot line adjustment consideration in an amount as set forth in §87 the Schedule of Town Fees.

B. Procedures for the review of a lot line adjustment. An application for a lot line adjustment shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior

to a regular meeting of the Board accompanied by ten (10) copies of the items described in 138-9(A).

- (1) A lot line adjustment plat shall not be considered complete until a negative declaration has been filed or until notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.
- (2) Within sixty-two (62) days of the receipt of a complete application the Planning Board by resolution shall disapprove or approve, with or without modifications and/or conditions and authorize the signing of the plat.
- (3) A conditional final approval of a lot line adjustment plat shall expire within one hundred eighty days of the approval if the conditions of the approval have not been complied with. The signature of the duly authorized officer(s) of the Planning Board shall constitute final approval by the Planning Board of the plat. Final plat approval shall expire within sixty-two (62) days of the signing of the plat unless such plat has been filed or recorded by the owner in the office of the county clerk or register.

#### **§ 138-10. Land utilization and feasibility report.**

A. Submission of report. The subdivider shall submit eight (8) copies of the report for the proposed subdivision to the Secretary or Clerk of the Planning Board at least fourteen (14) days before a regular meeting of the Board.

B. Required information.

- (1) The report shall contain but not be limited to the following:
  - (a) An area map at a minimum scale of one (1) inch equals four hundred (400) feet. The area map shall contain contours and property lines of all properties within two thousand (2,000) feet of any point on the boundary of the subject property.
  - (b) The contour interval shall not exceed ten (10) feet.
  - (c) The area map shall show a proposed road layout and how it relates to adjacent properties and existing and future road patterns.
  - (d) United States Soil Conservation Service soil data and hydrologic soil cover complexes (classification for the determination of curve numbers) for the entire drainage basin.
  - (e) The area map shall show proposed method of storm drainage disposal on and off site and the limits and area of the drainage basin.
- (2) The report shall consist of a study, prepared by a professional engineer licensed in the State of New York, of those items listed for discussion in §138-7.

C. Report study, modification and approval.

- (1) The subdivider shall meet with the Planning Board to discuss the report, including the character of the site, existing development and facilities, as well as proposals for future development. Primary consideration shall be given to the intent of these regulations expressed in § 138-2 above, the Zoning Code and Comprehensive Plan of the Town of

Patterson.

(2) The Planning Board shall determine whether the report meets the purposes of these regulations and shall specify any modifications which are required or suggested. Notification of Board action shall be made within twenty (20) days after the regular Board meeting occurring at least fourteen (14) days following submission. Required modifications shall be incorporated in the preliminary plat.

#### **§ 138-11. Preliminary plat.**

A. Prior to requesting approval of a final plat for a proposed major subdivision, the subdivider shall file an application for approval of a preliminary plat of the proposed major subdivision. A preliminary plat is a drawing prepared in a manner described in § 138-33 of these regulations, showing the layout of the proposed subdivision, including but not restricted to road and lot layout, approximate dimensions, key plan, topography and drainage, all proposed facilities unsized and road profiles. Accompanying and considered part of the drawing marked "preliminary plat" shall be the completed application forms and filing fee.

B. Submission of preliminary plat. A subdivider shall, within six (6) months of the Land Utilization and Feasibility report review, apply for preliminary plat approval on forms available at the office of the Town Clerk. Failure to do so shall require resubmission of the land utilization and feasibility report to the Planning Board for restudy. The application, shall be submitted to the Secretary or Clerk of the Planning Board at least fourteen (14) days prior to a regular meeting of the Board accompanied by eleven (11) copies of the preliminary plat as well as a minimum fee as set from time to time by resolution of the Town Board in the Schedule of Fees. The preliminary plat shall comply in all respects with the required conditions established by the Board in approving the land utilization and feasibility report.

C. Required information for preliminary plat. The preliminary plat shall, in all respects, comply with the requirements of Article V, § 138-33 of this chapter, except where a waiver may be specifically authorized by the Planning Board.

D. Preliminary plat review. The subdivider or his duly authorized representative shall attend the regularly scheduled meeting of the Planning Board to discuss the preliminary plat in terms of the expressed purposes and requirements of these regulations, the Town Comprehensive Plan and Official Map, as well as zoning regulations. Proposed roads shall be staked, if directed by the Board, along their center line every one hundred (100) feet, or more frequently if required, in order to permit the Board and Town Engineer to observe grades, type of terrain traversed, lot access and other factors on the site.

E. Coordination with the State Environmental Quality Review Act. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article eight (8) of the Environmental Conservation Law and its implementing regulations.

F. Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the State Environmental Quality Review Act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

G. Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision.

(1) Public hearing on preliminary plats. The time within which the Planning Board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the

planning board may schedule pursuant to the State Environmental Quality Review Act, as follows:

- (a) If such Board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board; or
  - (b) If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two days of filing the notice of completion.
- (2) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.
- (3) Decision. The Planning Board shall approve, with or without modification, or disapprove such preliminary plat as follows;
  - (a) If the Planning Board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two days after the close of the public hearing; or
  - (b) If the Planning Board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forth-five days following the close of such public hearing in accordance with the provisions of the State Environmental Quality Review Act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

H. Planning Board not as lead agency under the State Environmental Quality Review Act; public hearing; decision.

- (1) Public Hearing on preliminary plats. The Planning Board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement, the planning board shall hold the public hearing on the preliminary plat within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board.
- (2) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the Town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide

that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred twenty days after it has been opened.

(3) Decision. The Planning Board shall by resolution approve with or without modification or disapprove the preliminary plat within sixty-two days after the close of the public hearing on such preliminary plat.

I. Subdivider's notice to property owners. The subdivider shall mail notice of the public hearing to all property owners whose property is within five hundred (500) feet of the site of the proposed subdivision or within five hundred (500) feet of any property contiguous to said site that is owned partially or wholly by the subdivider, members of the subdivider's family (ies) or firms in which the subdivider owns a financial interest.

(1) Such notice shall be mailed, certified return receipt requested, not less than fifteen (15) calendar days prior to the date of the public hearing scheduled by the Planning Board. Prior to the public hearing the subdivider shall provide to the Planning Board a copy of the required notice and an affidavit listing all of the property owners to whom such notice was mailed and copies of all mailing receipts.

(2) Such notice shall be in a form approved by the Planning Board, including no less than:

(a) The name of the subdivider.

(b) The location of the site of the proposed subdivision.

(c) A brief description of the proposed subdivision including, as a minimum, the total acreage involved, the total number of lots, the location of proposed roadways and the proposed methods of providing water supply and sewage disposal.

(d) The date, time, and place of the public hearing.

J. Notwithstanding the foregoing provisions, the time in which the Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing any modifications it deems necessary for submission of the Plan in final form. Within five (5) days of the approval of the preliminary plat, the resolution shall be certified by the Clerk of the Planning Board and a copy filed with the Town Clerk and a certified copy mailed to the owner. Within six (6) months of the approval of the preliminary plat, the owner shall submit the plat in final form. If such plat is not so submitted, approval of the preliminary plat may be revoked by the Planning Board. If such approval is revoked, the subdivision will be null and void and any further consideration by the Planning Board will require and entirely new application and submission of plans and fees.

## **§ 138-12. Final plat.**

A. Within six (6) months after the approval of the preliminary plat the subdivider shall file with the Planning Board an application for approval of the final plat in final form. For review of the application for Final Plat approval ten (10) copies of the application shall be submitted. Accompanying and considered part of the application for final plat approval shall be the following documents:

(1) The final application form and a fee in the amount, as from time to time by resolution of the Town Board in the Schedule of Fees, plus a fee by certified check to be deposited with

the Planning Board for the purpose of securing five (5) certified copies of the final plat and proof of the filing of any deed restrictions or easements. Said fee to be an amount to be set by resolution of the Town Board of the Town of Patterson and shall be returned to the applicant upon receipt of said certified copies.

(2) A final plat showing the proposed subdivision, prepared in a manner described in § 138-35 of these regulations

(3) Construction drawings and specifications as specified in §138-36

(4) A deed to the Town of all streets, parks or easements, unless the applicant has noted on the plat that no offer of dedication is to be made, in which case there shall be substituted documents providing for and fixing responsibility for their suitable maintenance.

(5) A written abstract of the title to all lands and easements offered for dedication, provided by the applicant demonstrating that said lands area free of all encumbrances and /or, in the discretion of the Board, a title insurance policy in an acceptable amount from a title insurance company licensed to do business in the State of New York, certifying and ensuring that all lands and easements offered for dedication are free and clear of all encumbrances.

(6) A statement from the applicant's engineer giving a detailed quantity and cost estimate for all improvements.

(7) Written evidence of approvals by those county and state agencies having jurisdiction.

B. Approval of final plat.

(1) Within sixty-two (62) days of the submission of a plat in final form as prescribed in Subsection A for approval by the Planning Board, a public hearing shall be held by the Planning Board, which hearing shall be advertised once in a newspaper of general circulation in the Town at least five (5) days before such hearing; however, when the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat, including modifications if any, the Planning Board may waive the requirements for such public hearing. The Planning Board shall, by resolution, conditionally approve, with or without modifications, disapprove or grant final approval and authorize the signing of such final plat within sixty-two (62) days of its submission if no public hearing is held or sixty-two (62) days after the date of the public hearing if such a hearing is held. Notwithstanding the foregoing provisions, the time in which a Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board.

(2) Conditional approval of a final plat is the approval granted subject to the conditions set forth by resolution of the Planning Board. Conditional approval does not qualify the final plat for recording nor authorize issuance of building permits and shall expire within one hundred eighty (180) days unless the conditional requirements have been completed. The Planning Board may extend the time of expiration for two (2) additional periods, not exceeding ninety (90) days each, if in its opinion particular circumstances warrant it.

(3) Final plat approval is the signing of the final plat by the duly authorized officer(s) of the Planning Board after a resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the pat are completed. Such final approval qualifies the plat for recording in the office of the County Clerk of Putnam County. Furthermore, such final approval shall not be granted by the Planning Board until the subdivider has complied with the provisions for improvements in Article III.



C. Expiration of final approval of the plat. Final approval of the plat shall expire within sixty-two (62) days of the date of such approval if the plat has not been filed in the office of the County Clerk within such sixty-two day period.

D. Subdivision by sections. Prior to granting conditional or final approval of a final plat, the Planning Board may permit the plat to be divided into two (2) or more sections and may, in its resolution of conditional or final approval, impose such requirements as it deems necessary to ensure that the orderly development of the plat be completed before such sections may be signed by the duly authorized officers of the Planning Board. Conditional or final approval of the sections of a final plat, subject to any conditions imposed by the Board, shall be granted concurrently with conditional or final approval of the plat. Each section shall encompass at least ten percent (10%) of the total number of lots in the approved plat. If only a section of the approved plat is filed in the office of the County Clerk, then the entire approved plat shall be filed within thirty (30) days of the filing of such section with the Town Clerk. The Planning Board shall determine that such sections are logical and will further the orderly development of the plat.

E. Signing and filing of final plat.

(1) The original and one (1) copy of the plat shall be signed by the Chairman or Acting Chairman and the Secretary or Acting Secretary of the Board under the following endorsement:

“Approved by resolution of the Planning Board of the Town of Patterson, New York, on the .....day of.....20..... Any change, erasure, modification or revision of the plat, as approved, shall void this approval. Signed this .....day of..... 20....., by

.....  
Chairman  
.....  
Secretary

This plat is valid for filing until .....20.....”

(2) The plat shall also contain the following notations where applicable:

(a) “All roads, streets, highways, parks, easements and reservations shown hereon are hereby offered for dedication to the Town of Patterson.”

(b) “All lots shown hereon are subject to temporary easements for the purpose of roadway construction and slope grading until such time as the roads have been accepted by the Town of Patterson.”

(c) “The undersigned owner of the property hereon states that he is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon. Further, the owner consents to the filing of this map.”

.....  
Signature

(3) In addition, the plat shall also contain any other notations deemed appropriate by the Planning Board.

(4) The subdivider shall deliver to the Planning Board within ten (10) days after filing the final plat, five (5) certified copies, complete with file number and date of filing.

G. Resubdivision. For a resubdivision, the same procedure, rules and regulations apply as for a subdivision.

### **§ 138-13. Mutual consent for waiver of time.**

Requests for waiver of the time in which a public hearing shall be held or final action must be taken by the Planning Board, or for the submission of a final environmental impact statement, for either a preliminary or final plat or lot line adjustment, shall be in writing, subscribed to by the owner or his duly authorized representative, substantially in a form as approved by the Planning Board.

## **ARTICLE III Improvements; Bonds; Recreation; Agreements**

### **§138-14. Improvements required; bond.**

A. At least ten (10) days prior to the commencement of construction the subdivider shall meet with the Town Engineer and shall furnish a construction schedule and discuss job conditions and circumstances and shall comply with §138-19.

B. For the protection of the public health, safety and general welfare, the Planning Board shall not, except as provided for in Subsection C, grant final plat approval until all the streets or highways shown on the final plat shall have been fully improved to the satisfaction of the Planning Board, all in accordance with the Road Construction Standards and Specifications of the Town of Patterson, and accepted into the Town roadway system. Prior to the commencement of any site disturbance the subdivider shall comply with §138-14 B (1) and (2).

(1) Prior to the commencement of construction the subdivider shall file with the Town a security, satisfactory to the Town Board in all respects as to form, sufficiency and manner necessary to cover site restoration and erosion controls.

(2) In those instances where the subdivider has completed all required improvements and the road has not been accepted into the Town Highway system prior to the issuance of building permits the subdivider shall post such security, satisfactory to the Town Board equal to ten percent (10%) of the amount originally determined as security for the improvements for a period of one (1) year after the satisfactory completion of all improvements or until the Town has accepted the road for dedication, whichever is latter, in order to ensure the soundness and integrity of such improvements.

C. Exceptions. At its discretion, the Planning Board may grant final plat approval subject to the receipt and approval by the Town Board of a performance bond covering the full cost of the improvements and further subject to the full understanding of the subdivider and stipulation of same by him on the final plat that no building permit may be granted for any structure until the roads have been substantially completed to the satisfaction of the Planning Board in accordance with Subsection D and E.

D. Extent of improvements.

(1) Where no bond has been posted, the subdivider shall fully complete all the improvements to the satisfaction of the Planning Board, and all streets or highways shall be accepted by the Town Board as public roads before final plat shall be approved by the Planning Board for filing.

(2) Where a performance bond has been posted, the subdivider shall substantially

complete all the improvements to the satisfaction of the Planning Board on a section of street or highway not less than one thousand (1,000) feet in length before any building permit may be granted for a structure fronting on said substantially improved street or highway.

E. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the Official Map or unless such street or highway is an existing state, county or town highway or a street shown upon a final plat which has been granted final plat approval by the Planning Board in accordance with these regulations.

F. Performance bond.

(1) A performance bond shall comply with the requirements of § 277 of the Town Law and shall be approved by the Town Board as to form, surety, sufficiency and manner of execution. The period within which required improvements must be completed will be specified by the Planning Board in its resolution and expressed in the bond. Such bond shall also provide for the retention by the Town of ten percent (10%) of the originally fixed amount for a period of one (1) year after the satisfactory completion of all improvements or until the road is accepted for dedication, whichever is latter, in order to ensure the soundness and integrity of such improvements.

(2) If the improvements are not completed within the term of such performance bond and if no application for the extension of the bond has been made by the subdivider and approved by the Planning board, the Town Board may thereupon declare said bond in default.

G. Extension of period specified in bond.

(1) The time period specified for the completion of all required improvements, as set forth in the bond, shall not be extended except upon the approval of the Planning Board with the consent of the parties thereto. Requests for an extension shall be addressed in writing to the Planning Board and shall set forth the following:

(a) Detailed reasons for failure or inability to complete the work within the time specified in the bond.

(b) The amount of work which has been completed, as certified by the applicant's engineer.

(c) The maximum estimated time required to complete the remainder of the work.

(d) The period for which extension of the bond is requested.

(2) Whether or not road improvements have been started by the developer prior to granting extension to the specified time period, the Planning Board shall consider escalations in construction costs and may require the amount of the bond to be increased to reflect increased construction costs.

H. Reduction of bond. The Town Board, upon recommendation from the Planning Board, may reduce pursuant to § 277 of the Town Law the required amount of a performance bond during its term where the Board finds the required improvements to have been installed in sufficient amount to warrant such reduction. Requests for reduction in the bond amount shall be addressed in writing to the Planning Board and shall itemize the amount of required improvements already completed and the amount of reduction requested.

I. Acceptance of roads. No portion of any road may be accepted by the Town Board as a town road nor shall any bond be released until such time as all streets and highways shown on the final plat have been fully improved to the satisfaction of the Planning Board and a final as-built plan, certified by a professional engineer or land surveyor licensed in the State of New York. Such plan shall show the as-built location of all drainage structures and utilities installed to date, including inverts at all manholes and catch basins and utility line crossings, and the width and location of the improved roadbed with respect to the road boundary and a profile of its constructed center line, and such other details as may be required by the Town Engineer. Further, no road shall be considered for acceptance as a town road nor shall any bond be released until the Town Engineer has previously certified the road as complete and until at least one (1) year has expired from the time of the certification, except where the plat has been divided into sections, then reference is made to the streets and highways shown on the particular section.

J. Snow removal bond. Where certificate of occupancy may be granted prior to acceptance of any road by the Town Board, the subdivider shall post a cash bond in an amount as set from time to time by the Town Board for the purpose of guaranteeing that he will remove snow and ice from the road quickly and expeditiously. The cash bond shall not relieve the subdivider from the obligation of snow and ice removal, and in the event the Supervisor of the Town shall deem that the subdivider is negligent in removing snow and ice, he shall, after twenty-four (24) hours' notice to the subdivider, order the Superintendent of Highways to remove the snow and shall deduct the cost of said removal from the cash bond. The snow removal bond shall remain in place until the road has been accepted into the Town road system.

(1) The Town Board may reduce the amount of road for which a bond is required provided that such variation will not impair the interest of the public health, safety and general welfare.

#### **§ 138-15. Inspection fees.**

The subdivider, whether he elects to complete all the improvements or post a bond for completion, shall pay to the Town a fee for inspection of improvements in the amount of five percent (5%) of the total estimated cost of all improvements, and neither may a road be accepted as a town road nor any final plat endorsed for filing nor any building permits issued until said fee is paid.

#### **§ 138-16. Reservation of parkland on subdivision plats containing residential units.**

A. Before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such Board and in compliance with § 277 (4) of Town Law, a park or parks suitably located for playground or other recreation purposes. The area or areas shall be shown and marked on the plat "Reserved for Park or Playground Purposes."

B. In the event the Planning Board makes a finding pursuant to §277 (b) of Town Law that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such subdivision plat, the Planning Board may require a sum of money in lieu thereof, in an amount to be established by the Town Board. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park or recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood.

### **§ 138-17. Additional requirements.**

In addition to the requirements that all streets or other public places shall be suitably graded and paved, street signs, sidewalks, street lighting standards, curbs, gutters, street trees, water mains, fire alarm signal devices, including necessary ducts and cables or other connecting facilities, sanitary sewers and storm drains or combined sewers shall be installed, all in accordance with town standards and specifications.

### **§ 138-18. Application for area variance.**

Notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the Zoning Code regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to §267-b of Article 16, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.

### **§ 138-19. Inspection of improvements.**

A. Job meeting and construction schedule. At least ten (10) days prior to the start of construction of any required improvements, the subdivider shall meet with the Town Engineer and shall furnish a construction schedule and discuss job conditions and circumstances.

B. Notification of Town Engineer. All improvements shall be subject to inspection and approval by the Town Engineer, who shall be notified by the subdivider at least forty-eight (48) hours prior to the start of construction.

C. Subdivider to employ professional engineer. The subdivider shall employ a professional engineer licensed in the State of New York who shall be available at the Town Engineer's request to implement any changes which job conditions may necessitate.

D. Certificate of completion. The Town Engineer or other duly designated official shall inspect required improvements during construction to assure their satisfactory completion, and the Planning Board shall require a certificate from such official stating that all required improvements have been satisfactorily completed.

E. Responsibility of subdivider. Whether or not the Town Engineer or other duly designated official carries out inspection of required improvements during construction, the subdivider shall not in any way be relieved of his responsibilities to comply with these regulations and any conditions or requirements of the subdivision approval.

### **§ 138-20. Proper installation of improvements.**

A. Liability for improper work. If the Town Engineer or other duly designated official shall find, upon inspection, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the subdivider and the bonding company will be jointly and severally liable for the costs of completing said improvements according to specifications.

B. Compliance with specifications. Unless covered by a performance bond as specified in §138-14, no plat which may be an extension of a previously recorded plat or no new plat, regardless of location, shall be approved by the Board if the subdivider has not fully complied with the specifications of all the required improvements in a previously recorded plat submitted by him for

approval. As a condition for approval of such plat, the Board shall require that the conditions of the former agreement be met by the subdivider before the Board shall take action on the plat.

C. Unforeseen conditions. Whenever a developer, during the course of development and before acceptance of any construction under this chapter and the road specifications of the Town of Patterson, encounters conditions such as flood areas, groundwater conditions, springs, intermittent streams, rock, unsuitable slopes or unusual circumstances not foreseen in the general planning, such conditions shall be reported to the Town Engineer, together with the developer's recommendations for securing adequate and permanent construction. The Planning Board shall, without unnecessary delay, investigate with the Town Engineer the condition and either approve the developer's recommendations to correct same or a modification thereof or issue its own specifications for the correction of the conditions. Unusual circumstances or detrimental conditions observed by the Planning Board or its agents shall be similarly treated.

D. Modification of design of improvements. If at any time before or during the construction of the required improvements, unforeseen but not unusual circumstances arise that make it necessary or preferable to make minor modifications to the location or design of such required improvements, the Town Engineer may authorize said modifications; provided, however, that these modifications are within the spirit and intent of the Planning Board's approval and do not extend to the waiver of, or substantial alterations of the function of, any improvement required by the Board.

#### **§ 138-21. Utilities assurance.**

Where utilities required by the Planning Board are to be installed by a public utility company, the Planning Board may require written assurance that such installations will be furnished by the company within a specified period of time and in accordance with the approved subdivision plat.

#### **§ 138-22 Agreements.**

A. Public acceptance of streets and reservations. No act by the Planning Board with respect to a subdivision plat shall be deemed to constitute or imply the acceptance by the Town of any street, park, playground or other open space shown on said plat. The Planning Board may require said plat to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Town covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

B. Responsibility for ownership of reservations. Ownership shall be clearly indicated on all reservations for park and playground purposes.

C. Offers of cession and releases. The plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of easement or release shall be presented prior to plat approval.

### **ARTICLE IV Planning Criteria**

#### **§ 138-23. Guidelines.**

The Planning Board, in considering an application for the subdivision of land, shall be guided by the policy specified in § 138-2, Article I, of these regulations and the following criteria.

#### **§ 138-24. General considerations.**

A. Character of land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. In general a subdivider shall demonstrate that a lot has a suitable house location including a thirty (30) foot building envelope which is free from a Town- or State- regulated wetland area and buffer.

B. Preservation of existing features. Existing features which would add value to residential development, such as large trees, wooded areas, historic spots, watercourses and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision. Land to be subdivided and resubdivided shall be designed in reasonable conformity with existing topography in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, to limit stormwater runoff and to conserve the natural vegetative cover and soil. No tree, topsoil or excavated material shall be removed from its natural position except where necessary and incidental to the improvement of lots and the construction of streets and related facilities in accordance with the approved final plat.

C. Specifications for required improvements. All required improvements shall be constructed or installed to conform to the Town specifications.

#### **§ 138-25 Streets.**

A. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grade of the street. A combination of steep grades and sharp curves shall be avoided.

B. Block size. Block dimensions shall be at least twice the minimum lot depth and generally not more than one thousand (1,000) feet long.

C. Intersections. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided, except at important and higher volume traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within fifty (50) feet of an intersection, streets shall be approximately at right angles and grades shall be limited to three percent (3%). All street intersection corners shall be rounded by curves of at least twenty-five (25) feet in radius at the property line.

D. Visibility at intersections. Within the triangular area formed at corners by the intersecting street lines, for a distance of seventy-five (75) feet from their intersection and the diagonal connection the end points of these lines, visibility for traffic safety shall be provided by excavating if necessary. Nothing in the way of fences, wall hedges or other landscaping shall be permitted to obstruct such visibility.

E. Continuation of streets into adjacent property. Streets shall be arranged to provide for the continuation of principal streets between adjacent properties where such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and particularly where such continuation is in accordance with the Town Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way of fifty (50) feet in radius shall be provided on all temporary dead-end streets, with the notation on the plat that land outside the street right-of-way shall revert to abutting owners when the street is continued.

F. Permanent dead-end streets (cul-de-sac). Where a street does not extend to the boundary of the subdivision and its continuation is not needed for access to adjoining property, it shall be

separated from such boundary by a distance of not less than one hundred (100) feet. Reserve strips of land shall not be left between the end of a proposed street and an adjacent piece of property; however, the Planning Board may require the reservation of a twenty-foot-wide easement to accommodate utilities. A circular turnaround with a minimum right-of-way radius of fifty (50) feet shall be provided at the end of a permanent dead-end street. For greater convenience to traffic and more effective police protection, permanent dead-end streets shall, in general, be limited in length to a maximum of one thousand five hundred (1,500) feet along centerline from intersection of street centerlines to center of circular turnaround.

G. Street names. All streets shall be named, and such names shall be subject to the approval of the Town Planning Board. Names shall be sufficiently different in sound and spelling from other street names in the Town so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name. In determining new street names, the Planning Board shall give preference to names that acknowledge an element of historical significance of the area, or where no historical element can be identified, to an immediate natural feature of the landscape. **[amended 2-25-04 by L.L. No. 3]**

H. Improvements.

(1) Streets shall be graded and improved with pavement, street signs, monuments, sidewalks, street lighting, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants, except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite in the interest of public health, safety and general welfare.

(2) Underground utilities shall be required by the Planning Board and shall be placed between the paved roadway and street line to simplify location and repair of the lines. The subdivider shall install underground service connections, where required, to the property line of each lot before the street is paved.

(3) Grading and improvements shall conform to Town road specifications and shall be approved as to design and specifications by the Planning Board.

## **§ 138-26. Lots.**

A. Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in locating a building on each lot and in providing access to buildings on such lots from an approved street.

B. Access across a watercourse. Where a watercourse separates the buildable area of a lot from the access street, a culvert or other structure shall be required, of a design approved by the Town Engineer.

C. Lot dimensions. All lot dimensions for proposed lots shall comply with the minimum standards of Chapter 154, Zoning except where,

(1) those lots which will serve as a public benefit and are used strictly for utility purposes such as roads and storm water management practices.

(2) those lots which will be dedicated in perpetuity as passive open space. **[amended 2-25-04 by L.L. No. 3]**

D. Monuments and lot corner markers. Permanent concrete monuments meeting specifications approved by the Town Engineer as to size and installation shall be set at such block corners, angle points, points of curves in streets and other points as the Town Engineer may require, and their



location shall be shown on the subdivision plat.

E. Side lot lines. Side lot lines shall be at right angles to street lines unless a variation from this rule will give a better street or lot plan.

F. Access from major streets. Lots shall not, in general, derive access from a major street. Where driveway access from a major street may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street.

G. Curve radii at street intersections. All street right-of-way lines at intersections shall be rounded by curves at least twenty-five (25) feet in radius and curbs shall be adjusted accordingly.

H. Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required by the Town Engineer, and in no case less than twenty (20) feet in width.

#### **§ 138-27. Reservations and easements.**

A. Realignment or widening of existing streets. Where a subdivision borders an existing town, state, or county road and that road boundary is less than fifty (50) feet or the road alignment is such that there does not exist a distance of twenty-five (25) feet between the center line of the road (or traveled way) and the highway boundary, or where the town, county or state has a plan for realignment or widening of the road that would require reservation of some land of the subdivision, the Planning Board may require that such areas be shown and marked on the plat "Reserved for Street Alignment (or Widening) purposes."

B. Utility and drainage easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street right-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street.

C. Easements for pedestrian access. The Planning Board may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width.

D. Reserve strips prohibited. Reserve strips of land which might be used to control access from the proposed subdivision to any neighboring property or to any land within the subdivision itself shall be prohibited.

#### **§ 138-28. Drainage improvements.**

A. Removal of spring and surface water. The subdivider may be required by the Planning Board to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way, where feasible. Or in perpetual unobstructed easements of appropriate width.

B. Land subject to flooding. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or improved in a manner satisfactory to the Planning Board to remedy said hazardous conditions..

C. Responsibility for drainage. The subdivider shall be responsible for development of a

Stormwater Management Plan which complies with the requirements of Chapter 133. A Stormwater Management Plan will examine pre-development and post-development stormwater quality and quantity. The Stormwater Management Plan will provide areas within the subdivision where excess stormwater resulting from the development can be attenuated through temporarily storage. Such areas shall be designed to attenuate the increased rate of runoff from the 2-, 10-, and 25- Year Design Storm (and safely pass the 100-Year Design Storm) through means of an outlet control structure, emergency overflow spillway, or other means approved by the Planning Board and/or Town Engineer. Calculations to support the design of the stormwater facilities shall be based upon the USDA Soil Conservation Service's methodology utilizing the SCS soil maps and soil classifications, and designs shall provide for sufficient retention so that after development, no more stormwater shall flow at any point and at any one time than would have flowed before development (i.e., Zero-Net Increase in runoff rate shall be demonstrated for the Post-Development site condition). The Stormwater Management Plan shall be designed in accordance with the "New York Standards and Specifications for Erosion and Sediment Control" and the "New York State Stormwater Management Design Manual" The Stormwater Management Plan shall discuss the means and methods that will be used to control waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste during construction. In designing the Stormwater Management Plan, the use of wetland areas for either the attenuation of stormwater flows or for water quality treatment of stormwater will not be permitted by the Planning Board. **[amended 2-25-04 by L.L. No. 3]**

D. Proper Operation and Maintenance. The Planning Board shall ensure that adequate provisions exist for the proper operation and maintenance, of any stormwater management practices upon their completion. The Stormwater Management Plan shall identify the party that will be responsible for future maintenance of each practice, and the anticipated maintenance that will be required. The Planning Board shall also require that the subdivider provide future access to each stormwater practice by easement, or such other suitable means, for the purpose of inspection, by the Town's inspectors.

#### **§ 138-29. Erosion control standards. [amended 2-25-04 by L.L. No. 3]**

A. An Erosion and Sediment Control Plan shall be prepared and approved by the Planning Board for all land disturbance. No construction of any improvements or disturbance of any area shall begin until all required erosion and sediment control measures and facilities have been satisfactorily installed in accordance with an approved Erosion and Sediment Control Plan. The Planning Board may require the subdivider to verify through written progress reports that erosion and sediment control measures and facilities have been performed or installed in compliance with the approved Erosion and Sediment Control Plan and are being correctly operated and maintained. Such progress reports may be requested at any and all times during the construction of all proposed improvements.

B. All subdivisions shall comply with the provisions of Chapter 133, and shall prepare an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan as required therein, and all erosion and sediment control practices shown thereon, or as may otherwise be required to be installed on a development site shall be designed in accordance with Patterson's Erosion and Sediment Control Law and the "New York Standards and Specifications for Erosion and Sediment Control". Calculations to support the design of erosion and sediment control practices shall be based upon the USDA Soil Conservation Service's methodology utilizing the SCS soil maps and soil classifications.

**§ 138-30. Street design standards.**

A. The following street design standards shall be observed.

| <b>Classification</b>                               | <b>Major</b> | <b>Minor</b>    |
|---|--------------|-----------------|
| Right-of-way  | 60 ft.       | 50 ft.          |
| Pavement width                                      | 24 ft.       | 24 ft.          |
| Design speed  | 30mph        | 30mph           |
| Minimum radius of horizontal curve at center line   | 250 ft.      | 200 ft.         |
| Minimum radius at intersections<br>R.O.W. /pavement | 25 ft./35ft. | 20 ft./30 ft.   |
| Minimum grade                                       | 1%           | 1%              |
| Maximum grade                                       | 8%           | 10%             |
| Minimum sight distance                              | 300 ft.      | 200 ft.         |
| Minimum length of vertical curve                    | K 40         | K 25            |
| Cul-de-sac radius/pavement                          | N/A          | R 40 ft./50 ft. |
| Minimum length of tangent between reverse curves    | 100 ft.      | 100 ft.         |
| Curbs   | Yes          | Yes             |
| Street name signs                                   | Yes          | Yes             |
| Street trees  | Yes          | Yes             |

B. The following street construction standards will be observed.

(1) The foundation course shall be eight inches (8) compacted thickness of Subbase Course Type 4 (NYS DOT Item. #304.05), placed in two lifts with 95% of Standard Proctor Maximum Density.

(2) The binder course shall be set at a compacted thickness of three inches (3) of asphalt concrete-type 3 Binder Course (NYS DOT #403.13) placed in a single lift.

(3) The top course shall consist of any one of the following specifications:

(a) NYSDOT Item #403.16: Two (2) inches compacted thickness Asphalt Concrete-Type 6 Top Course, placed in a single lift.

(b) NYSDOT Item #403.1701: Two (2) inches compacted thickness Asphalt Concrete-Type 6F Top Course, placed in a single lift.

(c) NYSDOT Item #403.18: Two (2) inches compacted thickness Asphalt Concrete-Type 7 Top Course, placed in two lifts.

(d) NYSDOT Item #403.1901: Two (2) inches compacted thickness Asphalt Concrete-Type 7F Top Course, placed in two lifts.

(4) Curbs. Curbs shall be constructed of Class "A" concrete (3000 psi) with an overall height of eighteen (18") inches, a base width of eight (8") inches, a top width of six (6") inches with a one-quarter (1/4") inch radius finished edge at the road face, and shall have a reveal of six (6") inches along the road face.

C. Requirements may be modified by Planning Board to satisfy adequate safety of traffic and pedestrian movement.

D. Grades exceeding maximum shown require waiver from Planning Board.

E. Collector streets may be classified as either major or minor by the Planning Board. Cul-de-sacs will be classified as minor streets.

#### **§ 138-31. Driveways [amended 2-25-04 by L.L. No. 3]**

A. The Planning Board may impose such conditions as may be necessary to ensure the safe use of driveways exceeding seven hundred (700) feet in length including, but not limited to requiring areas of suitable width to enable the passage of two vehicles. The maximum length of a driveway shall be 2,000 feet.

B. Driveway grades. Driveway grades shall not exceed a 3% grade for a distance of 25 feet from the point at which the driveway connects to the street providing access and thereafter shall not exceed fifteen percent (15%) in grade at any point. Areas designated for vehicle parking shall not exceed a 5% grade. Driveway profiles and grades may be required by the Planning Board.

C. Where in the construction of a new subdivision road, driveways proposed as part of the subdivision require material to be removed or excavated in the construction of the driveway the material will be removed by the subdivider for a distance of seventy-five (75) feet from the right of way as part of the construction of the new street.

D. Sight Distances. The design of driveways shall be such that suitable sight distance is provided in accordance with the standards established by agency with primary jurisdiction or where no such standards exist, AASHTO standards shall be used.

#### **§ 138-32. E-911**

The following standards will be applicable to all new subdivisions:

A. E-911 Addressing Standards

(1) E-911 numbers will be assigned to all new subdivision lots and will be included on the Final Subdivision Plat in the Table of Zoning Requirements

(2) For all new streets or drives with only one point of ingress E-911 lot numbers will begin at the street or drive entrance. For those streets or drives with two points of ingress E-

911 lot numbers will begin at the eastern or southern end of the road.

(3) Numbers will be assigned with odd numbers on the left and even numbers on the right.

(4) For all new lots which may not be subdivided in the future or will not, because of zoning restrictions, can not contain an accessory structure needing a Certificate of Occupancy, numbering of a street will begin with 1 and will proceed incrementally using every other number odd number or every other even number depending on the side of the street; on the left side 1,5,9,13,17.... and on the right side 2,6,10,14, 18 ... irrespective of whether or not a property building exists on the property. The number thirteen (13) is not to be used.

(5) For all new lots which may be subdivided in the future or may contain an accessory structure needing a Certificate of Occupancy, E-911 numbers will be determined using fifty foot intervals where possible as a guide for determining numbers. In the design of a new subdivision the assignment of E-911 numbers should take into consideration any special circumstances which may reasonably be expected in the foreseeable future.

**B. New Street Names**

(1) New street names shall not duplicate existing street names in the Town of Patterson or in the Zip Code area in which the subdivision lies.

(2) All applicants must submit to the Planning Board proof that a proposed road name is acceptable to the local Post Office which will service that subdivision.

(3) Names will be assigned to all streets or drives which contain three or more structures or do not have road frontage.

**ARTICLE V  
Specifications for Plans and Plats**

**§ 138-33. Preliminary plat.**

The preliminary plat shall be clearly marked "preliminary plat" and shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet and shall show the following information:

A. Name of proposed subdivision; name and address of subdivider (and owner if other than subdivider); name and address and signature and seal of the licensed professional engineer and/or licensed surveyor responsible for the plat; the date, North arrow and scale.

B. Locations and dimensions of tract boundary and the area of the proposed subdivision.

C. Topography at a contour interval of not more than two (2) feet unless waived by the Planning Board. Topographic datum shall be referenced to the United States Geological Survey.

D. The names of adjoining property owners and the boundaries and designation of all zoning districts.

E. Location, name and dimensions of existing streets, easements, property lines, buildings, parks and public properties.

F. Location of existing sewers, watermains, culverts and storm drains, if any, including pipe

sizes, invert elevations, slope (%) and direction of flow.

G. Location of pertinent natural features that may influence the design of the subdivision, such as floodplains, wetlands, rock outcrops and large trees.

H. Key map at a scale of one (1) inch equals one thousand (1,000) feet, showing locations of proposed subdivision with respect to all streets and property within one thousand (1,000) feet of the applicant's tract and identifying all property in area held by the applicant or any corporation or partnership in which the applicant is a party.

I. Location, width and approximate grade of all proposed streets, showing center-line radii, high and low points and sags.

J. Location and dimensions of all proposed easements.

K. Profiles showing existing and proposed elevations along the center-line of all proposed streets and the elevations of existing streets for a distance of one hundred (100) feet on either side of their intersection with a proposed street.

L. Proposed provision of water supply, fire protection, sanitary waste disposal, storm water drainage, street trees, streetlight fixtures, street signs and sidewalks.

M. Approximate shape, dimensions and area of all proposed or existing lots and suggested location of buildings.

N. Approximate location and dimensions of all property proposed to be reserved for park or public use.

O. The boundaries of all wetlands, watercourses, water bodies and their associated control areas.

P. Soil types and approximate soil boundaries and unified soils codes therefore, as reported and shown in the most current issue of the Putnam County Soil Survey and accompanying soil maps published by the Putnam County Soil and Water Conservation District.

#### **§ 138-34. Lot Line Adjustment Details.**

Lot line adjustments submitted to the Planning Board shall be drawn to a convenient scale, not less than one (1) inch equals one hundred (100) feet, submitted on uniform size sheets, not larger than 36 by 48 inches, and shall show the following information:

A. The proposed project name or identifying title, including "Lot Line Adjustment".

B. The date, approximate true North arrow, and scale.

C. The name, address, and signature(s) of the owner(s) or corporate officer(s) for all parties involved in the adjustment and the signature and seal of the licensed engineer and/or surveyor responsible for the plat.

D. The names of the owner(s) of record of abutting properties or developments.

E. A location map (suggested scale 1" = 1000'), showing the location of the proposed subdivision with respect to all streets within 1000 feet of the applicants' tracts, and identifying all of the property held by the applicant in the area in question.

F. Identification of the Zoning Districts in which all of the involved lots are situated and the

location of any district boundaries on the properties.

G. The locations, names, and dimensions of existing streets and highways, easements, property lines, buildings, and parks and/or other public properties.

H. The plot areas, in square feet or acres, of both the existing and the proposed areas of the lots involved and of the parcel(s) to be “transferred”.

I. The location, bearings, and dimensions of the tract boundary and all lot lines, easements, roads (including curve data), Town boundaries, and Zoning Districts.

J. The location, composition, and approximate size of all existing and proposed monuments.

K. An approval block for the endorsement of the Plat by the Town Planning Board.

L. Tax map numbers of the parcels involved.

M. Labeling of the “old” and “new” property lines.

N. The location of existing and proposed structures, septic systems, and wells in order to insure that the proper setback distances are maintained.

O. Putnam County Department of Health approval (non-jurisdictional).

#### **§ 138-35. Final plat details.**

The final plat shall be drawn on transparent tracing cloth or mylar with black waterproof ink, at a scale of not less than one (1) inch equals one hundred (100) feet. The tracing size shall not exceed thirty-six by forty-eight (36x48) inches and shall show the following information:

A. Items required by § 138-33.

B. Location, bearings and dimensions of: the tract boundary, all lot lines, easements, roads (including curve data), town boundaries, zoning districts.

C. Proposed topography at a contour interval of not more than two feet, referenced to the United States Geological Survey, for any disturbed areas.

D. Location of all wetlands, streams, bodies of water. The Planning Board, in their discretion may require that the plat include the survey-located boundaries of any Town-regulated wetland, stream or other body of water and any controlled area. For projects which contain state-regulated wetlands, the plat shall include the NYSDEC Wetland Validation Block which shall contain the endorsement of the appropriate NYSDEC Official.

E. Location of all existing or proposed buildings and driveways.

F. Identification and area of all lots and parks to the thousandth of acre.

G. Names of existing streets and approved names of proposed streets.

H. Location of all existing and proposed monuments.

I. Notations concerning all reservations, restrictions or covenants, and any requirements as determined by the Planning Board for the creation of one or more special improvement districts.

J. All endorsements and notations as required in § 138-12(E)

K. Tabulated notation:

Area of lots:.....acres.  
Area of roads .....acres.  
Area of parks.....acres.  
Area of reservation strips..... acres  
Total:.....acres.

L. Table of Zoning. A table listing the requirements of the applicable zoning district(s), the district(s) bulk dimensional regulations noting both what is required or permitted and those dimensions which will be provided by the subdivision design for each lot shown. In addition, should any variances be issued by the Patterson Zoning Board of Appeals for any of the lots shown on the plat, they shall be clearly noted in this table and shall include the Case number, the variance granted and the date of issuance.

M. The E-911 street number and address for any lot shown on the plat as assigned by the Town of Patterson.

#### **§ 138-36. Construction plans.**

Separate construction plans shall be prepared for all required improvements by a licensed professional engineer. Minimum scale shall be one (1) inch equals fifty (50) feet on drawings not larger than thirty by thirty-six (36x48) inches. Data required to be shown is as follows:

- A. Typical cross sections showing street pavement, curbs, slopes and sidewalks if required.
- B. Details of manholes, catch basins, headwalls and any other required structures.
- C. Road alignment, complete with stations, center-line curve data and existing and finished contours of the road and all regraded areas.
- D. Location, size and invert elevations of all existing and proposed storm water and sanitary systems.
- E. Location of water lines, fire hydrants and all utilities to be installed.
- F. Location of all street signs, sidewalks, street lighting standards and street trees if required.
- G. Profiles of proposed roads and all storm drainage, sanitary sewers and water lines.

### **ARTICLE VI Variances and Waivers**

#### **§ 138-37. Variances.**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, if any, Chapter 154, Zoning,, the development plan or these regulations.



### **§ 138-38. Waivers.**

The Planning Board may waive, subject to appropriate conditions, the provision of any or all such improvements and requirements as in its judgment of the special circumstances of a particular plat or plats are not requisite in the interest of the public health, safety and general welfare, or which in its judgment are inappropriate because of inadequacy of lack of connecting facilities adjacent to or in proximity to the subdivision. (However, fire alarm signal devices, including necessary connecting facilities, can only be waived with the approval of the Board of Supervisors in a county central fire alarm system or the Town Board in any other case or the Board of Fire Commissioners where no town fire alarm system has been established.)

### **§ 138-39. Conditions.**

The Board may require such conditions as will, in its judgment, secure substantially the objectives or requirement necessary for the orderly subdivision of lots.

## **ARTICLE VII Indemnification; Enforcement; Severability**

### **§ 138-40. Indemnification.**

A. Although this Part 1 authorizes and empowers public officials, their employees and their duly designated representatives to inspect premises and to inspect improvements being constructed or completed and to order reconstruction of improvements where such improvements do not conform to this Part 1, nothing in this Part 1 is intended to require any construction work to be performed under the supervision, direction and control of the Town, the Planning Board, their employees or their duly designated representatives, and none of them shall be responsible for the means, methods, controls, techniques, sequences or procedures of construction or for construction safety.

B. Each subdivider making an application for approval of a subdivision or resubdivision under the provisions of this Part 1 and each and every owner of land who consents to such application shall be deemed to agree, by making or consenting to such application, to indemnify and hold harmless the Town, the Planning Board, their employees and their duly designated representatives, acting within the scope of authority vested by this chapter, from all claims, demands and liability for any and all injuries, damages, losses and expenses of whatever kind and nature incurred by any person or firm arising out of or in connection with the performance, correction, execution, cessation or any related delays in the work of constructing the improvements required as part of any subdivision plat or section thereof approved under the provisions of this Part 1.

### **§ 138-41. Enforcement.[amended 2-25-04 by L.L. No. 3]**

The Town Board may designate a representative or representatives to enforce the provisions of this Part 1. Said designated representative(s) may cause any place, premises or work to be inspected or examined, order the cessation of any work when any condition is found to violate this Part 1 and order the remedy of any such condition. The Planning Board may institute an action of proceeding to prevent or restrain any such work or to correct or abate any such condition. In addition to any civil or criminal penalties or other remedies as may be provided by law, a violation of this Part 1 may be enforced by mandatory or other injunctive relief.

### **§ 138-42. Penalties for Offenses.**

A. Any individual committing an offense against any of the provisions of this Part 1 or any part

thereof or of any condition or requirement imposed as part of an approved subdivision, shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town and a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such Part 1.

### **§ 138-43. When effective; applicability.**

This Part 1 shall take effect immediately. All applications before the Planning Board which have not received preliminary approval shall comply with this chapter.

## **Part 2 Additional Subdivision Requirements [Adopted 6-25-2003 by L.L. No. 4-2003]**

### **ARTICLE VIII Open Space Development**

#### **§138-44. Intent.**

A. The Town Board of the Town of Patterson finds that encouraging the protection of open space is beneficial to the Town in that open space helps to preserve the rural character of the Town, provides for a healthy environment within the Town, helps sustain natural resources and wildlife and helps to harmonize new development with the traditional open, rural, wooded landscapes of the Town.

B. The provisions in this Part 2 are intended to encourage flexibility in the design and development of land in order to promote the most appropriate use of land, to preserve as permanent open space agricultural land, important natural features, wildlife habitat, water resources, sensitive ecological systems, and scenic areas for the benefit of present and future residents. To accomplish these goals an open space subdivision plan may involve grouping development on one or more portions of a parcel to permanently preserve other portions of the parcel ("open space development"), modifying road design and frontage requirements, or a combination of these approaches, all in return for permanent open space preservation measures ("conservation density subdivision"). An open space subdivision shall seek to achieve the following specific purposes:

- (1) Minimizes nonpoint source pollution by reducing the amount of impervious surfaces in a development site.
- (2) Reduces pollutant loads to streams and other water resources.
- (3) Reduces potential pressure to encroach on resource buffer areas.

- (4) Provide adequate buffers between adjoining properties.
- (5) Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography
- (6) Preserve natural drainage patterns.
- (7) Promotes cost savings in infrastructure installation and maintenance by reducing the length of streets.
- (8) Protects environmentally sensitive areas of a development site and preserves on a permanent basis open space, natural features

#### **§138-45. Authority.**

Pursuant to Town Law, Article 16, Subsection 278 the Town Board of the Town of Patterson hereby authorizes the Planning Board, simultaneously with the approval of a plat showing the subdivision of a parcel into lots for residential development and designed in conformance with the conditions and requirements of this Part 2, to modify applicable provisions of Chapter 154, Zoning subject to the limitations found hereinafter. The regulations contained in this Part 2 shall constitute the rules and regulations required by § 278 of the Town Law, setting forth criteria pursuant to which a cluster subdivision may be required, excepting that the rules and regulations contained herein shall, pursuant to Municipal Home Rule Law supersede § 278 of Town Law.

#### **138-46. Definitions.**

**AFFORDABLE HOUSING** - housing sold at less than two and one-half times (2 ½ ) the median income for Putnam County as established by the most recent census.

**COMMON OPEN SPACE** - that portion of a proposed subdivision that will be maintained as permanently protected open space.

**CLUSTER or CLUSTERING** - see "Open Space Development".

**ENVIRONMENTALLY SENSITIVE AREAS** - wetlands, watercourses or other bodies of water including any regulated control zone and steep slopes.

**OPEN SPACE DEVELOPMENT** - a site planning technique that concentrates buildings and structures in specific areas on a lot, site or parcel by varying the required lot area and bulk dimensional requirements in order to allow the remaining land to maintained in a natural state.

**STEEP SLOPES** - Ground areas with a minimum slope of twenty percent (20%) or greater, with a minimum horizontal distance of ten feet (10') and a minimum area of one hundred square feet (100 s.f.).

**SUBDIVIDER** - any individual, or a principal in any firm or corporation who's intention is to benefit financially from subdividing a parcel of land into lots, in order to sell those lots with or without improvements.

#### **§138-47. Applicability.**

There is hereby created an Open Space Overlay Zone as shown on the Town of Patterson Zoning Map dated May 1, 2003. Any application requesting subdivision approval for a plat showing a lots, blocks or sites with or without streets that has been submitted to the Planning Board as

required by Part 1 of this Chapter, which lots, blocks or sites also lies within the Open Development Overlay Zone, shall in addition to the procedures and requirements of Part 1 and Chapter 154 shall also comply with the requirements of this Part 2.

**§138-48. Maximum number of Lots Permitted.**

A. The maximum number of lots created by the subdivision of the lot shall be the lesser of:

- (1) The total lot area minus ten percent (10%) for infrastructure improvements, divided by minimum lot area for that zoning district, rounded down to the nearest whole number; or
- (2) The total lot area minus any environmentally sensitive areas, minus ten percent (10%) for infrastructure improvements, divided by one and one-half acres, rounded down to the nearest whole number.

B. The total number of lots permitted may be increased by ten percent (10%) if the units permitted by this increase are sold as affordable homes to qualifying first-time home buyers that are not related to the subdivider, a principal, officer or employee in a corporation undertaking a subdivision or an individual related to a principal, officer or employee in a corporation undertaking a subdivision. Any such homes so constructed shall generally conform to the style, size and construction of the typical home constructed within the subdivision.

- (1) Any sale of lots, and the structures erected thereon, created by this subsection must be sold for a price not exceeding affordable, as defined by this Law for a period of seven years from the issuance of the initial certificate of occupancy for the principal structure constructed on the lot.
- (2) Any person, firm or corporation violating any of the provisions of this subsection, or any firm or corporation who has as an Officer any person who was found guilty of violating this subsection, in addition to any other penalty provided by this Part 2, shall not be eligible for an increase in the number of lots under this subsection on any other subdivision.

**§138-49. Minimum lot requirements.**

A. No lot shown on a subdivision plat pursuant to this Part 2 shall be less than 40,000 square feet in area, nor greater than 80,000 square feet in area. In addition, the total area of all lots that will be developed for residential use, excluding roads and utilities, shall not exceed twenty-eight percent of the total lot area prior to its subdivision.

B. The following dimensional standards are the minimum standards that may be permitted under this section.

- |     |  |                 |
|-----|--|-----------------|
| (1) | Road frontage . . . . .                                    | 125 linear feet |
| (2) | Maximum % of Impervious Coverage. . . . .                  | 20%             |
| (3) | Front Yard Setback. . . . .                                | 35 ft           |
| (4) | Side Yard Setback. . . . .                                 | 30 ft           |
| (5) | Rear Yard Setback. . . . .                                 | 40 ft           |
| (6) | Maximum height . . . . .                                   | 35 ft           |
| (7) | Unattached accessory structure front yard setback. . . . . | 35 ft           |
| (8) | Unattached accessory structure side yard setback. . . . .  | 20 ft           |
| (9) | Unattached accessory structure rear yard setback. . . . .  | 30 ft           |

C. All new residential units created pursuant to this section shall be detached single family

dwelling units.

#### **§138-50. Design Requirements.**

The Planning Board in considering an application for a subdivision which is also required to comply with this Part 2 shall be guided by policy of §138-44 above and the following design requirements.

A. A subdivision plat submitted under this section shall show lots proposed for development of residential units grouped together in one or more areas, so that the remaining portions of the lot may be maintained as common open space. Every effort will be made to maintain the maximum amount of land as permanent open space.

B. Environmentally sensitive areas, prime agricultural farmland, unique features, natural and scenic resources shall be preserved to the maximum extend practicable.

C. Consideration should be given to areas of protected open space adjacent to the parcel proposed for the subdivision. Every possible effort will be made to locate open space adjacent to open space located on adjoining property. Where ever possible, open space that is to be preserved under this Part 2 should be configured so that a network of interconnected greenway is created with open space from adjacent parcels.

D. Open space that is to be preserved under this section shall be maintained in a natural state and shall not be used for common septic areas, drainage improvements or such other utility improvement as may be necessary for development of the lots.

#### **§138-51. Plat Requirements.**

A. Procedures for the review of a subdivision plat submitted under this section shall follow the procedures of Part 1 for a major or minor subdivision.

B. The information and details required to be shown on a plat shall be the same as the details for a major or minor subdivision under Part 1.

#### **§138-52. Conveyance and maintenance of open space.**

A. Common open space that is to be preserved under this section shall be conveyed as follows:

(1) To the Town of Patterson

(2) To a not-for-profit organization whose principal purpose is the conservation of open space.

(3) To a cooperative of the owners (homeowners association) of the subdivision from which the open space originated.

B. Regardless of ownership, where the common open space in a residential cluster development is conveyed pursuant to Subsection A above, a deed restriction, enforceable by the Town of Patterson shall be recorded that provides that the common open space:

(1) Shall be maintained in a natural condition. Activities permitted within the common open space shall be limited to passive recreation and/or agriculture, however that no permanent structures or improvements may be erected or otherwise constructed on common

open space.

(2) Shall not be developed for residential dwellings or uses accessory to residential dwellings including storage sheds, parking, common septic areas, roadways, drainage improvements or utility easements.

C. All such open space so conveyed shall provide access to that open space from a street or other such public right-of-way as may be acceptable to the Planning Board. Any such access so provided shall be across lands that are suitable for this purpose.

D. Nothing in this Part 2 shall prevent the routine maintenance or the removal of hazards that pose and eminent threat to life or property.

#### **§138-53. Variance from Standards.**

A. Where a variation from one or more of the standards contained herein would result in a more appropriate design reflective of the character of the land while maintaining the intent herein, a variance from the standards and requirements of this Part 2 may be approved by the Town Board.

(1) Prior to any determination by the Town Board on any variance from the standards herein, the Town Board shall request a written recommendation from the Planning Board on the proposed variance.

(2) Prior to any determination by the Town Board on any variance from the standards herein, a public hearing shall be held by the Town Board who shall give public notice of such hearing by publication in a paper of general circulation in the town at least fourteen (14) days prior to the date thereof.

(3) In considering the appropriateness of a variance pursuant to this subsection, the Town Board shall take into consideration the intent of this Part 2. No variance shall be granted unless the variance is consistent with the policy of this section to preserve open space and is at least as protective of protecting open space and maintaining the rural character of the Town as if the variance had not be granted.

#### **§138-54. Fees.**

The procedures and fees for the review of a cluster subdivision plan shall be the same as for a major or minor subdivision pursuant to Chapter 87 of the Town Code of the Town of Patterson, or any Schedule of Fees derived therefrom.

#### **§138-55. Penalties.**

A. Any person, firm or corporation violating any of the provisions of this Part 2 shall be guilty of a violation which shall be punishable by a fine of not less than two hundred dollars (\$200) nor more than three hundred and fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both, for a conviction of the first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine of not less than three hundred and fifty dollars (\$350) nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both, and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700) nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter or any part thereof shall be deemed a misdemeanor.

Where a notice of violation has been duly issued, each additional week shall constitute a separate additional violation.

B. In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the Town with a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.

C. Any person, firm or corporation found guilty of the Affordable Housing clause of this Part 2 (§138-48B) shall be punishable by a fine of not less than ten thousand dollars (\$10,000), nor less than twenty thousand dollars (\$20,000).

**§138-56. When effective; compliance.**

This chapter shall take effect immediately. All applications before the Planning Board which have not received preliminary approval shall comply with this Part 2.

## **Chapter 142**

### **TAXATION**

#### **ARTICLE I Senior Citizens Tax Exemption**

**§ 142-1. Exemption granted; application; qualifications.**

#### **ARTICLE II Exemption on Improvements for Physically Disabled**

**§ 142-2. Exemption granted.**

**§ 142-3. Statutory authority.**

#### **ARTICLE III Veterans Exemption**

**§ 142-4. Purpose.**

**§ 142-5. Maximum exemption established.**

**§ 142-6. Eligible funds' exemption.**

**§ 142-6.1. Transfer of veteran's exemption.**

#### **ARTICLE IV Solar- and Wind-Energy System Exemptions**

**§ 142-7. Purpose.**

**§ 142-8. Statutory authority.**

**§ 142-9. Inapplicability of exemption.**

#### **ARTICLE V Exemption for Persons With Disabilities and Limited Incomes**

**§ 142-10. Maximum income qualifying for tax exemption.**

**§ 142-11. Maximum tax exemption established.**

**§ 142-12. Commencement of exemption.**

**§ 142-13. Statutory authority.**

#### **ARTICLE VI Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps.**

**§ 142-14. Legislative intent.**

**§ 142-15. Purpose**

**§ 142-16. Statutory authority.**

**§ 142-17. Definitions.**

**§ 142-18. Exemption/eligibility.**

**§ 142-19. Application for exemption.**

**§ 142-20. Lifetime Exemption.**

**§ 142-21. Spousal exemption where member is killed in line of duty.**

**§ 142-22. Spousal exemption where member id deceased.**



**§ 142-23. Continuation of exemption.**

**§ 142-24. When Effective.**

**§ 142-25. Severability.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson: Art. I, 6-20-1979 as L.L. No. 4-1979, amended in its entirety 12-28-1990 by L.L. No. 11-1990; Art. II, 2-8-1984 as L.L. No. 2-1984; Art. III, 1-30-1985 as L.L. No. 1-1985; Art. IV, 12-12-1990 as L.L. No. 10-1990. (readopted 4-13-2005 by L.L. No. 9-2005); Art. VI, 06/26/13 by L.L. No.2 of 2013. Amendments noted where applicable.]**

---

## **ARTICLE I**

### **Senior Citizens Tax Exemption**

**[Adopted 6-20-1979 as L.L. No. 4-1979; amended in its entirety 12-28-1990 by L.L. No. 11-1990]**

**§ 142-1. Exemption granted; application; qualifications. [Amended 2-13-1991 by L.L. No. 1-1991; 12-11-1991 by L.L. No. 7-1991; 2-26-1992 by L.L. No. 1-1992; 2-24-1993 by L.L. No. 1-1993; 1-24-2018 by L.L. No.2-2018]**

**1 Editor's Note: The "State Board" refers to the Office of Real Property Services.**

Real property in the Town of Patterson owned by one or more persons, each of whom is sixty-five years of age or over, or real property owned by husband and wife, one of whom is sixty-five years of age or over, shall be exempt from taxation by the Town of Patterson to the extent established by Subsection E, below, for the fiscal year for which an application is filed.

A. Application for such exemption must be made by the owner or all of the owners of the property on forms prescribed by the State Board to be furnished by the Town Assessor. Said owner shall furnish the information requested on the forms and shall execute them in the manner required or prescribed in such forms. Applications shall be filed in the Assessor's office on or before March 1 of each year. Any owner otherwise qualifying for the exemption shall not be denied the exemption if such owner becomes sixty-five (65) years of age after March 1 and before December 31 of the same year.

B. Any exemption provided under this Article shall be computed after all other partial exemptions allowed by law have been subtracted from the total amount assessed.

C. At least sixty (60) days prior to the appropriate taxable status date, the assessing authority shall mail to each person who was granted exemption pursuant to this section on the latest completed assessment roll an application form and a notice that such application must be filed on or before the taxable status date and be approved in order for the exemption to be granted. The assessing authority shall, within three (3) days of the completion and filing of the tentative assessment roll, notify by mail any applicant who has included with his application at least one (1) self-addressed, prepaid envelope of the approval or denial of the application: provided, however, that the assessing authority shall, upon the receipt and filing of the application, send by mail notification of receipt to any applicant who has included two (2) of such envelopes with the application. Where an applicant is entitled to a notice of denial pursuant to this subsection, such notice shall be on a form prescribed by the State Board and shall state the reasons for such denial and shall further state that the applicant may have such determination reviewed in the manner provided by law. Failure to mail any such application form or notices or the failure of such person to receive any of the same shall not prevent the levy, collection and enforcement of the payment of the taxes on property owned by such person.

D. No exemption shall be granted:

(1) If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making application for exemption exceeds the maximum amount. "Income tax year" shall mean the twelvemonth period for which the owner or owners filed a federal personal income tax return or, if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, total gain from the sale or exchange of a capital asset which may be offset by a loss from the sale or exchange of a capital asset in the same income tax year, net rental income, salary or earnings and net income from self-employment, but shall not include a return of capital, gifts or inheritances, or payments made to individuals because of their status as victims of Nazi persecution, as defined on P.L. 103-286, or monies earned through employment in the federal foster grandparent program, and any such income shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance, if the Town Board of the Town of Patterson, after public hearing, adopts a local law, ordinance or resolution providing therefor. The provisions of this paragraph notwithstanding, such income shall not include veterans disability compensation, as defined in Title 38 of the United States Code provided the Town Board of the Town of Patterson, after public hearing, adopts a local law, ordinance or resolution providing therefor. In computing net rental income and net income from self-employment, no depreciation deduction shall be allowed for the exhaustion, wear and tear of real or personal property held for the production of income.

(2) Unless the title of the property shall have been vested in the owner or one (1) of the owners of the property for at least twelve (12) consecutive months prior to the date of making application for exemption; provided, however, that in the event of the death of either a husband or wife in whose name title of the property shall have been vested at the time of death and then becomes vested solely in the survivor by virtue of devise by or descent from the deceased husband or wife, the time of ownership of property by the deceased husband or wife shall be deemed also a time of ownership by the survivor and such ownership shall be deemed continuous for the purposes of computing such period of twelve (12) consecutive months. In the event of a transfer by either a husband or wife to the other spouse of all or part of the title to the property, the time of ownership of the property by the transferor spouse shall be deemed also a time of ownership by the transferee spouse and such ownership shall be deemed continuous for the purposes of computing such period of twelve (12) consecutive months. Where property of the owner or owners has been acquired to replace property formerly owned by such owner or owners and taken by eminent domain or other involuntary proceeding, except a tax sale, the period of ownership of the former property shall be combined with the period of ownership of the property for which application is made for exemption and such periods of ownership shall be deemed to be consecutive for purposes of this section. Where a residence is sold and replaced with another within one (1) year and both residences are within the state, the period of ownership of both properties shall be deemed consecutive for purposes of the exemption from taxation by a municipality within the state granting such exemption. Where the owner or owners transfer title to property which on the date of transfer was exempt from taxation under the provisions of this section, the reacquisition of title by such owner or owners within nine (9) months of the date of transfer shall be deemed to satisfy the requirement of this subsection that the title of the property shall have been vested in the owner or one (1) of the owners for such period of twelve (12) consecutive months. Where, upon or subsequent to the death of an owner or owners, title to property, which as of the date of such death was exempt from taxation under such provisions, becomes vested, by virtue of devise or descent from the deceased owner or owners or by transfer by any other means within nine (9) months after such death, solely in a person or persons who, at the time of such death, maintained such property as a primary residence, the requirement of this subsection that the title of the property shall have been

vested in the owner or one (1) of the owners of such period of twelve (12) consecutive months shall be deemed satisfied.

(3) Unless the property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not so used exclusively for residential purposes but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section.

(4) Unless the real property is the legal residence of and is occupied in whole or in part by the owner or by all of the owners of the property, provided that an owner who is absent while receiving health-related care as an inpatient of a residential health care facility, as defined in §2801 of the Public Health Law of the State of New York, shall be deemed to remain a legal resident and an occupant of the property while so confined and income accruing to that person shall be income only to the extent that it exceeds the amount paid by such owner, spouse, or co-owner for the care in the facility, and provided, further, that during such confinement such property is not occupied by other than the spouse or co-owner of such owner; except where the real property is owned by a husband and/or wife, or an ex-husband and/or ex-wife, and either is absent from the residence due to divorce, legal separation or abandonment and all other provisions of this article are met, provided that where an exemption was previously granted when both resided on the property, then the person remaining on the real property shall be 62 years of age or over.

- E. Pursuant to § 467 of the New York State Real Property Tax Law, real property owned by one or more persons, each of whom is 65 years of age or over, or real property owned by husband and wife, one of whom is 65 years of age or over shall be exempt from certain Town real property taxes up to a maximum of 50% of the assessed valuation pursuant to the following schedules for the years 2023, 2024, and 2025 and subsequent years [**Amended 1-25-23 by L.L. No. 2-2023**]:

**Annual Income for 2023  
(Taxable Status Date of 3/1/23)**

**Percentage of Assessed Value  
Exempt From Taxation**

|   |     |
|---|-----|
| \$0 to \$40,000.00                              | 50% |
| More than \$40,000.00 but less than \$41,000.00 | 45% |
| More than \$41,000.00 but less than \$42,000.00 | 40% |
| More than \$42,000.00 but less than \$43,000.00 | 35% |
| More than \$43,000.00 but less than \$43,900.00 | 30% |
| More than \$43,900.00 but less than \$44,800.00 | 25% |
| More than \$44,800.00 but less than \$45,700.00 | 20% |
| More than \$45,700.00 but less than \$46,600.00 | 15% |
| More than \$46,600.00 but less than \$47,500.00 | 10% |
| More than \$47,500.00 but less than \$48,400.00 | 5%  |

**Annual Income for 2024  
(Taxable Status Date of 3/1/24)**

**Percentage of Assessed Value  
Exempt From Taxation**

|   |     |
|---|-----|
| \$0 to \$45,000.00                              | 50% |
| More than \$45,000.00 but less than \$46,000.00 | 45% |
| More than \$46,000.00 but less than \$47,000.00 | 40% |
| More than \$47,000.00 but less than \$48,000.00 | 35% |
| More than \$48,000.00 but less than \$48,900.00 | 30% |
| More than \$48,900.00 but less than \$49,800.00 | 25% |

|  |     |
|--|-----|
| More than\$49,800.00 but less than \$50,700.00 | 20% |
| More than\$50,700.00 but less than \$51,600.00 | 15% |
| More than\$51,600.00 but less than \$52,500.00 | 10% |
| More than\$52,500.00 but less than \$53,400.00 | 5%  |

**Annual Income for 2025  
and subsequent years  
(Taxable Status Date of 3/1/25)**

**Percentage of Assessed Value  
Exempt From Taxation**

|  |     |
|--|-----|
| \$0 to \$50,000.00                             | 50% |
| More than\$50,000.00 but less than \$51,000.00 | 45% |
| More than\$51,000.00 but less than \$52,000.00 | 40% |
| More than\$52,000.00 but less than \$53,000.00 | 35% |
| More than\$53,000.00 but less than \$53,900.00 | 30% |
| More than\$53,900.00 but less than \$54,800.00 | 25% |
| More than\$54,800.00 but less than \$55,700.00 | 20% |
| More than\$55,700.00 but less than \$56,600.00 | 15% |
| More than\$56,600.00 but less than \$57,500.00 | 10% |
| More than\$57,500.00 but less than \$58,400.00 | 5%  |

**ARTICLE II  
Exemption on Improvements for Physically Disabled  
[Adopted 2-8-84 as L.L. No. 2-1984]**

**§ 142-2. Exemption granted. [Amended 9-12-2012 by L.L. No. 5-2012]**

An improvement to any real property used solely for residential purposes as a one- , two- or three-family residence shall be exempt from taxation to the extent of any increase in value attributable to such improvement, if such improvement is used for the purpose of facilitating and accommodating the use and accessibility of such real property by a resident owner of the real property who is physically disabled or a member of the resident owner's household who is physically disabled, if such member resides in the real property. This exemption shall apply to all such qualified improvements constructed prior to the effective date of this article and at any time thereafter.

**§ 142-3. Statutory authority.**

This Article is adopted pursuant to the provisions of § 459 of the Real Property Tax Law, and all of the terms, conditions and requirements thereof shall apply hereto.

**ARTICLE III  
Veterans Exemption  
[Adopted 1-30-85 as L.L. No. 1-1985]**

**§ 142-4. Purpose. [Amended 4-10-1996 by L.L. No. 3-1996]**

The purpose of this Article is to reduce the maximum veterans exemption allowable pursuant to § 458-a of the Real Property Tax Law of the State of New York and provide for an increase or decrease in the amount of veterans eligible funds' exemption in direct proportion to the general increase or decrease in assessments throughout the Town of Patterson as authorized pursuant to the

provisions of § 458, Subdivision 5(a), of the Real Property Tax Law.

**§ 142-5. Maximum exemption established. [Amended 2-26-1997 by L.L. No. 2-1997; 12-20-1997 by L.L. No. 6-1997; 12-28-2005 by L.L. No. 14-2005; 1-23-2008 by L.L. No. 1-2008; 1-27-10 by L.L. No. 1-2010]**

A. In accordance with the provisions of Section 458-a of the Real Property Tax Law of the State of New York, 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 the lesser of \$54,000 or the product of \$54,000 multiplied by the latest state equalization rate for the Town of Patterson, 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 \$36,000 or the product of \$36,000 multiplied by the latest state equalization rate for the Town of Patterson, 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 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 \$180,000 or the product of \$180,000 multiplied by the latest state equalization rate for the Town of Patterson, whichever is less. For the purposes of this subsection, where a person who served in the active military, naval or air service during a period of war died in service of a service-connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.

D. In accordance with the provisions of §458-b of the Real Property Tax Law of the State of New York, residential real property owned by veterans who rendered military service to the United States of America during the "Cold War" shall be exempt from real property taxation in accordance herewith. The maximum exemption allowable from Town of Patterson real property taxation pursuant to §458-b of the Real Property Tax Law of the State of New York shall be 15% of the assessed value of such property, not to exceed \$54,000 or the product of \$54,000 multiplied by the latest state equalization rate of the assessing unit, or in the case of a special assessing unit, the latest class ratio, whichever is less. **[Amended 1-24-2018 by L.L. No. 1-2018]**

E. In addition to the exemption provided by Subsection D of this section, where the Cold War veteran received a compensation rating from the United States Veterans Affairs 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 50% of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed \$180,000, or the product of \$180,000 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. **[Amended 1-24-2018 by L.L. No. 1-2018]**

F. The exemption authorized pursuant to § 1242-5 will apply to qualifying owners or qualifying real property for as long as they remain qualifying owners, without regard to the ten-year limitation. **[Added 1-24-2018 by L.L. No. 1-2018]**

**§ 142-6. Eligible funds' exemption. [Added 4-10-1996 by L.L. No. 3-1996]**

A. Notwithstanding the limitation on the amount of exemption prescribed in Subdivision 1 or

2 of § 458 of the Real Property Tax Law, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments and a material change in level has occurred in accordance with Article 12 of Real Property Tax Law, and the material change in level is certified for the assessment roll pursuant to the rules of the state board, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by such change in level of assessment. If the Assessor receives the certification after the completion, verification and filing of the final assessment roll, the Assessor shall certify the amount of the exemption as recomputed pursuant to Subdivision 5(a) of § 458 to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the Assessor on the roll.

B. Any veterans who once had the eligible fund's exemption but now have the alternative exemption may switch back to the eligible funds' exemption within one (1) year of the adoption of the local law to take advantage of the change-in-level factor.

C. This section shall take effect as of January 1, 1996.

**§ 142-6.1. Transfer of veteran's exemption. [Added 2-24-2016 by L.L. No. 2-2016, amended 1-24-2018 by L.L. No. 1-2018]**

Where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption for property located in Putnam County pursuant to Real Property Tax Law Section 458 or Section 458-a, or receiving an exemption for property located within the Town of Patterson pursuant to Article 3 of this chapter, sells the property receiving the exemption and purchases property within the Town of Patterson, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption which the veteran, the spouse of the veteran or unremarried surviving spouse received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to this subdivision shall reapply for the exemption authorized pursuant to this section on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse wished to receive the exemption in future fiscal years.

**ARTICLE IV**  
**Solar- and Wind-Energy System Exemptions**  
**[Adopted 12-12-1990 as L.L. No. 10-1990]**

**§ 142-7. Purpose.**

The purpose of this Article is to disallow and render inapplicable, any exemption allowable pursuant to § 487 of the Real Property Tax Law of the State of New York.

**§ 142-8. Statutory authority.**

This Article is adopted pursuant to the provisions of § 487, Subdivision 8, of the Real Property Tax Law of the State of New York, and all of the terms, conditions and requirements thereof shall apply hereto.

**§ 142-9. Inapplicability of exemption.**

No exemption under § 487 of the Real Property Tax Law of the State of New York shall be applicable within the jurisdiction of the Town of Patterson with respect to any solar or wind energy system constructed subsequent to January 1, 1991, or the effective date of this Article, whichever is later.

**ARTICLE V**

**Exemption for Persons With Disabilities and Limited Incomes**

**[Adopted 12-14-2005 by L.L. 13-2005; Amended 2-28-2007 by L.L. No. 3-2007 ]**

**§ 142-10. Maximum income qualifying for tax exemption.**

A. All terms, conditions, and requirements of §459-c of the New York State Real Property Tax Law shall apply to the application for and the granting of such exemption on the assessment rolls of the Town of Patterson as they apply to the Town of Patterson, except that no exemption shall be granted if the combined income of the owner or owners of the property for the income tax year immediately preceding the date of application for exemption exceeds the maximum income as stated in § 142-11 herein.

B. In order to qualify for an exemption pursuant to this Article V, the combined income of the owner or owners of the property for the income tax year immediately preceding the date of the application for exemption from all sources, as set forth in §459-c of the New York State Real Property Tax Law, must be less than the maximum income as stated in § 142-11 herein. "Income tax year" shall mean the twelve-month period from which the owner or owners file a federal personal income tax return or, if no such return is filed, in the calendar year. When title is vested in either the husband or wife, or ex-husband or wife, or ex-husband or ex-wife, is absent from the property due to divorce, legal separation or abandonment, then only the income of the spouse residing on the property shall be considered and may not exceed such sum.

**§ 142-11. Maximum tax exemption established. [Amended 1-25-23 by L.L. No. 2-2023]**

Pursuant to §459c of the New York State Real Property Tax Law, real property owned by persons with disabilities shall be exempt from certain Town real property taxes up to a maximum of 50% of the assessed valuation pursuant to the following schedules for the years 2023, 2024, 2025 and subsequent years:

**Annual Income for 2023  
(Taxable Status Date of 3/1/23)**

**Percentage of Assessed Value  
Exempt From Taxation**

|   |     |
|---|-----|
| \$0 to \$40,000.00                              | 50% |
| More than \$40,000.00 but less than \$41,000.00 | 45% |
| More than \$41,000.00 but less than \$42,000.00 | 40% |
| More than \$42,000.00 but less than \$43,000.00 | 35% |
| More than \$43,000.00 but less than \$43,900.00 | 30% |
| More than \$43,900.00 but less than \$44,800.00 | 25% |
| More than \$44,800.00 but less than \$45,700.00 | 20% |
| More than \$45,700.00 but less than \$46,600.00 | 15% |
| More than \$46,600.00 but less than \$47,500.00 | 10% |
| More than \$47,500.00 but less than \$48,400.00 | 5%  |

**Annual Income for 2024  
(Taxable Status Date of 3/1/24)**

**Percentage of Assessed Value  
Exempt From Taxation**

|  |     |
|--|-----|
| \$0 to \$45,000.00                             | 50% |
| More than\$45,000.00 but less than \$46,000.00 | 45% |
| More than\$46,000.00 but less than \$47,000.00 | 40% |
| More than\$47,000.00 but less than \$48,000.00 | 35% |
| More than\$48,000.00 but less than \$48,900.00 | 30% |
| More than\$48,900.00 but less than \$49,800.00 | 25% |
| More than\$49,800.00 but less than \$50,700.00 | 20% |
| More than\$50,700.00 but less than \$51,600.00 | 15% |
| More than\$51,600.00 but less than \$52,500.00 | 10% |
| More than\$52,500.00 but less than \$53,400.00 | 5%  |

**Annual Income for 2025  
and subsequent years  
(Taxable Status Date of 3/1/25)**

**Percentage of Assessed Value  
Exempt From Taxation**

|  |     |
|--|-----|
| \$0 to \$50,000.00                             | 50% |
| More than\$50,000.00 but less than \$51,000.00 | 45% |
| More than\$51,000.00 but less than \$52,000.00 | 40% |
| More than\$52,000.00 but less than \$53,000.00 | 35% |
| More than\$53,000.00 but less than \$53,900.00 | 30% |
| More than\$53,900.00 but less than \$54,800.00 | 25% |
| More than\$54,800.00 but less than \$55,700.00 | 20% |
| More than\$55,700.00 but less than \$56,600.00 | 15% |
| More than\$56,600.00 but less than \$57,500.00 | 10% |
| More than\$57,500.00 but less than \$58,400.00 | 5%  |

**§ 142-12. Commencement of exemption.**

This Article V shall apply to the assessment rolls commencing for the years 2023 (taxable status date of March 1, 2023), 2024 (taxable status date of March 1, 2024) and 2025 (taxable status date of March 1, 2025), respectively, and for the taxable years to which the taxable status dates for such years are applicable (2023, 2024, 2025 and subsequent years), and the provisions of §459-c of the New York State Real Property Tax Law shall govern the granting of such exemption notwithstanding any contrary provisions of such section.

**§ 142-13. Statutory authority.**

This article is adopted pursuant to the provisions of §459-c of the New York State Real Property Tax Law, and all of the terms, conditions and requirements thereof shall apply hereto.

**ARTICLE VI**

**Tax Exemption for Qualified Members of Volunteer Fire Departments and Ambulance Corps. [Adopted on 7-10-13 by Local Law No.2 of 2013; Amended 5-10-23 by L.L. No. 4 of 2023]**

**§ 142-14. Legislative Intent.**



Members of volunteer fire departments and ambulance corps provide valuable services to the people of the Town of Patterson. In order to be certified and recertified, such volunteers must undertake numerous hours of training on their own time and frequently at their own expense. In order to encourage participation in the volunteer fire department and ambulance corps, and in order to maintain their ranks, the Town Board of the Town of Patterson finds it in the best interest of the community to provide certain financial incentives.

#### **§ 142-15. Purpose**

The purpose of offering this real property tax exemption is to improve recruitment and retention of members for our volunteer fire and ambulance services.

#### **§ 142-16. Statutory Authority.**

This article is adopted pursuant to the provisions of Chapter 670 of the Laws of 2022 which amended §466-a of the Real Property Tax Law in order to provide a real property tax exemption of 10% for qualified members of volunteer fire departments and ambulance corps, subject to adoption by individual municipalities.

#### **§ 142-17. Definitions**

**ENROLLED MEMBER** - an active firefighter who is a member in good standing of the Patterson Fire Department No. 1, the Putnam Lake Fire Department, or a volunteer with the Town of Patterson EMS, who has completed the necessary training, and is physically able and eligible to respond to calls for emergencies on behalf of their respective fire company or EMS Service.

**MINIMUM SERVICE REQUIREMENT** - Two full consecutive years of as an active firefighter with the Patterson Fire Department No. 1, the Putnam Lake Fire Department, or Patterson EMS.

#### **§ 142-18. Exemption/eligibility requirements.**

Real property in the Town of Patterson owned by an enrolled member of the Patterson Fire Department No. 1, the Putnam Lake Fire Department or Patterson EMS, or such enrolled member and spouse residing in the Town of Patterson shall be exempt from taxation to the extent of up to 10% of the assessed value of such property for town purposes and special ad valorem assessments for fire protection, library, lighting, Putnam Lake Park and Veteran's Memorial Park provided that;

- A. The enrolled member resides in the Town of Patterson;
- B. The property is the primary residence of the enrolled member;
- C. The property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the enrolled member's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section;
- D. The enrolled member has been certified by the Town of Patterson as the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service, as being an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service for a period of two full consecutive years of service;

- E. The enrolled member has been certified by the Town of Patterson as the authority having jurisdiction for the incorporated volunteer fire company, fire department, or ambulance service, as meeting the minimum service requirement and being an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service during the period for which the exemption is requested as follows;
1. The applicant shall be eligible if they have received credit under the Town of Patterson Length of Service Awards Program as certified by their respective fire company through their annual LOSAP submission and the Town of Patterson LOSAP Administrator for the period of service claimed in the application; or
  2. The applicant shall be eligible if they have responded to at least 10% of the total number of fire calls or 10% of the total number of ambulance calls received by the Department for the calendar year in question.
  3. The applicant shall be eligible if they have volunteered at least 400 hours with the Patterson EMS service.

**§ 142-19. Application for exemption.**

- A. Annually an application for an exemption, along with the certifications defined above, shall be filed with the applicable Town Assessor on or before the taxable status date on a form as prescribed by the Commissioner of the Office of Real Property Tax Services.
- B. Certification shall be required for any period of time claimed by an applicant that is not already on file with the applicable town assessor.
- C. The assessor shall review the application and certification to ensure they have satisfied the requirements of this law.

**§ 142-20. Lifetime exemption.**

- A. Any enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who accrues more than 20 years of active service with the Patterson Fire Department No. 1 or the Putnam Lake Fire Department and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, shall be granted the 10% percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Patterson.
  1. Active service is determined by the years or service credit for LOSAP. For years of service prior to 1993, the member's fire department, or such other qualified authority must certify that the member was active for any year the member is seeking credit to achieve 20 years of active service.
- B. For purposes of this exemption, aggregation of service between Patterson Fire Department No. 1 and the Putnam Lake Fire Department is permitted. Aggregation of service from other fire departments is permitted for up to 10 years of service.

**§ 142-21. Spousal exemption where member is killed in the line of duty.**

Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty during service to the Patterson Fire Department No. 1 or the Putnam Lake Fire Department:

An exemption granted under this chapter shall be continued, and a pre-existing exemption shall be reinstated, where the exemption was previously claimed by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service who was killed in the line of duty; and
- B. Such deceased volunteer had been an enrolled member for at least five years; and
- C. Such deceased volunteer had been receiving the exemption prior to his or her death.

#### **§ 142-22. Spousal exemption where member is deceased.**

Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers. An exemption granted under this article shall be continued, and a pre-existing exemption shall be reinstated, to an un-remarried spouse of a deceased enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

- A. Such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- B. Such deceased volunteer had been an enrolled member for at least twenty years; and
- C. Such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

#### **§ 142-23. Continuation of exemption.**

No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of this article on the effective date of this section shall suffer any diminution of such benefit because of the provisions of this section.

#### **§ 142-24. Effective Date.**

This article shall take effect immediately upon the filing with the Secretary of State and shall be implemented by the Assessor at the next taxable status date of March 1 following its adoption.

#### **§ 142-25. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this local law or Chapter 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, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

**Chapter 145**  
**TRESPASSING**

- § 145-1. Purpose.**
- § 145-2. Definitions.**
- § 145-3. Unlawful intrusion or trespass.**
- § 145-4. Posting of notices.**
- § 145-5. Use of public property.**
- § 145-6. Street encroachments.**
- § 145-7. Penalties for offenses.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 3-8-78 by Ord. No. 1-1978. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Dumps and dumping - See Ch. 79.**  
**Loitering - See Ch. 107.**  
**Peddling and soliciting - See Ch. 121.**

### **§ 145-1. Purpose.**

The purpose of this Article is to prohibit trespass to public and private property, for the protection and preservation of the property of the Town of Patterson and of its inhabitants and of peace and good order.

### **§ 145-2. Definitions.**

For the purpose of this Article, the terms used herein are defined as follows:

**OWNER** - Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

**PATTERSON ENVIRONMENTAL PARK** - All that certain plot, piece or parcel of land situated, lying and being in the Town of Patterson, County of Putnam and State of New York, containing about twenty-three (23) acres, bounded north by lands now or formerly of Conlin, east by the Croton River, south by lands now or formerly of Dykeman and west by lands of Dykeman and designated as "forever green" and to be used by the residents of the Town of Patterson as a nature conservancy by resolution of the Town Board dated May 11, 1977.

**PERSON** - Any natural person, corporation, association, society, organization, firm or partnership.

**PROPERTY** - Any real property or personal property in the Town of Patterson.

**PUTNAM LAKE DAM PROPERTY** - All that property shown on Plot H, together with the dam located thereon, as shown on the Tenth Map of Putnam Lake, Town of Patterson, Putnam County, New York, and filed in the Putnam County Clerk's office on the 30th day of October 1931, File No. 149L.

**STREET** - A public or private thoroughfare, however designated, which affords the principal means of access to abutting property.

**STRUCTURE** - Anything which is constructed, erected, placed or located, including but not limited to fences and walls.

**TOWN** - The Town of Patterson, in the County of Putnam, State of New York.

**TOWN BOARD** - The Town Board of the Town of Patterson.

**TRESPASS** - Any entrance, invasion, intrusion or encroachment by vehicle or otherwise, upon, in or to any property, without the permission or consent of the owner or lessee of such property.

### **§145-3. Unlawful intrusion or trespass.**

#### **A. Prohibited conduct.**

(1) It shall be unlawful in the Town of Patterson for any person, other than the owner, to trespass or intrude or go upon any public or private property which has been posted as hereinafter provided, without the written consent of the owner of such private property or public official having charge of any public property.

(2) It shall be unlawful for any person to pick flowers, shrubs or trees upon any public property or to mar or deface any public building.

(3) No person shall intrude upon any lot or piece of land within the Town of Patterson without authority from the owner thereof, or erect or occupy thereon any hut or other structure whatever without such authority.

B. Rule of evidence. The failure by any person to exhibit such written consent to any property owner, police officer, peace officer or any public official or employee shall be presumptive evidence that he has no consent to be upon the property.

C. Nonapplicability. This section shall not apply to a fire, police, peace officer or authorized town official or employee acting in the course of his duties.

#### **§ 145-4. Posting of notices.**

A. Notices or signs not less than fourteen (14) inches high by twenty-four (24) inches wide and with letters not less than four (4) inches high shall be so placed that when in position the distance between notices or signs shall not be greater than two hundred (200) feet.

B. The notices or signs shall be so placed as to be legible and visible.

C. The notices or signs shall contain the words NO TRESPASSING.

#### **§ 145-5. Use of public property.**

A. Whether or not public property shall have been posted as herein provided, no person shall enter or go upon any public land or public installation facility or building, unless the same shall as an ordinary function be open and accessible to the public, without the consent of the Town Board or the town official or employee or other public official having charge of such property, building or facility.

B. Nothing herein contained shall be deemed to prevent any resident of the Town of Patterson from using any town park, water or recreation facilities when otherwise authorized.

C. It shall be unlawful for any person to fish on the Putnam Lake Dam Property.

D. It shall be unlawful for any person to fish or hunt in the Patterson Environmental Park.

#### **§ 145-6. Street encroachments.**

It shall be unlawful for any person to place, erect or occupy within or above the bounds of any street or road of the Town of Patterson any structure without authorization.

#### **§ 145-7. Penalties for offenses.**

A. The violation of any provision of this Article is an offense.

B. Any person, firm or corporation found guilty of a violation of any provision hereof shall be punishable by a fine of not more than two hundred fifty dollars (\$250.) or imprisonment for a period not exceeding fifteen (15) days, or both such fine and imprisonment.

C. Each day upon which any violation of this Article shall continue shall be a separate violation hereof.

## **Chapter 147**

### **VEHICLES, ABANDONED**

#### **Article I**

##### **Title, Purpose, Definitions**

- § 147-1. Title.**
- § 147-2. Findings.**
- § 147-3. Definitions.**

#### **Article II**

##### **Abandoned Vehicles on Highways or Public Lands**

- § 147-4. Abandonment prohibited.**
- § 147-5. Impoundment.**
- § 147-6. Ownership of abandoned vehicles; inquiry into ownership; notification of owner to claim vehicle.**
- § 147-7. Custody of vehicle; disposition of Vehicles.**
- § 147-8. Conversion to Municipal Use.**

#### **Article III**

##### **Abandoned or Junk Vehicles on Private Lands**

- § 147-9. Abandonment prohibited.**
- § 147-10. Exemptions.**
- § 147-11. Removal procedure.**

#### **Article IV**

##### **Administration; Enforcement; Supersession**

- § 147-12. Enforcement.**
- § 147-13. Penalties for offenses.**
- § 147-14. Liability for charges.**
- § 147-15. Supersession of State Law.**
- § 147-16. When Effective .**
- § 147-17. Severability.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 4-21-65; amended in its entirety 12-11-85 as L.L. No. 4-1985; (readopted 4-13-2005 by L.L. No. 9-2005) amended in its entirety 8-09-06 by L.L. No. 7-2006. Subsequent amendments noted where applicable.]**

##### **GENERAL REFERENCES**

**Vehicles and traffic - See Ch. 150.**  
**Zoning - See Ch. 154**

#### **Article I**

##### **Title, Purpose, Definitions**

##### **§147-1. Title**

This Chapter may be cited as “Abandoned Vehicles Law”, which shall establish regulations and procedures for abandoned vehicles on a highway or other public property, and abandoned, junked, discarded, dismantled or currently unlicensed motor vehicles on private property within the Town of Patterson.

## **§147-2. Findings.**

A. It is hereby declared and found that abandoned vehicles on highways or other public property threaten the safety of the people using said public property. These vehicles inhibit highway maintenance operations and may pose hazardous obstacles to motorists. If in a poor or damaged condition they may pose a concern to the health, safety and welfare of the community.

B. Similarly, abandoned, junked, discarded, dismantled or currently unlicensed motor vehicles on private property within the Town of Patterson also affect the public interest and constitute a nuisance. Such vehicles are generally unsightly, affecting the aesthetic quality of the Town and may depreciate the value of neighboring properties. They may be replete with broken glass, and sharp torn metal edges and points. Abandoned or junk vehicles may constitute an attractive nuisance to children and cause their safety to be jeopardized. If left unabated such storage may pose a dangerous hazard to the community, since fuel tanks containing gasoline or gasoline fumes may easily explode, or may be harmful to the environment from gas or oil leaking into the groundwater used for drinking.

C. The control of abandoned, junked, discarded and unregistered motor vehicles on publicly and privately owned properties within the Town of Patterson is found to be necessary for the preservation and protection of the health, safety and general welfare of the community.

## **§ 147-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of the chapter:

**ABANDONED VEHICLE** - A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

- A. With no number plates affixed thereto or in an inoperable condition, for more than six hours on any public or private highway or in any other public place; or
- B. For more than 24 hours on any public or private highway or in any other public place, except a portion of a highway or public place on which parking is legally permitted; or
- C. For more than 48 hours, after the parking of such vehicle shall have become illegal, if left on a portion of a highway or public place on which parking is legally permitted; or
- D. For more than 96 hours on property of another if left without permission of the owner.

**HIGHWAY, PRIVATE** - Every traveled way or place in private ownership which provides access to three or more homes and is used for vehicular travel by the owner or owners thereof and those having express or implied permission from the owner or owners. A private highway shall include both the traveled portion of the highway and any right-of-way with respect thereto.

**HIGHWAY, PUBLIC** - The entire width between the boundary lines of every publicly maintained traveled way when any part thereof is open to the use of the public for purposes of vehicular travel, and shall include any highway, road, street, avenue, alley, public place, public driveway or any other public way open to use by vehicles. A public highway shall also include any right of way in which the traveled way lies. In the case of a highway by use as defined by Highway Law §189, such highway shall include the adjacent lands 25 feet from the center of the highway.

**JUNKED MOTOR VEHICLE OR CYCLE** - Any vehicle which is physically or legally incapable



of being operated on a public street or highway. A motor vehicle shall be presumed to be a junked vehicle if it is not duly registered and is dismantled or partly dismantled or dilapidated or is in a rusted or wrecked condition or lacks equipment in good operating condition necessary to enable it to be operated or required by law to enable it to be registered. A motor vehicle that has remained unused for more than six months or is not in a condition to be moved under its own power, whether registered or unregistered, shall be presumptive evidence that such motor vehicle is a "junked or inoperative motor vehicle."

**OWNER OF VEHICLE** - A person, other than a lien holder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person and also includes any lessee or bailee of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. Unless demonstrated by competent proof showing ownership by another person, the last registered owner of an abandoned vehicle shall be presumed to be the owner of the vehicle. The last registered owner of the vehicle shall be as indicated on the New York State Department of Motor Vehicles records.

**UNLICENSED VEHICLE** — Any motor vehicle or part or piece thereof that meets one or more of the following conditions:

- A. An unregistered motor vehicle;
- B. Is currently without a valid inspection sticker issued by the State of New York;
- C. Is not operable, or is no longer intended or in legal condition to be used on a public highway.

**UNREGISTERED MOTOR VEHICLE** — Any motor vehicle which must be registered with the State of New York and is not currently registered. The fact that a motor vehicle which must be registered with the State of New York does not display a current license plate or displays an expired license plate shall be presumptive evidence of the fact that such motor vehicle is not currently registered.

**VEHICLE** - A machine intended to be propelled by any means other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, but not limited to, an automobile, bus, truck, tractor, trailer, mobile home, motorcycle or any other conveyance originally intended for use on public highways.

## Article II **Abandoned Vehicles on Highways or Public Lands**

### **§ 147-4. Abandonment prohibited.**

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to abandon, or cause or permit to be abandoned, a vehicle upon any public highway, public lands or private highway within the Town of Patterson.

### **§ 147-5. Impoundment.**

The Code Enforcement Officer, Code Compliance Officer or Superintendent of Highways of the Town of Patterson, or any member of his department designated by him, is hereby, authorized to remove or have removed any vehicle left on any street or highway within the Town of Patterson which reasonably appears to have been abandoned.

**§ 147-6. Ownership of abandoned vehicles; inquiry into ownership; notification of owner to claim vehicle.**

A. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a value, taking into consideration the condition of the vehicle, of one thousand two hundred fifty dollars or less, as determined by the most recent edition of the Blue Book published by the National Association of Automobile Dealers, ownership shall immediately vest with the Town of Patterson upon taking custody of said abandoned vehicle, and title to the vehicle shall vest in accordance with applicable law and regulations of the commissioner, provided however that the Town of Patterson shall not be required to obtain title to an abandoned vehicle that is subject to the provisions of this subdivision if the vehicle will be sold or otherwise disposed of as junk or salvage, dismantled for use other than as a motor vehicle, or otherwise destroyed.

B. For any abandoned vehicle impounded or otherwise in the custody of the Town of Patterson, which has number plates affixed, or is of a value, taking into consideration the condition of the vehicle, of one thousand two hundred fifty dollars or more, as determined by the most recent edition of the Blue Book published by the National Association of Automobile Dealers, the Town shall make an inquiry concerning the last owner of such vehicle as follows:

- (1) abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates;
- (2) abandoned vehicle with no number plates affixed, to the New York State Department of Motor Vehicles.

C. For any abandoned vehicles the Town shall notify the last owner in the manner required in Article IV, Section 147-13(B) of this Chapter, if known, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be disposed of in a manner set forth in §147-7, including sold at public auction or by bid, after ten days from the date such notice was given. If the agency described in paragraph “A” also notifies such local authority that a lien or mortgage exists, or that a leaseholder exists, such notice shall also be sent to the leaseholder, lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the costs of removal and storage of such vehicle.

D. Ownership of such abandoned vehicles, if unclaimed, shall vest with the Town of Patterson ten days from the date such notice is given; or if the last owner cannot be ascertained, when notice of such fact is received.

**§ 147-7. Custody of vehicle; Disposition of Vehicles.**

A. For the purposes of this Article, the authority entitled to custody of a vehicle abandoned within the incorporated limits of the Town of Patterson shall be the Town of Patterson, except that if a vehicle is abandoned on property of the New York State Thruway Authority or property under the jurisdiction of the Office of Parks, Recreation and Historic Preservation, the Department of Transportation, or other State public authority or commission, such authority, office, department or commission shall be entitled to the custody of such vehicle.

B. Such local authority shall determine if an abandoned vehicle is suitable for operation on the public highways. If so, the vehicle shall be sold at public auction to the highest bidder or converted pursuant to §147-8 of this Article.

C. If such local authority determines that an abandoned vehicle is not suitable for operation on the public highways, it shall sell the vehicle to a vehicle dismantler or scrap processor registered or certified pursuant to section four hundred fifteen-a of the New York State Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but

who conforms to the laws and regulations of the state in which he has a place of business.

D. An abandoned vehicle without a vehicle identification number plate must be sold only to a vehicle dismantler or a scrap processor registered or certified pursuant to section four hundred fifteen-a of the New York State Vehicle and Traffic Law or to a vehicle dismantler or scrap processor who does not have a place of business in this state but who conforms to the laws and regulations of the state in which he has a place of business. Nothing contained herein shall be construed as preventing a local authority from applying for a replacement vehicle identification number plate.

#### **§ 147-8. Conversion to Municipal Use.**

A. The Town of Patterson, may convert to its own use those abandoned vehicles not affected by Section 147-6 of this section or may, by sale or gift, transfer title to any of such vehicles to any other municipal corporation for use by its law enforcement agency, provided however, the total number of vehicles converted and/or transferred in any calendar year may not exceed one percent of the Town of Patterson's unclaimed abandoned vehicles not affected by Section 147-6 or two such vehicles, whichever is greater.

B. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Town of Patterson shall be held by the Town of Patterson without interest, for the benefit of the owner of such vehicle for a period of one year. If not claimed within such one year period, such proceeds shall be paid into the general fund of such the Town of Patterson.

### **Article III Abandoned or Junk Vehicles, Private Lands**

#### **§ 147-9. Abandonment prohibited.**

It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise, to place, park, store or deposit, or cause or permit to be placed, parked, stored or deposited, an abandoned or junk vehicle upon any private land within the Town of Patterson,

#### **§ 147-10. Exemptions.**

A. This Article shall not apply to properties occupied and used for the repair, reconditioning and remodeling of vehicles in conformance with the Zoning Code of the Town of Patterson.

B. This Article shall not prohibit a person from keeping one unregistered motor vehicle on his own property located in a residential zoning district, pursuant to §154-27(A)(11) of the Patterson Town Code, provided that such unregistered motor vehicle has not been substantially dismantled or permitted to deteriorate and permitted to continue in that state for a period of at least three months, after which time there shall be a presumption that there is no interest to make the vehicle fit to operate.

C. This Article shall not apply to the storing of any vehicle in a wholly enclosed garage, when said storage is in compliance with the requirements of the New York State Building and Fire Code, and the Town of Patterson Zoning Code

D. This Article shall not apply to farm equipment located on a parcel used for a farm operation.

### **§ 147-11. Removal procedure.**

Any abandoned, junked or inoperative motor vehicle found by the enforcement official to be located within the unincorporated areas of the Town in violation of §147-9 may be removed from the premises on which located in the following manner:

A. If the provisions of the foregoing sections of this Article are reasonably believed to be violated, the enforcement official shall serve a written notice, either personally or by registered, certified or ordinary mail, upon the owner, occupant or person having charge of such private property, ordering such person to remove the same or cause the same to be removed therefrom within 10 days after service of the notice. The enforcement official may determine ownership of any parcel of land in the Town of Patterson from the current assessment roll of the Town and may serve written notice upon the owner thereof by mailing such notice to the owner at the address listed on the current assessment roll. If the enforcement official is unable to determine the ownership or address of the owner of said private property, such notification may be made by publishing same once in the official newspaper of the Town.

B. If the person upon whom the notice is served fails, neglects or refuses to comply with the provision of the notice within 10 days after service of the notice, the enforcement official shall advise the Town Board, and the Town Board shall hold a hearing on the removal of the vehicle or vehicles and shall serve notice of said hearing upon the owner of the private property at least five days prior to the hearing.

C. In the event that said abandoned, junked or inoperative motor vehicle or vehicles are not removed from the premises within 10 days subsequent to the hearing or said other time period as the Board may specify, the Town shall have the right to enter upon the premises and to remove and dispose of the abandoned, junked or inoperative motor vehicle or vehicles. The expense of such removal and disposal shall be a lawful charge upon the lands affected and shall constitute a lien thereon which shall be levied and collected in the same manner as all other town assessments.

## Article IV **Administration; Enforcement; Supersession**

### **§ 147-12. Enforcement.**

A. The Superintendent of Highways of the Town of Patterson, or any member of his department designated by him, is hereby, authorized to enforce the provisions of Article II of this Chapter and to remove or have removed any vehicle left on any street or highway within the Town of Patterson which reasonably appears to be abandoned or otherwise in violation of Article II of this Chapter.

B. The Code Enforcement Officer or Code Compliance Officer is hereby authorized to enforce any and all of the provisions of this Chapter, and to remove or have removed any vehicle left on any street or highway within the Town of Patterson which reasonably appears to be abandoned or otherwise in violation of this chapter. Enforcement of this Chapter may be by the issuance of an Appearance Ticket, by removing said vehicle as provided herein, or by invoking both enforcement provisions.

### **§ 147-13. Penalties for offenses.**

A. Any vehicle owner, property owner, occupant, lessee, agent or tenant who shall abandon, or cause to be abandoned any vehicle, or who owns a junk vehicle, or who owns property on which

there exists a junk vehicle, or who refuses to remove said abandoned, junked, discarded or unlicensed motor vehicle as directed by this chapter or who shall fail or refuse to comply with the provisions of any notice herein provided for or who shall commit an offense against any of the provisions of this chapter or who shall resist or obstruct the duly authorized agents, servants, officers and employees of the town in the removal and destruction thereof shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not less than two hundred fifty dollars (\$250.) nor more than one thousand dollars (\$1,000), or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued after notice, a separate and distinct offense hereunder.

B. Notice of any violation pursuant to this Chapter shall be served on the owner of the vehicle by certified mail, return receipt requested. Notice of any violation of Section 147-9 of this Chapter shall be served upon the owner of the vehicle, or upon the owner of the real property on which the vehicle is located, by certified mail, return receipt requested.

C. In addition to the above-named penalty, the Town Board of the Town of Patterson may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

#### **§ 147-14. Liability for charges.**

The last registered owner of an abandoned vehicle shall be presumed to be the owner and liable to the Town of Patterson for any penalties, legal fees, and the costs of removal and storage of such vehicle, unless he shall present proof of present ownership in another person.

#### **§ 147-15. Supersession of State Law.**

To the extent that any provisions of this chapter are inconsistent with the New York State Vehicle and Traffic Law Section 1224, or Civil Practice Law & Rules Article 3, or Criminal Procedure Law Article 150, the Town Board of the Town of Patterson hereby declares its intent to supersede those sections of the New York State Law, pursuant to its home rule powers under the Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.

#### **§ 147-16. When Effective.**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

#### **§ 147-17. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law 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, subdivision, section or part thereof directly involved in the controversy in which such judgment is rendered.

## **Chapter 150**

### **VEHICLES AND TRAFFIC**

#### **ARTICLE I General Provisions**

- § 150-1. Findings; Purpose.**
- § 150-2. Definitions of words and phrases**
- § 150-3. Specific definitions.**
- § 150-4. Authority to install traffic control devices.**

#### **ARTICLE II One-Way Roadways**

- § 150-5. One-way streets designated.**

#### **ARTICLE III Stop, Yield and Restricted Intersections**

- § 150-6. Stop intersections designated.**
- § 150-7. Yield intersections designated.**
- § 150-8. Restricted intersections.**

#### **ARTICLE IV Speed Regulations**

- § 150-9. Manner of establishing speed limits.**

#### **ARTICLE V Parking, Standing and Stopping**

- § 150-10. Application of provisions; posting of signs; angled parking.**
- § 150-11. Winter parking-, obstructive parking prohibited.**
- § 150-12. Parking prohibited at all times.**
- § 150-13. Parking prohibited during certain hours.**
- § 150-14. Time limit parking**
- § 150-15. Parking on condominium premises.**

#### **ARTICLE VI Removal and Storage of Vehicles**

- § 150-16. Removal of certain vehicles.**
- § 150-17. Redemption of vehicles.**
- § 150-18. Notice to owner; reports.**

#### **ARTICLE VII Truck Exclusions**

- § 150-19. Exclusions stated.**
- § 150-20. Exceptions.**

**ARTICLE VIII**  
**Traffic Signs**

**§ 150-21. Interference with signs prohibited.**

**ARTICLE IX**  
**Penalties**

**§ 150-22. Penalties for offenses.**

**ARTICLE X**  
**Repealer**

**§ 150-23. Repeal of prior provisions.**

**ARTICLE XI**  
**When Effective**

**§ 150-24. Time of taking effect.**

**[HISTORY: Adopted by the Town Board of the Town of Patterson 12-12-79 as Ord. No. 3-1979. (readopted 4-13-2005 by L.L. No. 9-2005) Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Noise \_ See Ch. 109**

**Parks - See Ch. 115**

**Abandoned vehicles - See Ch. 147.**

## ARTICLE I General Provisions

### § 150-1. Findings; purpose.

The Town Board of the Town of Patterson, New York, hereby finds and declares, as a matter of legislative determination and by authority of the Vehicle and Traffic Law of the State of New York, that it is in the best interest of the public and for the welfare and safety of the inhabitants of the Town of Patterson and to regulate and control traffic, to prevent congestion of traffic and to expedite the orderly movement thereof that this chapter be enacted.

### § 150-2. Definitions of words and phrases.

The words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them by Article I of the Vehicle and Traffic Law of the State of New York.

### § 150-3. Specific definitions.

The following words and phrases, which are not defined by Article I of the Vehicle and Traffic Law of the State of New York, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter:

**CURBLINE** - The prolongation of the lateral line of a curb or, in the absence of a curb, the lateral boundary line of the roadway.

**OFFICIAL TIME STANDARD** - Whenever certain hours are named herein or on traffic control devices, they shall mean the time standard which is in current use in this state.

### § 150-4. Authority to install traffic control devices.

The Superintendent of Highways shall install and maintain control devices when and as required under the provisions of this chapter, to make effective the provisions of this chapter, and may install and maintain such additional traffic control devices as he may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law of the State of New York, subject to the provisions of §§ 1682 and 1684 of that law.

## ARTICLE II One-Way Roadways

### § 150-5. One-way streets designated. [Amended 5-22-2002 by L.L. No. 3-2002]

The following streets or parts of streets are hereby designated as one-way streets, and vehicles shall proceed only in the direction indicated within the limits designated below:

| <b>Name of Street</b> | <b>Direction</b> | <b>Location</b>  |
|-----------------------|------------------|--|
| Fairfield Drive       | North            | On the easterly side of monument at the intersection of Fairfield Drive with Haviland Drive in Putnam Lake |
| Maple Avenue          | North            | On the easterly side of monument at  |



the intersection of Maple Avenue with  
Route 311 in the Hamlet of Patterson.

Waterford Drive

North

From Haviland Drive to Haviland  
Drive in Putnam Lake

**ARTICLE III**  
**Stop, Yield and Restricted Intersections**

**§ 150-6. Stop intersections designated. [Amended 11-14-1990 by L.L. No. 7-1990; 9-13-1995 by L.L. No. 5-1995; 7-24-2002 by L.L. No. 4-2002; 11-6-2002 by L.L. No. 6-2002; 2-11-2004 by L.L. No. 2-2004; 8-11-2004 by L.L. 5-2004; 12-8-2004 by L.L. 7-2004; 8-8-2005 by L.L. No. 10-2005; 2-28-2007 by L.L. No. 4-2007; 5-9-2007 by L.L. No. 6-2007; 5-9-2007 by L.L. No. 7-2007; 8-23-23 by L.L. No. 5-2023]**

The following Town, County, state and private road intersections in the Town of Patterson are hereby designated stop intersections:

| <b>Stop Sign on</b> | <b>Direction of Travel</b> | <b>At Intersection With</b> |
|---------------------|----------------------------|-----------------------------|
| Academy Road        | East                       | Rhinecliff Road             |
| Academy Road        | North                      | Lake Shore Drive            |
| Addison Drive       | North                      | Kenwood Road                |
| Albion Road         | North                      | Lake Shore Drive            |
| Allen Drive         | North                      | Homer Drive                 |
| Allen Drive         | North                      | Jordan Drive                |
| Allen Drive         | North                      | Kendal Drive                |
| Allen Drive         | South                      | Homer Drive                 |
| Allen Drive         | South                      | Jordan Drive                |
| Allen Drive         | South                      | Kendal Drive                |
| Apple Hill Road     | North                      | Old Route 22                |
| Apple Hill Road     | South                      | Collinwood Drive            |
| Andover Road        | West                       | Lake Shore Drive            |
| Auburn Road         | West                       | Lake Shore Drive            |
| Bainbridge Road     | South                      | Lake Shore Drive            |
| Baldwin Road        | North                      | Mooney Hill Road            |
| Baldwin Road        | West                       | Cushman Road                |
| Bangall Road        | East                       | Gates Drive                 |

| Stop Sign on   | Direction of Travel | At Intersection With  |
|--|---------------------|-----------------------|
| Bangall Road   | South               | Rutland Drive         |
| Barnard Road   | North               | Lakeport Drive        |
| Barnard Road   | South               | Lakeport Drive        |
| Batavia Road   | North               | Empire Road           |
| Batavia Road   | South               | Windsor Place         |
| Berwick Road   | West                | Lake Shore Drive      |
| Big Elm Road   | East                | Old Route 22 (2)      |
| Birch Hill Road  | East                | North Stagecoach Road |
| Blossom Lane   | South               | Apple Hill Road       |
| Bonnie Court   | North               | West Street           |
| Bradley Court  | South               | Big Elm Road          |
| Brandon Road   | West                | Lake Shore Drive      |
| Brickhouse Road  | North               | Cross Road            |
| Bridle Ridge Road  | East                | North Stagecoach Road |
| Brimstone Road   | East                | Haviland Drive        |
| Caldwell Road  | South               | Hazel Drive           |
| Camden Road  | West                | Lake Shore Drive      |
| Cameron Road   | East                | Rhinecliff Road       |
| Cameron Road   | East                | Shoreham Drive        |
| Cameron Road   | West                | Palmyra Road          |
| Cameron Road   | West                | Rhinecliff Road       |
| Cameron Road   | West                | Shoreham Drive        |
| Canton Drive   | North               | Lakeport Drive        |
| Canton Drive   | South               | Lakeport Drive        |
| Center Street  | East                | Front Street          |
| Center Street  | West                | South Street          |
| Collinwood Drive   | East                | Old Road              |
| Cornwall Road  | North               | Lawrence Drive        |
| Couch Road (opposite 190 Couch Road)[Added 7-23-2008 by L.L. No. 2-2008] | East                | Couch Road            |
| Cross Road   | North               | Mooney Hill Road      |

| Stop Sign on           | Direction of Travel | At Intersection With |
|------------------------|---------------------|----------------------|
| Courtney Lane          | West                | Bradley Court        |
| Cushman Road           | North               | Mooney Hill Road     |
| Cushman Road           | North               | Baldwin Road         |
| Cushman Road           | South               | Baldwin Road         |
| Danbury Road           | North               | Lake Shore Drive     |
| Danbury Road           | South               | Lake Shore Drive     |
| Dayton Road            | West                | Lake Shore Drive     |
| Deacon Smith Hill Road | East                | Wilbur Herrlich Road |
| Deacon Smith Hill Road | West                | Wilbur Herrlich Road |
| Deerfield Road         | West                | Lake Shore Drive     |
| Delmar Road            | West                | Canton Drive         |
| Dover Lane             | East                | Westgate Terrace     |
| Dresden Road           | North               | Toronto Road         |
| Eldred Road            | West                | Hopewell Drive       |
| Elm Way                | East                | Mt. View Road        |
| Elton Road             | West                | Canton Drive         |
| Fairville Road         | North               | Oakfield Drive       |
| Fairville Road         | North               | Randall Road         |
| Fairville Road         | South               | Lakeport Drive       |
| Fairville Road         | South               | Randall Road         |
| Fairville Road         | West                | Quogue Road          |
| Ferndale Road          | South               | Deerfield Road       |
| First Street           | East                | Front Street         |
| First Street           | West                | South Street         |
| Foxwood Terrace        | East                | Ridge View Drive     |
| Freemont Road          | East                | Garland Road         |
| Front Street           | North               | Townsend Street      |
| Fulton Drive           | West                | Lake Shore Drive     |
| Garfield Road          | North               | Java Road            |
| Garland Road           | South               | Lake Shore Drive     |
| Gordon Road            | West                | Lake Shore Drive     |

| Stop Sign on    | Direction of Travel | At Intersection With |
|-----------------|---------------------|----------------------|
| Hadley Road     | West                | Lake Shore Drive     |
| Hammond Road    | South               | Deerfield Road       |
| Hanover Road    | East                | Garland Road         |
| Harmon Road     | West                | Lake Shore Drive     |
| Highview Drive  | South               | Bullet Hole Road     |
| Homer Drive     | East                | Lake Shore Drive     |
| Hopewell Drive  | North               | Andover Road         |
| Hudson Drive    | West                | Lake Shore Drive     |
| Ice Pond Road   | North               | Bullet Hole Road     |
| Ilion Road      | West                | Lake Shore Drive     |
| Ingleside       | North               | Cameron Road         |
| Interlaken Road | East                | Lake Shore Drive     |
| Inwood Place    | East                | Empire Road          |
| Irby Road       | South               | Jordan Drive         |
| Irene Road      | East                | Lake Shore Drive     |
| Jackson Road    | West                | Bainbridge Road      |
| Jackson Road    | West                | Lake Shore Drive     |
| Jennifer Lane   | North               | High View Drive      |
| Jerome Drive    | East                | Lake Shore Drive     |
| Jill Court      | West                | West Street          |
| Jordan Drive    | East                | Lake Shore Drive     |
| Kendal Drive    | East                | Lake Shore Drive     |
| Kensington Road | South               | Wesley Road          |
| Kenton Road     | East                | Interlaken Road      |
| Kenton Road     | East                | Knox Road            |
| Kenwood Road    | East                | Newburgh Road        |
| Kingston Road   | West                | Bainbridge Road      |
| Kings Way       | West                | Manor Road           |
| Knox Road       | East                | Lake Shore Drive     |
| Lacona Drive    | East                | Lake Shore Drive     |
| Lakeport Drive  | East                | Warren Drive         |

| <b>Stop Sign on</b> | <b>Direction of Travel</b> | <b>At Intersection With</b> |
|---------------------|----------------------------|-----------------------------|
| Lakeport Drive      | North                      | Rutland Drive               |
| Lakeport Drive      | West                       | Newburgh Road               |
| Lakeshore Drive     | East                       | Academy Road                |
| Lakeshore Drive     | North                      | Academy Road                |
| Lake Spring Drive   | South                      | Old Route 22                |
| Lawrence Drive      | East                       | Lake Shore Drive            |
| Leibell Place       | South                      | Route 311                   |
| Lisa Court          | West                       | Maple Avenue                |
| Livonia Road        | East                       | Slater Road                 |
| Lumber Street       | East                       | Front Street                |
| Lumber Street       | West                       | South Street                |
| Maine Road          | East                       | Warren Drive                |
| Manor Road          | South                      | Mooney Hill Road            |
| Marion Road         | North                      | Jerome Drive                |
| Marion Road         | South                      | Lacona Drive                |
| Marshall Road       | East                       | Lake Shore Drive            |
| McManus Road South  | East                       | Bullet Hole Road            |
| Meadow Ridge Road   | North                      | Sky Lane                    |
| Meadow Ridge Road   | South                      | Lakespring Drive            |
| Mooney Hill Road    | East                       | Cushman Road                |
| Mooney Hill Road    | West                       | Cushman Road                |
| Morningside Drive   | East                       | Birch Hill Road             |
| Morningside Drive   | West                       | Panorama Drive              |
| Newburgh Road       | North                      | Iroquois and Lakeport       |
| Newburgh Road       | North                      | Randall Road                |
| Newburgh Road       | South                      | Iroquois and Lakeport       |
| Newburgh Road       | South                      | Manchester Drive            |
| Newburgh Road       | South                      | Randall Road                |
| Newport Road        | North                      | Warren Drive                |
| Newport Road        | South                      | Empire Road                 |

| Stop Sign on                                 | Direction of Travel | At Intersection With   |
|--|---------------------|------------------------|
| Newport Road [Added 5-23-2023 by L.L. No. 5] | South               | Sharon Road            |
| Newton Road                                  | West                | Newburgh Road          |
| Niles Road                                   | South               | Jerome Drive           |
| Niles Road                                   | West                | Ipswich Road           |
| Norfolk Road                                 | South               | Lake Shore Drive South |
| North Stagecoach Road                        | South               | Birch Hill Road        |
| Oakfield Drive                               | East                | Garfield Road          |
| Oakfield Drive                               | North               | Newburgh Road          |
| Old Road                                     | North               | Old Route 22           |
| Old Route 22 Segment 1                       | North               | Route 22               |
| Old Route 22 Segment 1                       | South               | Route 22               |
| Old Route 22 Segment 2                       | North               | Route 164              |
| Old Route 22 Segment 2                       | South               | Route 22               |
| Old Route 22 Segment 3                       | North               | Route 22               |
| Old Route 22 Segment 3                       | South               | Route 22               |
| Old Route 22 Segment 4                       | South               | Route 22               |
| Oneida Road                                  | East                | Lawrence Drive         |
| Orient Place                                 | West                | Rutland Drive          |
| Orleans Road                                 | South               | Manchester Drive       |
| Ottawa Road                                  | South               | Interlaken Road        |
| Overlin Road                                 | South               | Manchester Drive       |
| Palisades Road                               | South               | Manchester Drive       |
| Palmyra Road                                 | North               | Lake Shore Drive       |
| Pan Road                                     | East                | Sonnet Lane            |
| Panorama Drive                               | East                | Birch Hill Road        |
| Perry Road                                   | East                | Slater Road            |
| Perry Road                                   | West                | Sanborn Road           |

| Stop Sign on           | Direction of Travel | At Intersection With |
|------------------------|---------------------|----------------------|
| Perry Road             | West                | Slater Road          |
| Pheasant Crossing Lane | South               | Indian Hill Road     |
| Phillard Road          | North               | Quaker Road          |
| Playland Court         | South               | Sunset Drive         |
| Preston Place          | East                | Gates Drive          |
| Quail Lane             | East                | Apple Hill Road      |
| Quaker Road            | West                | Haviland Drive       |
| Quebec Road            | South               | Java Road            |
| Queenbury Road         | North               | Lake Shore Drive     |
| Quincy Road            | South               | Livonia Road         |
| Quogue Road            | East                | Garfield Road        |
| Randall Road           | West                | Newburgh Road        |
| Ravina Road            | South               | Interlaken Road      |
| Reading Road           | West                | Sanborn Road         |
| Redwood Road           | North               | Eastwood Road        |
| Remsen Road            | South               | Livonia Road         |
| Rhinecliff Road        | North               | Cameron Road         |
| Rhinecliff Road        | South               | Cameron Road         |
| Ridge View Drive       | North               | Cross Road           |
| Richard Street         | East                | Orchard Street       |
| Richard Street         | West                | Orchard Street       |
| Ripley Road            | West                | Newport Road         |
| Ripley Road            | West                | Thompson Road        |
| Roanoke Road           | East                | Newburgh Road        |
| Rutland Drive          | North               | Club Court           |
| Saginaw Road           | East                | Java Road            |
| Salisbury Road         | East                | Sullivan Road        |
| Salisbury Road         | South               | Zurich Road          |

| Stop Sign on   | Direction of Travel | At Intersection With |
|--|---------------------|----------------------|
| Sapling Court  | South               | Sugar Bush Road      |
| Seward Road  | West                | Warren Drive         |
| Sharon Road  | West                | Newport Road         |
| Shawe Valley Lane                                    | West                | Ice Pond Road        |
| Shoreham Drive                                       | North               | Lake Shore Drive     |
| Sky Lane   | East                | Lake Spring Drive    |
| Sky Lane   | West                | Old Route 22         |
| Slater Road  | North               | Reading Road         |
| Slater Road  | North               | Rutland Road         |
| Slater Road  | North               | Saginaw Road         |
| Slater Road  | North               | Vesper Road          |
| Slater Road  | South               | Lakeport Road        |
| Slater Road  | South               | Livonia Road         |
| Slater Road  | South               | Reading Road         |
| Slater Road  | South               | Saginaw Road         |
| Slater Road  | South               | Vesper Road          |
| Sophia Lane  | North               | Tommy Thurber Lane   |
| Sommerset Drive                                      | North               | Devon Road           |
| South Street   | North               | Lumber Street        |
| South Street   | North               | Townsend Street      |
| South Street [Added 7-23-2008<br>by L.L. No. 2-2008] | North               | West Street          |
| South Street   | South               | Lumber Street        |
| South Street   | South               | Townsend Street      |
| South Street [Added 7-23-2008<br>by L.L. No. 2-2008] | South               | West Street          |
| Stagecoach Road                                      | North               | Birch Hill Road      |
| Sugar Bush Road                                      | East                | Maple Avenue         |
| Sugar Bush Road                                      | West                | North Street         |



| Stop Sign on       | Direction of Travel | At Intersection With |
|--------------------|---------------------|----------------------|
| Sullivan Road      | East                | Toronto Road         |
| Sullivan Road      | South               | Roanoke Road         |
| Sullivan Road      | South               | Zurich Road          |
| Summit Road        | North               | Maine Road           |
| Sunset Drive       | West                | Panorama Drive       |
| Sycamore Road      | East                | Warren Drive         |
| Sycamore Road      | West                | Newburgh Road        |
| Sylvia Barlow Road | South               | Ballyhack Road       |
| Tammany Hall Road  | West                | Bullet Hole Road     |
| Tammany Hall Road  | East                | Tommy Thurber Lane   |
| Tammany Hall Road  | North               | Tommy Thurber Lane   |
| Taylor Road        | South               | Warren Drive         |
| Taylor Road        | West                | Warren Drive         |
| Teal Lane          | East and West       | Apple Hill Road      |
| Thames Road        | West                | Slater Road          |
| Theodore Road      | West                | Fields Corners Road  |
| Thompson Road      | North               | Sharon Road          |
| Thompson Road      | South               | Empire Road          |
| Townsend Street    | West                | South Street         |
| Townsend Street    | East                | Front Street         |
| Troy Place         | West                | Garfield Drive       |
| Thunder Ridge Road | South               | Route 22             |
| Thunder Ridge Road | North               | Birch Hill Road (2)  |
| Tommy Thurber Road | South               | Tammany Hall Road    |
| Ulster Road        | East                | Kensington Road      |
| Ulster Road        | West                | Jasper Road          |
| Valley Road        | North               | Lake Shore Drive     |
| Vega Road          | East                | Jasper Road          |

| Stop Sign on  | Direction of Travel | At Intersection With   |
|---|---------------------|------------------------|
| Vega Road   | West                | Hermitage Road         |
| Venice Road   | East                | Overlin Road           |
| Venice Road   | East                | Quebec Road            |
| Venice Road   | West                | Overlin Road           |
| Venice Road   | West                | Quebec Road            |
| Verona Road   | South               | Reading Road           |
| Verona Road   | West                | Perry Road             |
| Vesper Road   | South               | Rutland Drive          |
| Veteran Road  | North               | Empire Road            |
| Victory Road  | South               | Toronto Road           |
| Victory Road  | West                | Toronto Road           |
| Vista Lane  | South               | Longview Drive         |
| Wallace Place                                       | North               | Warren Drive           |
|   | South               | Sharon Road            |
| Webster Place                                       | North               | Hazel Drive            |
| Wesley Road   | West                | Jasper Road            |
| West Street [Added 7-23-2008<br>by L.L. No. 2-2008] | North               | Jill Court             |
| Weston Place  | East                | Warren Drive           |
| Wilbur Herrlich Road                                | North               | Deacon Smith Hill Road |
| William Street                                      | West                | Orchard Street         |
| Windsor Place                                       | North               | Hazel Drive            |
| Yonkers Place                                       | North               | Saginaw Road           |
| Yorkshire Road                                      | East                | Eastwood Road          |
| Yorkshire Road                                      | South               | Danbury Road           |
| Young Road  | East                | Palisades Road         |

A. For the purpose of establishing their location, the roads listed below shall be further identified as shown:

(1) Old Route 22, Segment 1 shall be identified as that segment of Old Route 22 which intersects on the east side of NYS Route 22, approximately 1,200 feet north of the southerly Town boundary, and runs to and intersection with Route 22 immediately south of Ballyhack Road.

(2) Old Route 22, Segment 2 shall be identified as that segment of Old Route 22 that intersects on the west side of Route 22 approximately 4,000 feet north from the southerly Town boundary, and runs north to intersect with NYS Route 164.

(3) Old Route 22, Segment 3 shall be identified as that segment of Old Route 22 intersecting with Route 22 that is on the west side of Route 22 approximately 1,200 feet north of the NYS Route 22, Haviland Hollow Road intersection, and runs to an intersection with Route 22 approximately 1,700 feet north of the NYS Route 22, Haviland Hollow Road intersection.

(4) Old Route 22, Segment 4 shall be identified as that segment of Old Route 22 whose southerly intersection is located on the west side of Route 22 approximately 400 feet from the northerly Town boundary, and runs north into the Town of Pawling.

**§ 150-7. Yield intersections designated. [Amended 12-8-04 by L.L No. 8 of 2004]**

The following town road intersections in the Town of Patterson are hereby designated yield intersections:

| <b>Yield Sign on</b> | <b>Direction of Travel</b> | <b>At Intersection With</b> |
|----------------------|----------------------------|-----------------------------|
| Alden Road           | North                      | Taylor Road                 |
| Birch Hill Road      | East                       | Stage Coach Road            |
| Brick House Road     | West and east              | Cross Road                  |
| Cushman Road         | North                      | Mooney Hill Road            |
| Oneida Road          | West                       | Ipswich Road                |
| Palisades Road       | North                      | Venice Road                 |
| Parma Place          | West                       | Gates Drive                 |
| Vesper Road          | West                       | Java Road                   |

**§150-8. Restricted Intersections.**

The following intersections are hereby designated as turn-restricted intersections, with the limitations as noted below.

| <b>Road</b>        | <b>Direction of Travel</b> | <b>At Intersection With</b> | <b>Restriction</b> |
|--------------------|----------------------------|-----------------------------|--------------------|
| Thunder Ridge Road | North                      | Route 22                    | No Left Turn       |

#### ARTICLE IV Speed Regulations

##### **§ 150-9. Manner of establishing speed limits.**

All speed limits in the Town of Patterson shall be prescribed by the New York Department of Transportation pursuant to § 1622 of the Vehicle and Traffic Law.

#### ARTICLE V Parking, Standing and Stopping

##### **§ 150-10. Application of provisions; posting of signs; angled parking.[Amended 1-24-1990 by L.L. No. 3-1990; 11-28-1990 by L.L. No. 8-1990; Amended on 7/10/13 by Local Law No.3 of 2013]**

A. The provisions of this Article shall apply except when it is necessary to stop vehicles to avoid conflict with other traffic or in compliance with the directions of a police officer, the Code Enforcement Officer or an official sign, marking or traffic-control device.

B. When an official sign, marking or traffic-control device has been posted or erected regulating, prohibiting, restricting or limiting the stopping, standing or parking of any vehicle on any highway, no person shall stop, stand or park any vehicle in violation of the restrictions stated on or by such sign, marking or traffic-control device.

C. The parking of vehicles upon any of the streets or parts thereof is prohibited except at the angle designated and only within the painted stall lines. On all streets or portions thereof

where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

##### **§ 150-11. Winter parking; obstructive parking prohibited. [Amended 1-24-1990 by L.L. No. 2-1990;11-28-2018 by L.L No. 6-2018]**

A. The parking of vehicles is hereby prohibited on all highways within the town between 7:00 p.m. and 7:00 a.m. from November 15 to April 15 of each year and at all other times when the manner of such parking obstructs the free flow of traffic.

B. Except when momentarily picking up or discharging a passenger or passengers, no vehicle, whether occupied or not, shall stand or park on any public or private street in the locations provided below, unless a different distance is indicated by official signs or markings.

- (1) In front of a public or private driveway;
- (2) Within 30 feet of;

- (a) An intersection;
- (b) Cross walk at an intersection;
- (c) Any flashing signal, stop or yield sign or any traffic-control signal.

**150-12. Parking prohibited at all times. [Amended 6-11-1980; 12-12-2007 by L.L. No. 10-2007; 6-13-2018 by L.L. No. 4-2018; 11-28-18 by L.L. No. 6-2018; 12-28-22 by L.L. No. 3-2022; 11-20-24 by L.L. No. 4 of 2024]**

A. The parking of vehicles is hereby prohibited at all times in any of the following locations:

| Name of Street  | Side      | Location   |
|---|-----------|--|
| Birch Hill Road   | Both      | From Route 22 to Panorama Drive  |
| Bullet Hole Road<br>[Added 4-14-2021 by<br>L.L. No. 1-2021]   | Both      | From Route 164 to Fair Street  |
| Cornwall Hill Road  | East      | On the east side of Cornwall Hill Road for a distance of 330 feet in both a southeasterly and northwesterly direction from the center line of the driveway of the NYS DEC parking area, which is located approximately 200 feet southeasterly of the intersection of Sommerset Drive and Cornwall Hill Road. |
| Fairfield Drive<br>[Amended 4-14-2021 by<br>L.L. No. 1-2021]  | North     | Along the southerly boundary line of Plot H (dam), filed Map 149L in the Putnam County Clerk's office, on which the dam is located.  |
| Fields Corners Road<br>[Added 2-8-2023 by<br>L.L. No. 3-2023] | Both      | From Fair Street to the Southeast Town Line.   |
| Lake Shore Drive  | Both      | For a distance of 50 feet along Lake Shore Drive from the entrance to Interlaken Beach, Lacona Beach, Johnson Beach, Hudson Beach Jackson Beach and Fairfield beach as measured in opposite directions either side of the entrance   |
| Lake Shore Drive  | Lake side | Along the walking path adjacent to Lake Shore Drive.   |
| North Street  | Both      | From Sugar Bush Road to the cul-de-sac   |

| <b>Name of Street</b> | <b>Side</b> | <b>Location</b>   |
|-----------------------|-------------|---|
| Orchard Street        | West        | From Route 311 to the end of Orchard Street   |
| South Street          | Both        | From the northerly boundary line of the Carmel Central School District No. 2 as it intersects with South Street to the end of South Street on the south   |
| Thunder Ridge Road    | Both        | From Route 22 to Birch Hill Road  |
| Waterford Drive       | Both        | On the eastern side of Waterford Drive for a distance of 15 feet as measured in opposite directions from either side of the entrance to the Beach, and along the western side of Waterford Drive. |

B. The parking of vehicles is hereby prohibited at all times on the driveway, or for a distance of 50 feet in either direction from any driveway designated as fire lanes:

| <b>Name of Street</b>  | <b>Side</b> | <b>Location</b>       |
|------------------------|-------------|-----------------------|
| Fairfield Drive        | Right/North | Putnam Lake Dam       |
| Haviland Drive         |             | Parma Beach           |
| Kenwood Road           |             | Little Pond           |
| Lake Shore Drive       |             | Auburn Road           |
| Lake Shore Drive       |             | Fairfield Beach       |
| Lake Shore Drive       |             | Fulton Drive          |
| Lake Shore Drive       | Right       | Hudson Beach          |
| Lake Shore Drive       | Left        | Interlaken Beach      |
| Lake Shore Drive       |             | Jackson Beach         |
| Lake Shore Drive       | Right       | Johnson Beach         |
| Lake Shore Drive       |             | Lacona Beach          |
| Lake Shore Drive       |             | Lawrence Drive        |
| Lake Shore Drive South |             | Norfolk Road          |
| West Lake Shore Drive  |             | Haviland Drive (cove) |

C. **[Added 5-8-85 by L.L. No. 3-1985]** The standing of vehicles is hereby prohibited at all times in any of the following locations:

| <b>Name of Street</b>   | <b>Side</b> | <b>Location</b>                  |
|---|-------------|----------------------------------|
| Birch Hill Road   | Both        | From Route 22 to Panorama Drive  |
| Thunder Ridge Rd.<br><b>[Amended 2-8-2023<br/>by L.L. No. 3-2023]</b> | Both        | From Birch Hill Road to Route 22 |

**§ 150-13. Parking prohibited during certain hours.**

No person shall park a vehicle between the hours listed upon any of the following-described streets or parts of streets:

| <b>Name of Street</b> | <b>Side</b> | <b>Hours</b>              | <b>Location</b>                                |
|-----------------------|-------------|---------------------------|--|
| Jasper Road           | Both        | 6:00 p.m. to<br>6:00 a.m. | From Fairfield<br>Drive to Wesley<br>Road      |
| Kensington Road       | Both        | 6:00 p.m. to<br>6:00 a.m. | From Fairfield<br>Drive to Wesley<br>Road      |
| Rhinecliff Road       | Both        | 6:00 p.m. to<br>6:00 a.m. | From Fairfield<br>Drive to Lake<br>Shore Drive |

**§ 150-14. Time limit parking. [Amended on 7/10/13 by Local Law No.3 of 2013]**

A. No person shall park a vehicle for longer than the time limit described below, upon any of the following described streets or portions of streets:

| <u>Name of Street</u> | <u>Side</u> | <u>Duration Parking<br/>Allowed</u> | <u>Location</u>  |
|-----------------------|-------------|-------------------------------------|--|
| Center Street         | Both        | 2 hours                             | Entire length  |
| First Street          | Both        | 2 hours                             | Entire length  |
| Front Street          | East        | 4 hours                             | 20 spaces beginning at NYS<br>Route 311 and extending south. |
| Front Street          | West        | 1 hour                              | Between NYS Route 311 and<br>Lumber Street                   |
| Lumber Street         | Both        | 2 hours                             | Entire length  |
| Townsend Street       | Both        | 2 hours                             | Entire length  |

B. Permit Parking. Any individual who resides, or any employee of a business located, in a

building located on Front Street, in the area between NYS Route 311 and Lumber, may obtain a permit for parking for daytime and overnight parking on any of the streets listed in Subsection A, above, from the Town Clerk. Parking permits issued for an employee of a business shall only be valid during the time the employee is at work, and shall be for a single vehicle. For residents, a maximum of two parking permits may be issued.

#### **§ 150-15. Parking on condominium promises.**

The parking of vehicles upon any of the streets, roads, rights-of-way or parts thereof or in any other place on the premises of the Patterson Village Condominium is prohibited except in spaces specifically designated for parking of vehicles and only within the painted stall lines.

### **ARTICLE VI Removal and Storage of Vehicles**

#### **§ 150-16. Removal of certain vehicles. [Amended 1-24-1990 by L..L No. 3-1990]**

A. When any vehicle is parked or abandoned on any highway within this town during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by a peace officer, the Code Enforcement Officer or any member of the Town Highway Department.

B. When any vehicle is found unattended on any highway within this town where said vehicle constitutes an obstruction to traffic, said vehicle may be removed by a peace officer, the Code Enforcement Officer or any member of the Town Highway Department.

C. When any vehicle is parked or abandoned on any highway within this town where stopping, standing or parking is prohibited, said vehicle may be removed by a peace officer, the Code Enforcement Officer or any member of the Town Highway Department.

#### **§ 150-17. Redemption of vehicles.**

After removal of any vehicle by any person authorized as provided in this Article, the said person may store such vehicle in a suitable place at the expense of the owner. Such owner or the person in charge of the vehicle may redeem the same upon payment to any Town Justice of the town of the amount of all expenses actually and necessarily incurred in effecting such removal, such removal charges not to exceed an amount as set from time to time by resolution of the Town Board, together with any charges for storage, such storage charges not to exceed an amount as set from time to time by resolution of the Town Board.

#### **§ 150-18. Notice to owner; reports.**

It shall be the duty of such authorized person to ascertain to the extent possible the owner of the vehicle or person having charge of the same and to notify him of the removal and disposition of such vehicle and of the amount which will be required to redeem same, and to cause a report to be made as to any vehicle removed pursuant to this Article and to be forwarded to the Commissioner of Motor Vehicles as required under the New York State Vehicle and Traffic Law.

### **ARTICLE VII Truck Exclusions**



**§ 150-19. Exclusions stated. [Amended 6-8-83 by Ord. No. 3-1983]**

All trucks, commercial vehicles, tractors and tractor-trailer combinations over ten (10) tons are hereby designated over the weight limit and are excluded from the following highways within this town:

| <b>Name of Street</b> | <b>Location</b>   |
|-----------------------|---|
| Baldwin Road          | Entire length in the Town of Patterson                                      |
| Couch Road            | Entire length in the Town of Patterson [Added 11-12-86 by L.L. No. 10-1986] |
| Cross Road            | Entire length in the Town of Patterson [Added 11-12-86 by L.L. No. 10-1986] |
| Cushman Road          | Entire length in the Town of Patterson                                      |
| Mooney Hill Road      | From Route 292 westerly to the intersection with Cushman Road               |

**§ 150-20. Exceptions.**

The regulations established in this Article shall not be construed to prevent the delivery or pickup of merchandise or other property or the operation of motor vehicles of any municipality or school district along the highways from which such vehicles and combinations are otherwise excluded.

**ARTICLE VIII  
Traffic Signs**

**§ 150-21. Interference with signs prohibited.**

No person without the consent of the Town Board shall interfere with or remove any sign placed within the town by town authorities for the regulation of traffic or for indicating any points or point along any street, road or public thoroughfare within the town where parking may or may not be made. In case it shall become necessary to remove or change in any manner or interfere with any sign placed or used for the purpose aforesaid, the person desiring to so alter, change or interfere with the sign shall apply to the Town Board for consent to do so, and if the Town Board shall deem it advisable to grant such permission, it may do so upon such conditions as shall be reasonable and advisable.

**ARTICLE IX  
Penalties**

**§ 150-22. Penalties for offenses. [Amended 9-10-1980; 1-24-1990 by L.L. No. 1-1990; 11-28-1990 by L.L. No. 9-1990; 2-11-2009 by L.L. 2-2009]**

Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof shall be guilty of a violation, which, for the first conviction thereof, shall be punishable by a fine of not more than one hundred fifty dollars (\$150)

or by imprisonment for not more than fifteen days, or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$300 or by imprisonment for not more than 45 days, or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of 18 months, such person shall be punished by a fine of not more than \$450 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Each day's continued violation shall constitute a separate additional violation.

## **ARTICLE X Repealer**

### **§ 150-23. Repeal of prior provisions.**

All ordinances, local laws and resolutions or parts of ordinances, local laws or resolutions of this town in conflict or inconsistent with this chapter are hereby repealed, except that this repeal shall not prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or local law repealed prior to the taking effect of this chapter.

## **ARTICLE XI When Effective**

### **§ 150-24. Time of taking effect [Amended 9-10-80]**

A. Except those parts, if any, which are subject to approval under § 1684 of the Vehicle and Traffic Law of the State of New York, this chapter and any regulations adopted hereunder shall take effect as provided by law.

B. Any part or parts of this chapter and any regulations adopted hereunder which are subject to approval under § 1684 of the Vehicle and Traffic Law shall take effect from and after the day on which approval in writing is received from both the New York State Department of Transportation and the New York State Department of Public Works.

## **CHAPTER 154**

### **ZONING**

#### **ARTICLE I**

##### **Authority and Purpose; Applicability; Interpretation; Definitions**

- § 154-1. Authority and purpose.
- § 154-2. Applicability.
- § 154-3. Interpretation.
- § 154-4. Definitions.

#### **ARTICLE II**

##### **Districts, Map and Schedule**

- § 154-5. Zoning districts designated.
- § 154-6. Zoning Map.
- § 154-7. Schedule of Regulations.
- § 154-8. Use of schedule.

#### **ARTICLE III**

##### **Interpretation and Special Regulations**

- § 154-9. Interpretation of dimensional standards.
- § 154-10. Separate lot for each building.
- § 154-11. Yard and open space for each building.
- § 154-12. Corner Lots and Through Lots.
- § 154-13. Visual obstructions at intersections.
- § 154-14. Height limitations.
- § 154-15. Fences, Stone Walls and Masonry Walls.
- § 154-16. Temporary permits for carnivals.
- § 154-17. Construction Trailers.
- § 154-18. Wetlands and watercourses.
- § 154-19. Soil test pits.
- § 154-20. Required street frontage/driveways.
- § 154-21. Notification by Sign.
- § 154-22. Bedroom Occupancy.
- § 154-22.1 Lighting Standards.
- § 154-22.2 Tents and Canopies.
- § 154-22.3 Control of animals.
- § 154-22.4 Research and development uses.

#### **ARTICLE IV**

##### **District Uses**

- § 154-23. Compliance required.

#### **ARTICLE V**

##### **Uses in Residence Districts**

- § 154-24. Minimum lot area.
- § 154-25. Open Space Overlay District Requirements.

- § 154-26. Permitted principal uses.
- § 154-27. Permitted accessory uses.

ARTICLE VI  
Uses in General Business (GB) Districts

- § 154-28. Approval of site plan.
- § 154-29. Minimum lot area and dimensional requirements.
- § 154-30. Permitted principal uses.
- § 154-31. Permitted accessory uses.

ARTICLE VII  
Uses in Commercial (C-1) District

- § 154-32. Approval of site plan.
- § 154-33. Minimum lot area.
- § 154-34. Permitted principal uses.
- § 154-35. Permitted accessory uses.

ARTICLE VIII  
Uses in Industrial I District

- § 154-36. Approval of site plan.
- § 154-37. Minimum lot area.
- § 154-38. Permitted principal uses.
- § 154-39. Permitted accessory uses.

ARTICLE IX  
Uses in Commercial Recreation CR District

- § 154-40. Purpose and Intent.
- § 154-41. Minimum Standards.
- § 154-42. Permitted/Prohibited principal uses.
- § 154-42.1. Permitted accessory uses.
- § 154-43. Procedures.
- § 154-43.1. Site Plan Approval Required.
- § 154-43.2. Standards for Approval.
- § 154-43.3. Approved Lots.

ARTICLE X  
Farms.

- § 154-44. Additional requirements.
- § 154-45. Agricultural certification for nonconforming activities.

ARTICLE XI  
Right to Farm

- § 154-46. Intent.

- § 154-47. Applicability.
- § 154-48. Rebuttable presumption to exist.
- § 154-49. Right to Farm.
- § 154-50. Interference.
- § 154-51. Times of Operation.

## ARTICLE XII Nonconforming Buildings and Uses

- § 154-52. Continuance of existing uses.
- § 154-53. Change to other nonconforming use.
- § 154-54. Change to conforming use.
- § 154-55. Discontinuance of use.
- § 154-56. Restoration of unsafe structures.
- § 154-57. Buildings under construction.
- § 154-58. Enlargement of nonconforming buildings.
- § 154-59. Major damage to nonconforming structure.
- § 154-60. Application for permit to rebuild.
- § 154-61. Completion of rebuilding.
- § 154-62. Buildings on nonconforming lots.
- § 154-63. Non-conforming improvements.

## ARTICLE XIII Signs and Billboards

- § 154-64. Intent
- § 154-65. General restrictions and regulations.
- § 154-66. Exempt signs.
- § 154-67. Temporary road-side signs.
- § 154-67.1. Commercial signs for real estate, “financing by” and contractor signs.
- § 154-68. Permanent signs in residence districts.
- § 154-68.1. Permanent signs in business districts.
- § 154-68.2. Patterson Hamlet signs; additional requirements.
- § 154-69. Measurement of sign area.

## ARTICLE XIV Off-Street Parking and Loading

- § 154-70. Construction Standards.
- § 154-71. General conditions.
- § 154-72. Location of parking facilities.
- § 154-73. Required parking and loading spaces.
- § 154-74. Minimum construction standards

## ARTICLE XV Approval of Site Plans

- § 154-75. Authority and purpose; recreation fees.
- § 154-76. Uses for which approval required.
- § 154-77. Conditions for which approval required.
- § 154-78. Application for approval.
- § 154-79. Required information.

- § 154-80. Notations.
- § 154-81. Architectural Standards.
- § 154-82. Public hearing.
- § 154-83. Notice to property owners.
- § 154-84. Performance bond required.
- § 154-85. Fees for site plan review.
- § 154-86. Waiver of site plan approval.
- § 154-87. Expiration of approval.
- § 154-88. Damage to Conforming Building.

#### ARTICLE XVI Special Use Permits

- § 154-89. Authority to grant.
- § 154-90. Application for permit.
- § 154-91. Review by other agencies.
- § 154-92. Publication of notice of hearing.
- § 154-93. Standards and guidelines for determination.
- § 154-94. Certificate of occupancy for special permit uses.

#### ARTICLE XVII Special Permits for Any District

- § 154-95. Not-for-profit membership clubs.
- § 154-96. Churches, parish houses and convents.

#### ARTICLE XVIII Special Permits for Residence Districts

- § 154-97. Nursery schools, day-care centers.
- § 154-98. Senior citizen facilities.
- § 154-99. Schools and colleges.
- § 154-100. Equestrian Centers.
- § 154-101. Golf courses and country clubs.
- § 154-102. Bed-and-breakfast inns.
- § 154-103. Trailer parks.
- § 154-104. Hobby kennels.
- § 154-105. Accessory apartments.
- § 154-106. Accessory buildings.
- § 154-107. Commercial trade operations.
- § 154-107.1 Livery and taxi cab services.
- § 154-107.2. Veterinary service.

#### ARTICLE XIX Special Permits for Nonresidential Districts

- § 154-108. Light manufacturing.
- § 154-109. Hospitals, clinics and sanatoriums.
- § 154-110. Local retail centers.
- § 154-111. Regional retail centers.
- § 154-112. Reserved.
- § 154-113. Warehouses.

- § 154-114. Conference and cultural centers.
- § 154-115. Public garages and automotive dealerships.
- §154-115.1. Apartments.

## ARTICLE XX Board of Appeals

- § 154-116. General powers and duties.
- § 154-117. Interpretation of provisions.
- § 154-118. Issuance of special use permits.
- § 154-119. Appeals and variances.

## ARTICLE XXI Appeals and Variances

- § 154-120. Procedures.
- § 154-121. Notice of public hearing.
- § 154-122. Standards for variances.
- § 154-123. Reserved.

## ARTICLE XXII Administration and Enforcement

- § 154-124. Certificate of Compliance.
- § 154-125. Building permits.
- § 154-126. Certificates of occupancy required.
- § 154-127. Use prior to issuance of certificate; contents
- § 154-128. Application for certificate of occupancy.
- § 154-129. Effect of certificate.
- § 154-130. Issuance of certificates.
- § 154-131. Penalties for offenses.
- § 154-132. Code Enforcement Officer.
- § 154-133. Schedule of Building Department Fees.
- §154-133.1 Outstanding and unresolved violations.

## ARTICLE XXIII Amendments

- § 154-134. Amendment procedure.
- § 154-135. Effect on Construction.
- § 154-136. Effect on variances, special use permits and site plans
- § 154-137. Supersession of state law.

**Att. No. 1      Schedule of dimensional Zoning Requirements.**

[HISTORY: Adopted by the Town Board of the Town of Patterson 4-13-2005 by L.L. No. 8-2005 (readopted 4-13-2005 by L.L. No. 9-2005). **Amendments noted where applicable.**]

## **GENERAL REFERENCES**

**Building construction and fire prevention - See Ch. 64**

**Fees - See Ch. 87**

**Flood damage prevention - See Ch. 91**

**Landmarks and historic districts - See Ch. 101**

**Numbering of streets and buildings - See Ch. 112**

**Subdivision of land - See Ch. 138**



ARTICLE I  
**Authority and Purpose; Applicability; Interpretation; Definitions**

**§ 154-1. Authority and purpose.**

There is hereby established a comprehensive zoning plan known as the "Zoning Code of the Town of Patterson," which plan is set forth in the text, map and schedule that constitute this Chapter. Said plan is adopted pursuant to, and for the purposes set forth in Article 2, §10, of Municipal Home Rule Law, and Article 16 of the Town Law of the State of New York, and more particularly for the protection and promotion of the public health, safety, morals and general welfare of the community in the following manner:

- A. Guiding the future development of the Town in accordance with a comprehensive plan of land use which represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the town, having regard to their suitability for co-existence with each other without reducing the quality of life or character of the community.
- B. Conserving the natural resources and rural character of the town by encouraging development in appropriate locations and by limiting building in areas where it would conflict with the town's predominantly rural pattern and scale of settlement;
- C. Providing for adequate light, air and privacy; to promote safety from fires, floods and other dangers, and to prevent overcrowding of the land and undue congestion of the population.
- D. Protecting the character and the social and economic stability of all parts of the Town and encouraging the orderly and beneficial development of the Town.
- E. Protecting and conserving the value of land throughout the Town and the value of buildings appropriate to the various districts established by this chapter.
- F. Bringing about the gradual conformity of the uses of land and buildings throughout the town to the comprehensive zoning plan set forth in this chapter, and minimizing conflicts among the various uses, land and buildings.
- G. Aiding and encouraging the wise use and sound management of the groundwater systems, drainage basins, streams, lakes and ponds and all other natural resources throughout the town in order to preserve the environmental quality, and beauty of the community.
- H. Aiding in bringing about the most beneficial relation between the uses of land and buildings and the movement of traffic through and the circulation of traffic within the town, having particular regard to the avoidance of congestion on the highways, streets and roads within the town and the provision of safe and convenient traffic access appropriate to the various uses of land and buildings throughout the town.
- I. Aiding in providing a guide for public policy and action in the adequate provision of transportation, water, sewerage, schools, parks and other public facilities and services, and for private enterprise in building development, investment and other economic activity relating to the uses of land and buildings.
- J. In recognition of the economic value of Patterson's natural beauty and environmental amenities, to protect the integrity of scenic views, ridge lines, agricultural land, existing and potential recreation areas, waterways, ground and surface water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation, and to maintain environmentally significant open space in its predominantly natural state, in order to preserve the open and rural character of the Town;
- K. Promoting attractive well-designed development that is built to foster attractive streetscapes,

pedestrian-friendly environments and maintain architecturally the rural, and historic character of the Town.

L. Protecting the ecological integrity and benefits provided by the wetland system identified as the Great Swamp, which includes water filtration, groundwater recharge, flood control, habitat for plants, animals and rare species, recreation and scenic views.

M. Encouraging clean commercial development in order to provide jobs, and services to the Town's residents. **[Added 5-24-2017 by L.L. 1 of 2017]**

N. Preserving our rich history for generations to come. **[Added 5-24-2017 by L.L. 1 of 2017]**

O. Encouraging the use of sustainable energy practices. **[Added 5-24-2017 by L.L. 1 of 2017]**

#### **§ 154-2. Applicability. [Amended 11-15-2006 by L.L. No. 10-2006]**

A. No land, building or part thereof shall hereafter be used, and no building or part thereof shall be constructed, reconstructed, extended, enlarged, moved, arranged or altered, except in conformity with this chapter; and no lot shall be less in area or width nor have smaller yards, nor shall any building or buildings or part thereof occupy in the aggregate a greater percentage of the lot, nor shall any building be greater in height, than as prescribed in the applicable paragraph hereof, except as otherwise specifically provided in this chapter. No lot shall be diminished in area nor shall any yard or other open space be reduced except in conformity with the requirements of this chapter.

B. No board, agency, officer or employee of the town shall issue, grant or approve a permit, license or certificate or other authorization, including special permits and variances by the Board of Appeals, for any construction, reconstruction, alteration, enlargement or moving of any buildings or for any use of any land or building that would not be in full compliance with the provisions of this chapter.

C. Any such permit, license, certificate or other authorization determined to be issued, granted or approved in violation of the provisions of this chapter shall be null, void and of no effect without the necessity of any proceedings for revocation or nullification thereof, and any work undertaken or use established pursuant to any such permit, license, certificate or any other authorization shall be unlawful, and no action shall be taken by any board, agency, officer or employee of the town purporting to validate any such violation.

D. This Chapter shall not apply to lands, or any buildings or structures thereon, that are owned by the Town of Patterson and used for the public benefit.

E. Where a lot has been included in the Putnam County Agricultural District, any agricultural activity as defined herein, or any activity directly related to a commercial horse boarding operation conducted on said lot, shall not be required to comply with the requirements of this Chapter unless said activity will affect the health or safety of the residents of the Town, except for the requirements of §154-18 Wetlands and Watercourses which shall remain applicable to said lot. **[Added 11-15-06 by L.L. No. 10]**

#### **§ 154-3. Interpretation.**

A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort and general welfare, and more particularly for the purposes set forth in §154-1. It is not intended by this Chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, when this Chapter imposes a greater restriction on the use of buildings

or land or on the height of buildings, or requires larger open spaces or makes any other greater requirements than are imposed or required by any other ordinance, rule, regulation or by easements, covenants or agreements, the provisions of this Chapter shall control. Where the requirements of this Chapter differ from the requirements of another statute, law, ordinance, rule or regulation, the more restrictive shall govern.

B. The requirements of this Chapter provide the uses and dimensional requirements that have been determined to be the minimum requirements necessary to provide for the orderly development of the Town, in a manner consistent with the intentions of the residents thereof. Any use of land or property that is not specifically permitted by this Chapter is prohibited.

C. The Town of Patterson may be divided into two or more zoning districts which shall be shown on the Zoning Map. This Zoning Code shall identify each individual principal use that may be permitted in each particular zoning district. Each subparagraph shall be considered a separate and distinct permitted principal use within that zoning district. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site. For those uses permitted in the GB, C-1, CR and I Zoning Districts, multiple principal uses may exist on the same lot, where such use is a permitted use within that Zoning District. **[Added 5-24-2017 by L.L. 1 of 2017]**

**§ 154-4. Definitions. [Amended 11-16-2005 by L.L. No. 12-2005; 11-15-2006 by L.L. No. 10-2006]**

A. Usage.

(1) All words used in the present tense include the future tense; all words in the plural number include the singular number; and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise.

(2) The word "person" includes individuals, corporation(s) and all other legal entities. The word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; and the words "shall" and "must" are always mandatory and not directory. The word "occupied" or "used" shall be construed as though followed by the words "or intended, arranged or designed to be used or occupied," unless the natural construction of the wording indicates otherwise.

(3) Unless otherwise specified, all distances shall be measured horizontally.

(4) The word "Town" means the Town of Patterson, in the County of Putnam, State of New York; the term "Town Board" means the Town Board of said town; the term "Planning Board" means the Planning Board of said town; the term "Board of Appeals" means the Zoning Board of Appeals of said town; the term "Code Enforcement Officer" means the Building Inspector or Codes Enforcement Officer of said town; the term "Town Plan" means the plan adopted by the Town Board pursuant to § 272-a of the Town Law.

(5) The definitions contained herein shall apply to the terms used in this chapter. Where terms are not defined in this chapter or within another chapter of this Code, they shall be defined using their ordinarily accepted meanings within the context in which they are used. Merriam-Webster's Collegiate Dictionary, 11th edition, shall be the source consulted for the ordinarily accepted meaning. **[Added 11-15-06 by L.L. 10]**

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

**ACCESSORY APARTMENT** - An apartment located in a single family dwelling that contains not more than one bedroom, has a floor area greater than 400 square feet and not more than 600 square

feet and which does not exceed 35% of the aggregate floor area of the single family dwelling. The accessory dwelling shall clearly be subordinate to the single family dwelling.

**ACCESSORY USE** - A use that is located on the same lot as the principal use, is customarily associated with, is incidental to and is subordinate in area, extent and purpose to the principal use. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**ACTIVE ADULT RESIDENCE** - A planned and managed community providing living accommodation and which may also provide accessory facilities, occupancy of which is limited, as permitted by Federal and State Fair Housing Laws, to persons who are 55 years of age and older. **[Added 6-8-2011 by L.L. No. 5-2011]**

**ADULT ENTERTAINMENT BUSINESS** - an establishment of business that is characterized by an emphasis on nudity or acts of a sexual nature and shall include topless bars, adult bookstores and adult cabarets, however shall exclude stores that rent video cassettes, DVD's or other photographic reproductions where such material comprises less than 15% of the floor area and is maintained separate from the other portions of the building.

#### **AGRICULTURE -**

- (1) The use of the land for the production for sale of crops, livestock and livestock products, where the same is carried on as a business or gainful operation, and shall include:
  - (a) The cultivation of the soil for food products or other useful or valuable growths of the field or garden,
  - (b) Tillage or husbandry,
  - (c) Dairying, raising of livestock, fowl or birds,
  - (d) A nursery farm as defined herein.
- (2) "Agriculture" shall not include equestrian centers or the raising of trees for wood products. The term "farm operation" shall also have the same meaning as "agriculture".

**ALLEY** - A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

#### **ALTER -**

- (1) As applied to a wetland, watercourse or Waterbody, any form of draining, dredging, excavation, removal of soil, mud, sand, shells, gravel or other aggregate or any form of dumping, filling or depositing of any kind, either directly or indirectly; erecting any structure or roads; the driving, piling or placing of any other obstructions, whether or not changing unrestricted movement of water; any form of pollution; and any other activity which impairs any of the several functions served by freshwater wetlands and watercourses or the benefits derived therefrom.
- (2) As applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
- (3) The term "alter" in its various modes and tenses and its participial form refers to the making of an "alteration".

**APARTMENT** - A room or suite of two (2) or more rooms designed, used or intended for use as a

separate residential unit within a building. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**AREA, BUILDING** - The total sum of the maximum cross-sectional or horizontal areas as calculated between the vertical walls with the greatest outside dimension of the principal building, exclusive of any cornice, balcony, gutters, awning, open entrance hood, or overhanging roof which projects less than three (3) feet from the face of a building, open terraces and steps. All dimensions shall be measured between the exterior faces of walls. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**AUTOMOTIVE DEALERSHIP** - A commercial business that sells or leases new or used motorcycles, automobiles, vans or trucks and may include an interior showroom, outdoor storage and display of vehicles, and as an accessory use the repair and maintenance of vehicles that are similar in nature to those for sale or lease at the site. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**BASEMENT** - That space of a building that is partly, or wholly below grade, i.e., which has more than half of its height, measured from floor to ceiling, below the average established street curb level or finished grade of the ground adjoining the building. When used in connection with a building, the term "cellar" shall have the same meaning as 'basement'."

**BED-AND-BREAKFAST INN** — An owner-occupied building designed, used and occupied as a single-family residence, which also provides rooms for overnight accommodations to preregistered transient guests for remuneration, and including the serving of food and drink prepared within the building to the guests. For the purposes of this definition, transient shall mean a period of time not exceeding fourteen (14) consecutive days, or twenty-eight (28) days in any one year period.

**BUILDING** - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, and shall include any decks, porches, patios or other structure attached thereto, excepting that structural connections such as a covered walkway or canopy, porch, roof, foundation walls, tunnel and/or horizontal shaft ways, or other similar structural connections above or below ground, enclosed or otherwise, shall not be construed as creating a single building from two or more buildings. A building shall not include walkways or sidewalks of less than eight inches above grade or driveways.

**BUILDING, ACCESSORY** - Any building, including any appurtenances which are attached or directly abutting thereto, excepting for sidewalks or walkways, which is subordinate to and whose use is incidental to the use of the principal building on the same lot.

**BUILDING COVERAGE** - The total area of all principal and accessory buildings on a lot.

**BUILDING, PRINCIPAL** - A building in which is conducted the principal or main use of the lot on which it is situated, including any appurtenances which are attached or directly abutting thereto, excepting for sidewalks or walkways.

**CABIN** - A permanent or semi-permanent structure used exclusively as temporary shelter for not more than twenty-six weekends per year or for more than twenty-one consecutive days and not exceeding six hundred fifty (650) square feet in size, nor more than sixteen (16) feet in height.

**CAMP** - Any area of land or water on which are located two (2) or more cabins, shelters, tents, houseboats or other accommodations of a design or character that is normally intended or suitable for seasonal or other more or less temporary living purposes, regardless of whether such structures or other accommodations actually are occupied seasonally or otherwise. A camp shall not include a hospital, place of detention or school offering courses of general instruction.

**CATERING** - the preparation and furnishing for remuneration of food and/or beverages for service at private, commercial or charitable functions or events, at the premises of the consumer, whether such premises are temporary or permanent, residential or commercial, and whether the food is prepared on-site, or at an off-site kitchen and brought to the premises of the consumer. **[Added 7-22-**

**15 by L.L. No. 2-2015]**

**CHURCHES AND OTHER PLACE OF PUBLIC WORSHIP** - A parcel or lot, including the buildings and structures thereon, or portion thereof, where persons regularly assemble for religious worship and/or related instructional, social, cultural and fund-raising activities incidental thereto and where the design and construction of the building, accessory buildings or improvements to the lot are primarily intended for religious services. A Place of Public Worship may also include any social and administrative rooms incidental and accessory thereto.

**CLEAR CUTTING** - The removal of ten (10) or more trees over 12" in diameter at breast height (DBH) within an areas of 20,000 sq.ft. within a six month period.

**COMMERCIAL TRADE OPERATION** - A service related business conducted by a skilled artisan, where the service provided is conducted off-site and is representative of and shall include, painting contractors, carpenters, plumbers, electricians and landscapers, tile contractors, security installers, but shall not include businesses similar to general contractors whose primary business is earthwork. A commercial trade operation shall not include the exterior warehousing of vehicles, equipment, or materials. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**COMMERCIAL VEHICLE** - Any vehicle bearing commercial plates and any of the following: **[Added 5-24-2017 by L.L. 1 of 2017]**

- (1) Displays the registrant's name and address permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.
- (2) Has business advertisements semi- permanently or permanently attached to the vehicle.
- (3) Has been permanently altered by having all seats and seat fittings, except the front seats, removed to facilitate the transportation of property.

**COMPOSTING, COMMERCIAL** – Any non-residential facility or portion thereof that stores organic material in a container or compact pile for the purpose of natural transformation into compost or combines or mixes two or more of the following materials for the purpose of manufacturing a product that can be sold or re-used; yard trimmings, wood chips, vegetable wastes or other organic matter, soil, sewage, sludge or septage.

**CONFERENCE CENTER** - A parcel, including the buildings thereon, which is non-sectarian, is not involved in the promotion of any specific purpose, agenda or goal and is open to the public for general conferences, seminars and other special events, held predominantly indoors, such as is typical of a reunion, wedding or bar mitzvah. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**CONTAINER** - A portable unit, generally used for the temporary storage and/or transportation of materials.

**CONTRACTOR'S YARD** - A lot, or portion thereof used for the storage of equipment or materials, either of which are not offered for retail or wholesale sales at the site, but which are principally used for a construction related activity at a location other than the lot on which the Contractor's Yard is located. A contractor's yard shall also include any buildings located on the lot and any accessory office space used by the contractor whose business is located on the lot.

**CONTROLLED AREA** - Includes all wetlands greater than one-half acre, watercourses and the area surrounding the same for a horizontal distance of one hundred (100) feet from the boundary of the

wetlands and all watercourses and all adjacent surfaces within one hundred (100) feet measured horizontally from the ordinary high water line of a watercourse.

CULTURAL CENTER - A parcel including the buildings thereon which shall be open to the general public for the enjoyment of activities including or similar to performing arts, theaters, and museums.

CURB SERVICE ESTABLISHMENTS - See "drive-in establishments."

DAY CAMP - Any land, including the buildings thereon, used for any assembly of persons for recreational or educational purposes.

DAY-CARE CENTER - A place, person, association, corporation, institution or agency which provides day care for three (3) or more children away from their primary residence and in which parents, guardians or others responsible for the child place the child. Such care shall be for more than three (3) hours and less than twenty-four (24) hours per day per child. The term "day care of children" includes services provided with or without compensation or payment. The name, description or form of the entity which operates a day-care center does not affect its status as a day-care center pursuant to Chapter 154 herein.

DAY-CARE, HOME - An occupied residence providing or designed to provide day care for not more than eight (8) children, including resident children less than fourteen (14) years of age.

DELICATESSEN - A retail establishment of less than 3,500 square feet, where grocery products, dry goods, pre-processed foods, packaged foods and "ready-to-eat" foods such as salads, sandwiches, and cooked meats are sold for consumption off-premises, and which has no counters used for seating or more than 4 tables for on-premises consumption of food. **[Added 7-22-15 by L.L. No. 2-2015]**

DISTRIBUTION TERMINAL - A facility where goods are received and temporarily stored for short periods with the specific intent of redistributing those goods.

DOG KENNEL - Any building, structure or premises in or on which there are kept more than three (3) dogs that are more than six (6) months old.

DRIVE-IN ESTABLISHMENTS - Shops, stores, buildings or outdoor counter service which make available any facility for, or which encourages or permits or which has as a significant component of its business, the consumption of food or beverages on the premises outside the building in parked cars.

DWELLING, GROUP - A group of two (2) or more one-family, two-family or multiple dwellings occupying a lot in one (1) ownership and having any yard in common.

DWELLING, MULTIPLE-FAMILY - A building or portion thereof containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families, individuals or group of individuals living independently of each other.

DWELLING, SINGLE-FAMILY - A building containing one (1) principal dwelling unit and designed or used for occupancy by one (1) family, and which may also contain a legally permitted accessory apartment.

DWELLING, TWO-FAMILY- A building designed for and occupied exclusively as a home or residence for two (2) families.

DWELLING UNIT - One or more rooms connected together, constituting a separate, independent housekeeping unit for one (1) individual person or one (1) family containing independent sanitary, cooking and sleeping facilities, physically separated from any other dwellings that may be in the

same building, and having either separate access, or an access shared in common, to the outside.

E.C.I. - The Environmental Conservation Inspector of the Town of Patterson.

E.C.I., DEPUTY - The person designated by the Town of Patterson to perform the duties of the E.C.I. in his absence.

EPHEMERAL POND - (or vernal pool) A basin or depression which fills with water typically in the Spring and may dry up during summer months, and which supports "obligate" vernal pool species of wildlife, including Fairy shrimp, wood frogs and mole salamanders.

EQUESTRIAN CENTERS - Any building, group of buildings, structures or land where horses are kept for riding, driving, boarding or otherwise stabled for compensation or as an incidental use to the operation of any club, association, ranch or similar establishment. Land or buildings in which horses, owned solely by the property owner, are stabled for the enjoyment of the property owner, and which is clearly incidental to the residential use of the property shall not be considered an Equestrian Center. Farms, where the principal use is breeding of horses shall also not be considered an equestrian center but shall be considered an agricultural activity.

EXCAVATION - Any removal of sand, gravel, soil or other natural materials to a depth of twelve (12) inches or more below the natural contour of the land, or the present contour of the land if the natural contour has been disturbed prior to the effective date of this law, whether or not any overburden and/or natural material is intended for any use off of the site, except that "excavation" shall not include said removal for the purpose of bona fide agricultural activities, routine landscaping or improvement of drainage on occupied property, or land development of the site pursuant to, but not prior to, issuance of a building permit or issuance of subdivision or site plan approval.

FAMILY - Any number of individuals related by blood, marriage or adoption [or not more than three (3) individuals who are not so related], living together as a single housekeeping unit, using rooms and housekeeping facilities in common, having such meals as they may eat at home prepared and eaten together, and is permanent and stable. Three (3) or more individuals not so related shall not be considered as a family unless they can sufficiently demonstrate to the administrative officer charged with enforcement of this code that they:

1. Share the entire dwelling unit
2. Live and cook together as a single housekeeping unit
3. Shares expenses for food, rent, utilities or other household expenses, and
4. Are permanent and stable

FARM, HOBBY - A parcel or lot, containing at least five (5) acres of usable farmland on which activities, typically associated with agriculture or farm operations including the raising of vegetables, livestock or poultry, are conducted for the enjoyment of the property owner and/or where no profit can be shown in any three out of five successive years. It excludes the raising of swine, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. **[Amended 8-11-2021 by L.L. No. 2-2021]**

FARM, LARGE - Any parcel of land containing at least ten (10) acres of usable farmland which is used for gain in agriculture, including the growing of nursery or garden products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of more than two (2) adult swine and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. **[Amended 8-11-2021 by L.L. No. 2-2021]**

FARM, SMALL - Any parcel of land containing at least five (5) acres of usable farmland which is used for gain in agriculture as defined in this chapter, including the growing of nursery or garden



products, livestock, poultry and dairy products. It includes farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of swine and their piglets, fur-bearing animals, riding academies, equestrian centers, livery or boarding stables and dog kennels. **[Amended 8-11-2021 by L.L. No. 2-2021]**

FARM ANIMAL, LARGE - See "livestock."

FARMLAND, USABLE - Lands with characteristics of soils and topography that are generally suitable for the growing of crops or the raising of animals. Regulated wetlands, lakes or ponds, and slopes exceeding 50% in grade shall not be considered Useable Farm Land.

FAST-FOOD ESTABLISHMENTS - Establishments providing food and beverages that are ordered at an indoor or outdoor counter service, or a drive-up window, which may be consumed on or off the premises, but are not consumed at the counter from which the order is taken. Fast-food establishments may have tables on the premises used by patrons, but orders are not taken by wait-staff at the tables. Food sales typically consist of pre-processed or quickly prepared food and beverages in disposable containers or wrappers, selected by patrons from a limited line of specialized items including, but not limited to, hamburgers, chicken, pizza, tacos, Chinese-style food, hot dogs, ice cream or yogurt. **[Amended 7-22-15 by L.L. No. 2-2015]**

FINISHED GRADE - The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, or the slope of the finished grade extending ten (10) feet perpendicular from the building or structure has a grade of greater than 20%, in computing the height of a building or other structure, the finished grade for each individual side of the building shall be the average elevation of all finished grade elevations adjacent to and at a distance ten (10) feet from the periphery of that side of the building. **[Amended 9-24-2003 by L.L. No. 6-2003]**

FLOOR AREA, LIVABLE - When applied to dwellings, shall include all floor area used for human occupancy within the exterior walls of the building suitable for habitation including closets, hallways, cellars or basements with a finished floor and a vertical height greater than seven feet, and any portion of attic space with a floor, or where a floor could be installed and that is greater than five feet in height, but shall not include open porches or breeze ways, unfinished cellars, garages or uninhabitable or unfinished attic space. **[Added 11-9-05 by L.L. No. 12 of 2005]**

FOOTCANDLE - A measure of light falling on a surface. One (1) footcandle is equal to the amount of light generated by one (1) candle shining on one (1) square foot surface located one (1) foot away. Footcandle shall also mean the ratio of the quantity of light, measured in lumens to the surface area in square feet on which the lumens are falling. One foot-candle shall equal one lumen per square foot. Foot-candle light densities are measurable with an illuminance meter. **[Added 11-9-05 by L.L. No. 12 of 2005]**

FOUNDATION - The masonry portion of a structure which is below the finished grade of the ground adjoining the structure, or in the case of a basement or cellar, that portion of masonry of which the cellar or basement is comprised.

FRONTAGE - All that portion of a lot or parcel which abuts continuously on one (1) side of a street or intersecting streets as defined herein and from which access to the principal building is derived, or where no building has been constructed, from which access to the lot is derived.

GARAGE, PRIVATE- An accessory building, or a portion of a principal building, or a portion of an accessory building permitted pursuant to Section 154-106, with a building area of greater than two hundred and fifty (250) square feet used principally for the storage of motor vehicles as an accessory use, and used exclusively by the occupants of the lot upon which the building is erected and which shall meet the following criteria;

- (1) an accessory building shall not exceed in size a bulk area ratio of fifty percent (50%) of the principal dwelling on the lot as measured from the above-ground exterior walls of each structure, and shall not exceed in height the height of the principal structure, or
- (2) when included as a portion of a principal building shall not exceed in area 30% of the livable area of the building. **[Amended 9-24-2003 by L.L. No. 6-2003; Amended 11-9-05 by L.L. No. 12 of 2005; Amended 8-11-2021 by L.L. No. 2-2021]**

**GARAGE, PUBLIC** - A building or part thereof, other than a private garage, used for the storage, care, repair or painting of motor vehicles for remuneration or for the sale of motor vehicles or accessories or where any such vehicles are kept for hire.

**GASOLINE STATION** - An area of land, including buildings and other structures thereon, that is used to dispense motor vehicle fuels, oils and limited accessories automotive products at retail. An automotive gas station shall not include other types of retail sales, such as a convenience store or automotive parts store, or any type of repair service, or automotive body repair work and painting as an accessory use. **[Amended 8/10/2011 by L.L. No. 7-2011]**

**GLARE** - Intense light that results in discomfort and/or a reduction of visual performance and visibility. **[Added 11-9-05 by L.L. No. 12 of 2005]**

**GREENHOUSE** - Any building or structure constructed mainly of glass, plastic or other clear or translucent materials and used as a conservatory for the growing and protection of flowers and plants and for the propagation and culture thereof.

**HAMLET OF PATTERSON** - The lands contained within the following boundaries:

- (1) Northerly boundary: Dutchess County line.
- (2) Easterly boundary: New York State Electric and Gas right-of-way, including but not limited to Lots #7, 32, 33, 44 and 50 in Block 1, Map 4 of the Town Tax Maps of December 31, 2001. **[Amended 11-15-06 by L.L. 10 of 2006]**
- (3) Southerly boundary: As taken from the Town Tax Maps of December 31, 2001, the southerly boundary of Lot 9, in Block 1 of Map 4; the southerly boundary of Lot 40, in Block 1 of Map 14; the southerly boundary of Lot 98, in Block 2 of Map 13.8 the southerly boundary of Lots 88 in Block 1 on Map 13.8; southerly boundary of Lot 60, in Block 1 of Map 13.7; and thence along Route 311 to the intersection of Cross Road.
- (4) Westerly boundary: from the Dutchess County line southerly along Harmony Road to the intersection of Route 292; thence easterly to the intersection of Meadowbrook Road; thence southerly along Meadowbrook Road and Sonnet Lane, including all the residential lots along those roads and Pan Road until the intersection of Route 311.

**HEALTH OR FITNESS CLUB** - A building, or portion thereof where members or non-members use equipment or space for the purpose of exercise or physical training. **[Added 11-15-06 by L.L. 10 of 2006]**

**HEIGHT OF BUILDING** - The vertical distance as measured between 1) the level of the highest point of the roof surface, exclusive of any chimneys, antennas of less than ten (10) feet in height, or other purely architectural protrusions less than six feet in height, and 2) the average level of the finished ground surface across the exterior wall of the building which results in the greatest vertical distance. **[Amended 11-9-05 by L.L. No. 12 of 2005]**

HOME DAY CARE - A program caring for children under the age of 16 for more than three hours per day per child in which child day care is provided in a family home by the resident of the home for three to six children. **[Added 5-24-2017 by L.L. 1 of 2017]**

HOME OCCUPATION - An accessory use of a service character customarily conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such incidental and secondary use other than a small nameplate, and in connection therewith there is not involved the keeping of a stock-in-trade. Said accessory use shall not occupy more than thirty-five (35)% of the floor area of the building. The professional office of a lawyer, accountant, engineer, architect or other professional person, including violin, piano, other individual musical instrument or voice instructor limited to a single pupil at a time, who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be "home occupations"; and the occupation of dressmaker, milliner or seamstress, each with not more than one (1) paid assistant, shall also be deemed to be "home occupations." Dancing instruction, band instrument instruction in groups, tearooms, tourist homes, beauty parlors, barbershops, real estate or insurance offices, hospitals, mortuary establishments, and stores, trades or businesses of any kind herein excepted shall not be deemed to be "home occupations."

HOSPITAL - A place providing overnight accommodations for temporary occupation by the sick or injured used for the purpose of diagnosis, medical treatment or other care of ailments, and other health related activities such as day surgeries, emergency care, or wellness and prevention programs.**[Amended 5-24-2017 by L.L. 1 of 2017]**

HOTEL - Any building or portion thereof where single rooms or suites of rooms are rented or hired out to be occupied or which are occupied by transient guests who are lodged, with or without meals, for sleeping purposes for compensation, whether the compensation be paid directly or indirectly.

HOURS OF OPERATION - The hours during which a business activity is conducted on the premises of a business including both the hours during which the premises is open to the public, and the hours during which the premises is not open to the public but a business activity, including without limitation food preparation for Catering or off-premises consumption, is occurring. **[Added 7-22-15 by L.L. No. 2-2015]**

IMPERVIOUS SURFACE - Those surfaces in the urban landscape which do not have a permanent vegetative cover and/or cannot effectively infiltrate rainfall including, but not limited to building rooftops, pavement, sidewalks, driveways and roads with a surface of dirt, gravel, asphalt or concrete, decks and swimming pools.

LIGHTING, TEMPORARY - Lighting that is intended to be used for a special event held for seven (7) days or less, which is held by a government agency or not-for profit organization, and which lighting shall be limited to the hours of 7:00 a.m. to 11:00 p.m.**[Added 11-9-05 by L.L. No. 12 of 2005]**

LIMITED IMMUNITY USE - Any use or activity which by act of State-imposed restrictions on the Town's authority to impose zoning restrictions, or by judicial determination is not subject to conforming with the requirements of this Chapter including, but not limited to, farm operations participating in an agricultural district.

LIVESTOCK - Any animal, whose adult weight generally exceeds one hundred and twenty-five (125) pounds or any poultry, which are typically raised outdoors or in a barn or other structure not typically used for residential purposes, including, without limitation, cattle, sheep, horses, goats, llamas, alpacas, swine, reindeer, bison and other domestic animals ordinarily raised or used on a farm. Livestock shall also mean a large farm animal. **[Amended 8-11-2021 by L.L. No. 2-2021]**

LOT - A contiguous area of land, under single ownership throughout, occupied or to be occupied

by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with its open spaces.

**LOT AREA** - The total horizontal area included within lot lines exclusive of streets and other public open space. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**LOT, CORNER** - A lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five degrees (135).

**LOT COVERAGE**- The aggregate percentage of a plot or lot area covered by the buildings or structures as measured by the vertical projection to the ground of their greatest outside dimension. Any cornice, balcony, awning, gutters, open entrance hood, or overhanging roof which projects less than three (3) feet from the face of a building shall not be considered as part of the structural coverage. Conversely, any cornice, balcony, awning, open entrance hood, or overhanging roof which projects three (3) or more feet shall be included in entirety as lot coverage. Structures with minimal horizontal areas such as arbors, trellises, fences, and poles shall not be considered as part of lot coverage. Likewise appurtenances, such as open porches, terraces, or open decks, with heights above grade less than three (3) feet shall not be considered as lot coverage. Swimming pools with water levels or with decks three (3) feet or more above grade shall, however, be considered as part of structural coverage. Structures entirely located more than two (2) feet below the ground, including oil tanks and subsurface sewage treatment systems, shall not be included in lot coverage. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**LOT DEPTH** - The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**LOT, FLAG** - A lot whose configuration is such that access is provided through a narrow corridor and the bulk of the lot's area is located behind the rear property line of one or more adjacent lots.

**LOT LINE, FRONT** - The edge of the lot which abuts the frontage except that in the case of a "flag" lot the front lot line shall also include the nearest property line which is parallel to the property line which abuts the property frontage.

**LOT, INTERIOR** - A lot other than a corner lot.

**LOT LINE, REAR** - The lot line which is generally opposite the front lot line. If the "rear lot line" is less than ten (10) feet in length or if the lot comes to a point at the rear, the "rear lot line" shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

**LOT WIDTH, AVERAGE** - The quotient arrived at by dividing the area of the lot in square feet by the depth of the lot in feet.

**LUMEN**: A quantitative unit measuring the amount of light emitted from a light source.(see footcandle)**[Added 11-9-05 by L.L. No. 12 of 2005]**

**LUMINAIRE**- A complete lighting unit consisting of the lamp, lens, optical reflector, housing and an electrical components necessary for ignition and control of the lamp, which may include a ballast, starter and/or photo control.**[Added 11-9-05 by L.L. No. 12 of 2005]**

**LUMINAIRE, DIRECTIONALLY SHIELDED**: A luminaire which emits a light distribution where some light is emitted at or above a horizontal plane drawn through the bottom of a fixture. Such fixtures may contain visors, louvers or other types of shields or lenses which are designed to direct light onto a targeted area and to minimize stray light.

**LUMINAIRE, FULL CUT-OFF OR FULL SHIELDED** - A luminaire or light fixture that;

by design of the housing, light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The lamp is not visible from outside the fixture with a shielded light fixture, and no light is emitted above the horizontal plane drawn through the base of the fixture.

**RECESSED FIXTURE** - When the source of light is built into a structure or portion of a structure such that the light source is fully contained within the structure and no part of the light source extends or protrudes beyond the underside of a structure or portion of a structure

**MANUFACTURING, LIGHT** - The assembly, fabrication, treatment and packaging of component parts into a finished product, or the processing of raw materials into a finished component or product. Light Manufacturing shall not include operations which are offensive, obnoxious or detrimental to the environment by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes. Light Manufacturing shall also not include operations that require large volumes of raw materials that must be delivered and stored in bulk, or where the manufacturing process would require any highly flammable, toxic or explosive materials. Light Manufacturing shall also not include any outdoor operations. **[Added 11-15-06 by L.L. 10 of 2006]**

**MINERAL PROCESSING FACILITY** - Any operation which receives, prepares, washes, cleans, crushes, stockpiles, distributes or engages in any other such processing of natural materials removed from the earth.

**MOTEL** - A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designated as auto courts, tourist courts, motor inns, motor lodges and buildings known by similar appellations.

**NONCONFORMING** - A building, structure, land or substantial use of any of same lawfully existing at the time of the enactment of this chapter which does not conform to the regulations for the district or districts in which it is situated.

**NOT - FOR- PROFIT MEMBERSHIP CLUB** – The premises and building used by and exclusively for the members and guests of a not-for-profit corporation or fraternal organization organized and existing under the Not-for-Profit Corporation Law or the Benevolent Orders Law of the State of New York, and established for civic, recreational, athletic or social purposes. The club shall not be used in whole or in part for the conduct of any business enterprise for profit, but this shall not be construed as preventing the incidental utilization of the club for benefits or performances for a recognized charity, nor shall it prevent the incidental utilization of the club for the meeting of other civic organizations. A not-for-profit membership club shall not include a not-for-profit corporation or fraternal organization established for the purpose of providing facilities for or engaging in any form of aviation, the launching of fireworks, trap or skeet shooting, outdoor target, rifle or pistol ranges, animal rescue or a facility used for any form of motorized vehicle sport or testing or adult entertainment use. **[Added 10-27-2010 by L.L. No. 5-2010]**

**NURSERY, FARM** - Any lot used for the growing of trees, shrubs or other live plant material intended for sale, excluding the growing of trees for wood products or personal use or enjoyment and lots or portions thereof used principally for the storage of nursery products.

**NURSERY, RETAIL** - A lot or portion of a lot, and the buildings and structures thereon who's use or intended use is the sales of trees, shrubs, flowers or other live plant material. A retail nursery shall also include the retail sales of items accessory or incidental to the sales of plant material and any greenhouses used to raise and store the plant material that will be sold on the lot. A green house shall not be considered a retail nursery where the greenhouse is not open to, nor accessible to the general public and the wholesale or retail sale of plants is not conducted on the lot or an adjacent lot under the same ownership.

**NURSERY SCHOOL** - A place where children of preschool age regularly meet for daytime care, training and/or supervised play.

**OFFICE, BUSINESS** - A building or any portion of a building, or any use thereof, conducted for administrative, executive management or clerical activities, but where such services are not offered to consumers or walk-ins, nor include client-based social services offices. Business Offices shall mean those types of businesses which include corporate offices, district and regional offices, holding companies, administrative or business management services, dictation services, telephone answering services, telemarketing services or computer software design. **[Added 11-15-06 by L.L. 10 of 2006]**

**OFFICE, PROFESSIONAL** - A building or any portion of a building, or any use thereof, conducted for the business of offering services to the public, which are typically occupied by individuals of a recognized profession and maintained for the conduct of such profession. Professional Offices shall mean those types of businesses which include those of law, architecture, planning, engineering, appraisals, real estate, insurance, accounting, art instruction, music instruction, investment counseling, and other professions which require a similar degree of training and experience. Professional Office shall also include computer services offered to others, except for computer training, computer repair or computer sales. **[Added 11-15-06 by L.L. 10 of 2006]**

**PARKING AISLE** - An access way, other than a street or road, located on private property that provides a means of egress and ingress to vehicle traffic.

**PARKING SPACE** - A permanently improved off-street space dedicated exclusively for the parking of one (1) motor vehicle on a transient basis, and having an area of not less than two hundred (200) square feet, or as otherwise may be established by the Planning Board, and having access to a parking aisle, street or alley.

**PERSON** - Any individual, firm, sole proprietorship, corporation, partnership, limited liability company, limited liability partnership, association, venture, individual appointed to and acting in a representative or fiduciary capacity, estate, trust or other entity. **[Added 8-14-13 by L.L. No. 5-2013]**

**PERSONAL SERVICES** - A building or any portion of a building, or any use thereof, conducted for the benefit of consumers for compensation, which provide appearance enhancement, personal improvement, personal instruction services, or other services listed herein, including barber shops, beauty shops, shoe repair shops, nail salon, tanning salon, laundromats, tailors, florist, printing, publishing or photocopying; photographer's studio, dance or music studios; driving schools; diet centers, reducing salons, mail service and safe deposit boxes, a travel bureau, a custom printing for apparel, photocopying center, dry cleaner, day spa and other uses of a similar nature. Personal services shall not include establishments at which exercise or physical training is provided. **[Amended 11-15-06 by L.L. 10 of 2006]**

**POLLUTION** - The presence in the environment of human-induced conditions or contaminants in quantities or characteristics which are or may be injurious to humans, plants, animals or property.

**POULTRY** - Domesticated fowl, including chickens, turkeys, ducks, geese, ostriches, emus, waterfowl, and game birds (except doves and pigeons) that are typically bred primarily to produce eggs and/or meat, regardless of whether they are kept or treated as pets. **[Added 8-11-2021 by L.L. No. 2-2021]**

**REGIONAL RETAIL CENTER** - A site designed to lease, rent or sell commercial space to multiple businesses that offer the sale of general merchandise, food and/or personal services to consumers and which provides a total building area of greater than 75,000 square feet. Businesses in the center must be open to the public, or permit membership that is open and available to the general public. A regional retail center may also include one or more retail stores or wholesale clubs characterized

by a large amount of floor space (generally more than 50,000 square feet), that offer a wide array of general merchandise, and/or full service grocery sales. They may also include as accessory to the retail store, indoor/outdoor garden center and the sale of related merchandise, vision center, bakery, personal services, automotive products for sale including but not limited to tires, lubricants, wipers, batteries, which may also include on-site installation, pharmacy, alcoholic beverage sales, and fast food sales. These large retail stores may include exterior drive-through and pick up areas for goods, which may or may not be ordered on the internet. **[Added 5-24-2017 by L.L. 1 of 2017]**

**RESEARCH AND DEVELOPMENT USES** – The lands, and building or buildings thereon used for the pursuit of and experimentation in pure or applied scientific or technological research, design, development and production of prototype machines or devices or of new products or technologies, and offices and other uses accessory and clearly incidental thereto, wherein products are not manufactured or fabricated for wholesale or retail sale, wherein commercial servicing or repair of commercial products is not performed; and wherein there is no display of any materials or products for sale or resale. In no event shall any of the following be permitted: **[Added 10-27-2010 by L.L. No. 6-2010]**

- (1) Chemical plants;
- (2) Motorized vehicle testing laboratories, except for vehicles powered entirely by solar energy or electricity;
- (3) The keeping, use of, or experimentation with animals;
- (4) Facilities engaged in research or development of explosives; and
- (5) Any use which causes the emanation of noxious or offensive odors, vapors, dust, vibration, smoke, gas, noise, fumes, glare or radiation, or is otherwise injurious to any of the surrounding properties or to their owners and occupants or which presents any other hazard to public health or safety.

**RESTAURANT** - A building or portion thereof where food is prepared in a kitchen on site and food and beverages are sold for consumption to customers seated within the building serviced by wait-staff, and where more than 65% of the interior of the building is available and used for seating of customers. Such entities shall store and prepare foods in accordance with applicable Federal, New York State, Putnam County and Town laws, rules and regulations, have approved methods of disposal of waste material from the food preparation process and provide for the sufficient filtering or dissipation of odors and fumes from the premises so that they are not offensive or detrimental to neighboring properties. Additional outdoor seating may be permitted seasonally by the Planning Board in accordance with all applicable laws, rules and regulations, including requirements for provision of adequate parking. A restaurant may provide alcoholic beverages, take-out food and catering as additional services as long as said services are subordinate and clearly incidental to the restaurant use. Establishments providing a buffet-style or table-top cooking food service shall also be considered a restaurant. A restaurant shall not be deemed to include a snack bar or refreshment stand at a public or non-private recreational facility which is operated solely by the agency or group operating the recreational facility for the convenience of the patrons of the facility. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to a restaurant, including dancing by patrons, provided the space made available for such entertainment use shall not be more than 15 percent of the overall floor area available for dining. **[Amended 7-22-15 by L.L. No. 2-2015]**

**RETAIL** - A building or any portion of a building, or any use thereof, conducted for the benefit of consumers at which the sale or rental of dry goods, groceries, commodities, or merchandise is available to consumers including, but not limited to, drug stores, super markets, delicatessens, department stores, home furnishing stores, clothing stores, pet supply shops, video rental stores, automotive parts and accessories (excluding vehicle service and installation) computers and

electronics. **[Added 11-15-06 by L.L. 10 of 2006]**

**SELF-STORAGE FACILITY**- A building or group of buildings containing multiple fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the temporary storage of property on a weekly, monthly or similar periodic basis. **[Added 10-9-2019 by L.L. No. 2-2019]**

**SIDEWALK** - An improved surface, absent of vegetation, which is less than five feet wide, is less than eight inches in height from the adjacent grade, and whose principal function is to convey pedestrian traffic. A sidewalk may also include a series of steps which follow the general contour of the land and are at grade, but shall not include stairs which create a transition between two distinct elevations of the land.

**SIGN** - Any structure, housing, sign, device, figure, painting, display, message placard, or other contrivance, or any part thereof, containing letters, pictures, insignia or illustrations for visual communication with the intent of bringing the subject thereof to the attention of the public, and shall also include that portion of awnings, in-door and window signs which display and advertisement, announcement, notice or name. **[Amended 9-12-2018 by L.L. No.5-2018]**

**SIGN AREA** - That area which results by multiplying the outside dimensions of a sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where the sign consists of individual letters or symbols attached to or painted on a building, the area shall be considered to be that of the smallest rectangle which encompasses all of the letters or symbols.

**SIGN, BUSINESS OR PROFESSIONAL** - A sign which advertises, directs or attracts attention to or announces a business establishment or profession conducted upon the same lot, including a place where services, entertainment, commodities, merchandise or products are offered, conducted or sold at retail upon said lot.

**SIGN, FARM PRODUCE** - A sign which directs attention to the sale at retail upon the same premises of farm produce, dairy products, poultry or other food products lawfully grown, raised or produced upon said premises in connection with the operation of a roadside stand.

**SIGN, FLASHING** - An illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

**SIGN, FREESTANDING** - A sign permanently anchored to the ground, or attached to a support permanently anchored to the ground and is not located on nor attached to a building.

**SIGN, ILLUMINATED** - Any sign designed to give forth or reflect any artificial light.

**SIGN, PORTABLE** - A sign, whether on its own trailer, wheels, or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or another sign including menu and sandwich board signs; balloons used as signs; umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business and the sign is advertising the name of the company or business.

**SIGN, RESIDENCE BUSINESS** - A sign indicating the name and profession or occupation of a resident of the same lot, provided the profession or occupation so indicated is one of those specified in Article I, §154-4 (home occupation), of this chapter. **[Amended 5-24-2017 by L.L. 1 of 2017]**

**SIGN, ROADSIDE** - A sign placed within the right-of-way of any street or common driveway, or within 25 feet of the center of any road or traveled way. **[Added 5-24-2017 by L.L. 1 of 2017]**



**SIGN, TEMPORARY** - One not permanently attached to any structure nor set on any foundation in earth.

**STABLE** - Any accessory building or portion of a principal building in which animals are kept, whether for private use, for hire, remuneration or sale.

**STORY** - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a "story" if its ceiling is more than five (5) feet above the level from which the height of the building is measured or if it is used for business purposes other than storage or for dwelling purposes by other than a janitor or a watchman.

**STORY, HALF** - A story with at least two (2) opposite sides meeting a sloping roof not more than two (2) feet above the floor of such story.

**STREET** - An improved public or private thoroughfare however designated, used by vehicles to travel between two points and which affords the principal means of access to abutting property.

**STRUCTURAL ALTERATION** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

**STRUCTURE** - Anything constructed or erected which has, or would normally be expected to have a permanent or semi-permanent location on or in the ground or attachment to something having a permanent or semi-permanent location on or in the ground, including patios, decks, stairs and other improved areas intended as a central location for recreation or leisure activities, outdoor backup generators greater than twenty kilowatts and propane tanks with a combined capacity of greater than 250 gallons. Fences and/or walls, shall also be considered structures. **[Amended 5-24-2017 by L.L. 1 of 2017; Amended 8-11-2021 by L.L. No. 2-2021]**

**TENTING AREA** - An area occupied by two (2) or more tents used for temporary residence for recreational purposes only.

**TRAILER** - Any portable or mobile unit used or designated to be used for living purposes, with or without rigid supports and with or without its wheels, rollers or skids in place.

**TRAILER PARK** - A land or floor area occupied or designated for occupancy by two (2) or more trailers or camp cars in use for living purposes.

**USE, ACCESSORY** - A use that is located on the same lot as the principal use and is incidental to and subordinate in area, extent and purpose to the principal use. **[Amended 11-15-06 by L.L. 10 of 2006]**

**USED CAR LOT** - Any outdoor place where two (2) or more motor vehicles in operating condition are offered for sale or are displayed.

**USE, PERMITTED** - Includes only those uses which are specified in this chapter and shall not be deemed to include any nonconforming use.

**USE, PRINCIPAL** - The main purpose for which land is used or a building is designed or used or for which the building may be occupied or maintained.

**VAPE PRODUCTS** - devices that heat a substance to produce an aerosol that is inhaled, including, but not limited to nicotine, cannabis (THC, CBD) flavorings, or other chemicals. **Added 2-28-2024 by L.L. 1 of 2024]**

**VARIANCE, AREA** - authorization by the Zoning Board of Appeals for the use of land in a manner

which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

VARIANCE, USE - authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

WAREHOUSE - A building or any portion of a building greater than 40 square feet, used for the storage of material, merchandise, furniture or other commodities, excepting materials which are hazardous, explosive or radioactive. **[Added 11-15-06 by L.L. 10 of 2006]**

WATERCOURSES - Any of the following:

- (1) Rivers, streams, brooks and waterways which are delineated on the most recent edition of the United States Geological Survey topographic maps of the town.
- (2) Any other streams, brooks and waterways containing running water for a total of three (3) months a year.
- (3) Lakes, ponds, marshes, swamps, bogs, natural springs and all other bodies of water, natural or artificial, which are fed by or have discharge to another wetland or watercourse.
- (4) Ephemeral or vernal pools.

WETLAND, BOUNDARY - The outer limit of vegetation, and soils specified herein in the definition of freshwater wetlands.

WETLANDS, FRESHWATER - Lands within the Town of Patterson, one-half (½) acre or more in size, which meet one (1) or more of the descriptions set forth herein below under (1), (2), (3), (4) and/or the description set forth in (5), and also any wetland, regardless of size that is found to contain any rare, endangered or threatened species of plant, tree or wildlife as determined by the N.Y.S.D.E.C. or U.S. Fish and Wildlife Service shall be regulated by the Town of Patterson, regardless of wetland size.

- (1) Lands and submerged lands, commonly called marshes, sloughs, wetlands, swamps, bogs and flats, supporting aquatic or semiaquatic vegetation, but not limited to the following types:
  - (a) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other trees, including, among others, red maple (*Acer rubrum*), willows (*Salix* spp.), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), red ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americans*), larch (*Larix laricina*), river birch (*Betula nigra*), white cedar (*Thuja occidentalis*), black gum (*Nyssa sylvatica*) and American sycamore (*Platanus occidentalis*).
  - (b) Wetland shrubs which depend upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other shrubs, including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), spicebush (*Lindera benzoin*), highbush blueberry (*Vaccinium corymbosum*), redosier dogwood (*Cornus stolonifera*) and serviceberry (*Amelanchier canadensis*).
  - (c) Emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* spp.), reed (*Phragmites communis*), wildrice

(*Zizania aquatica*), bur reeds (*Sparaganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*), water plantain (*Alisma plantagoaquatica*), skunk cabbage (*Symplocarpus foetidus*) and false hellebore (*Veratrum viride*).

(d) Rooted, floating, leaved vegetation, including, among others, water lily (*Nymphaea odorata*), water shield (*Brasenia schreberi*) and spatterdock (*Nuphar* spp.).

(e) Free-floating vegetation, including, among others, duckweed (*Ulna* spp.), big duckweed (*Spirodela polyrhiza*) and watermeal (*Wolffia* spp.).

(f) Wet meadow vegetation, which depends upon seasonal or permanent flooding or sufficiently waterlogged soils to give them a competitive advantage over other open land vegetation, including, among others, sedges (*Carex* spp.), rushes (*Juncus* spp.), cattails (*Typha* spp.), rice cut-grass (*Leersia oryzoides*), reed canary grass (*Phalaris arundinacea*), swamp loosestrife (*Decodon verticillatus*), spikerush (*Eleocharis* spp.) and skunk cabbage (*Symplocarpus foetidus*).

(g) Bog mat vegetation, including, among others, sphagnum mosses (*Sphagnum* spp.), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne calyculata*), pitcher plant (*Sarracenia purpurea*) and cranberries (*Vaccinium macrocarpon* and *Vaccinium oxycoccos*).

(h) Submergent vegetation, including, among others, pondweeds (*Potamogeton* spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria spiralis*), coontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), water weeds (*Elodea* spp.) and water smartweed (*Polygonum amphibium*).

(2) Lands and submerged lands containing remnants of any vegetation that is not aquatic or semiaquatic that has died because of wet conditions over a sufficiently long period, provided that such wet conditions do not exceed a maximum seasonal water depth of six (6) feet, and provided that such conditions can be expected to persist indefinitely, barring human intervention.

(3) Lands and waters encompassing aquatic or semiaquatic vegetation as set forth herein (1) above or dead vegetation as set forth in (2) above, the regulation of which is necessary to protect and preserve the aquatic and semiaquatic vegetation.

(4) The waters overlying the areas set forth in (1) and (2), and the lands underlying (3).

(5) Soil types that are poorly drained, very poorly drained, alluvial or floodplain soils, as defined by the United States Department of Agriculture Soil Conservation Service and the Putnam County Soil and Water Conservation District, which exhibit characteristics typical of a wetland soil such as gleying, redox depletion or mottling, including but not limited to the following classifications [**Amended 5-24-2017 by L.L. 1 of 2017**]:

(a) Carlisle muck (Ce).

(b) Fluvaquents (FL).

(c) Ipswich muck (Ip).

(d) Palms muck (Pa).

- (e) Palms and Carlisle soils, ponded (Pc).
- (f) Ridgeberry loam with zero-to-three-percent slopes (RdA).
- (g) Ridgeberry loam 3-8% slopes (RdB)
- hi) Ridgeberry loam 2-8% slopes, very stony (RgB)
- (i) Raynham silt loam (Ra)
- (j) Fredon silt loam (Fr.)
- (k) Sun series.
- (l) Udorthents, wet substratum (Uc).
- (m) Leicester.

**YARD** - An open space of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except for the certain features specified in this chapter. In measuring a "yard" as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line, drawn through the point of the principal building or, if more than one principal building exist on the site then the point of a group of the principal buildings nearest to such lot line, and the measurement shall be taken at right angles from the line of the building to the nearest line. In measuring a yard for the purpose of determining the width of a front yard, a side yard or a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

**YARD, FRONT** - A yard extending across the full width of a lot and lying between the front lot line and the nearest point of the principal building.

**YARD, REAR** - A yard extending across the full width of the lot and lying between the rear lot line and the nearest point of the building.

**YARD, SIDE** - A yard between the side lot line and the nearest point of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as the case may be.

## ARTICLE II Districts, Map and Schedule

### **§ 154-5. Zoning districts designated.**

The Town of Patterson is hereby divided into the following zoning districts:

1. Putnam Lake Residence RPL-10 District
2. Residence R-1 District
3. Residence R-2 District
4. Residence R-4 District
5. General Business GB District
6. Commercial C-1 District
7. Industrial I District
8. Commercial Recreation CR District

9. Open Space Overlay District
10. Multifamily Overlay District

**§ 154-6. Zoning Map. [Amended 11-16-2005 by L.L. No. 12-2005]**

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map, Town of Patterson, New York," dated, May 1, 2003, and as amended by the Town Board is hereby adopted and made a part of this chapter. Said Zoning Map may be amended in the same manner as any other part of this chapter. The map is on file in the office of the Town Clerk, and such map and amendments thereto are hereby declared to be a part of this chapter.[**Amended 11-9-05 by L.L. No. 12 of 2005;**]

**§ 154-7. Schedule of regulations. [Amended 9-24-2003 by L.L. No. 6-2003, Amended 11-15-06 by L.L. No. 10-2006]**

To facilitate public understanding of this chapter and for the better administration thereof, the regulations limiting minimum size of yards and the location, arrangement, bulk and minimum size of buildings and structures are set forth in the annexed schedule for each of the districts established by § 154-5 of this chapter. Such schedule, hereinafter referred to as the "schedule," is hereby adopted and declared to be part of this chapter and may be amended in the same manner as any other part of this chapter.

**§ 154-8. Use of schedule.**

All limitations for any district as to percentage of lot area that may be used for buildings, permissible height of buildings, required yards and minimum size thereof, minimum size of dwellings and all other requirements shall be those set forth in the schedule, which in the case of each district established shall be read across the schedule from left to right.

**ARTICLE III  
Interpretation and Special Regulations**

**§ 154-9. Interpretation of dimensional standards.**

A. Unless otherwise indicated on the Zoning Map, the zoning district boundary lines are intended to follow property boundaries or the centerline of streets.

B. All setback requirements shall be from that portion of the building or structure that is closest to the property line and shall include any porch, deck, balcony or any other portion that projects horizontally and is attached thereto, directly abuts, or would otherwise be considered an integral part thereof.

**§ 154-10. Separate lot for each building. [Amended 6-8-2011 by L.L. No. 5-2011]**

Every building hereafter erected shall be located on a lot as herein defined, and, except as herein provided, there shall not be more than one (1) main building and its accessory buildings on one (1) lot except for multi-family buildings in the Multifamily Overlay Zone, non-residential buildings, and for small farms and large farms in districts where such uses are permitted.

**§ 154-11. Yard and open space for each building.**

No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building. No yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.

#### **§ 154-12. Corner Lots and Through Lots**

Wherever a property boundary is adjacent to a street, the front yard dimensional requirements of this Chapter shall apply to such property boundary, and such property boundary shall not be considered a side or rear yard. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard. Lots with property lines abutting three streets shall be deemed to have three front yards and one rear yard. **[Amended 8-11-2021 by L.L. No. 2-2021]**

#### **§ 154-13. Visual obstructions at intersections.**

No fence, wall, hedge, shrubbery or other obstruction to vision in excess of three (3) feet in height, as measured above the adjacent street grade, shall be placed or allowed to grow at street intersections within the triangular area formed by the intersecting street lines and a straight line joining such street lines at points which are seventy-five (75) feet distant from the point of intersection, measured along such street lines, excepting that said distance may be reduced by the Planning Board upon an affirmative recommendation by the Town Engineer.

#### **§ 154-14. Height limitations.**

The height limitations of this chapter shall not apply to church spires and cupolas nor to chimneys, skylights and silos that are part of a farm operation used to store farm-related materials such as feed or grain.

#### **§ 154-15. Fences, stone walls and masonry walls. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. Except as otherwise provided herein, fences, stone walls or masonry walls or a combination thereof shall not be more than six (6) feet in height measured from ground level to the highest point of any portion of the fence.

(1) Fences, stone walls or masonry walls, or a combination thereof, placed within the front yard of a property shall not be more than four feet in height measured from ground level to the highest point of any portion of the fence within the front yard unless said fences are set back a minimum of 40 feet from the lot's frontage, except: **[Amended 9-12-2018 by L.L. No. 5-2018; 1-11-2023 by L.L. No. 1-2023]**

(a) Fences or walls placed along a State or County Road may be six (6) feet in height so long as the fence or wall is set back a minimum of 10 feet from the front property line.

(b) Subsection A(1) above shall not apply to post and rail, woven wire, high tensile wire and similar open style fencing that is see-through, and specifically used for the confinement of farm animals on a hobby farm, small farm or large farm. **[Added 1-11-23 by L.L. No. 1-2023]**

(2) A trellis, or similar architectural element defining an entrance, not exceeding seven (7) feet in height for a six foot fence, may be permitted at not more than two gateways

through the fence or wall.

(3) The limitation on the height of a wall or fence shall not apply to any lighting which may be placed thereon, however any such lighting shall comply with § 154-22.1, Lighting Standards.

(4) Fences used as a dumpster enclosure located in a GB General Business, C-1 Commercial or I Industrial zoning district shall be limited to a maximum height of eight (8) feet.

(5) Fences placed immediately around the perimeter of a tennis court, used to control balls in play, shall be limited to a maximum height of ten (10) feet.

B. Fences shall be installed with the finished side facing out or away from the interior of the lot on which the fence is placed.

C. Front yard, side yard and rear yard setback requirements established by this Chapter shall not apply to fences, stonewalls or masonry walls. [Amended 1-11-23 by L.L. No. 1-2023]

D. A building permit or certificate of occupancy shall not be required for the erection or construction of any fence or non-structural wall that does not exceed the height requirements of subsection A. Any fence exceeding the height restriction of Subsection A, above regardless of any variance, or any wall more than four feet in height used to stabilize grade or retain an embankment shall obtain a building permit from the Town's Building Department. **[amended 9-12-2018 by L.L. No. 5-2018]**

E. The limitation on the maximum height of a wall shall not apply to a wall whose purpose is that of retaining an embankment or a wall intended to serve such other structural purpose, provided that the design and location of the wall is shown on a site plan approved by the Patterson Planning Board.

#### **§ 154-16. Temporary permits for carnivals. [Amended 5-24-2017 by L.L. 1 of 2017]**

Nothing in these regulations shall prevent a church, school, or volunteer fire department from holding a fair, carnival, circus, horse show, athletic meet or similar event on its own premises for a period not exceeding seven (7) days, the profits of which are for the sole benefit of such organization or for civic, religious or philanthropic purposes, excepting that prior to the event taking place a public assembly permit shall be issued by the Town Board when so required by Chapter 51, and in accordance to the requirements thereof.

#### **§ 154-17. Construction Trailers**

A. Construction trailers may be placed temporarily (without permanent footings) on construction sites for a period not to exceed the lesser of the construction period or eighteen (18) months, however that where the period a construction trailer will remain on a site exceeds eighteen (18) months it shall do so only upon site plan approval issued by the Planning Board. Such trailers may be used for office, storage, or workshop space and shall not be used for residential purposes.

B. Storage trailers may be placed on a residential property during renovation of all or part of the principal residential dwelling for a period of not more than 6 months in a location approved by the Director of Codes Enforcement. **[Added 5-24-2017 by L.L. 1 of 2017]**

**§ 154-18. Wetlands and watercourses [Amended 11-15-2006 by L.L. 10-2006]**

**A. Legislative intent**

- (1) The Town Board of the Town of Patterson has determined that freshwater wetlands are invaluable resources for flood protection; erosion control; wildlife habitat; forests; pollution treatment; open space; water, including groundwater recharge; recreation; and other benefits associated therewith which, if preserved and maintained in an undisturbed natural condition, constitute important assets to present and future residents of the town.
- (2) The Town Board of the Town of Patterson has determined that growth and development has placed increasing demands upon natural resources that may result, and in certain instances has resulted, in the encroachment, despoiling, polluting and/or eliminating of wetlands and watercourses.
- (3) Recurrent flooding in areas of the town, aggravated or caused by the loss of wetlands or alteration of watercourses, has serious effects upon natural ecosystems and presents serious hazards to the environment and the health, safety, welfare and property of the people of the town.
- (4) Since acts on wetlands and watercourses in one location affect persons and property in other locations, wetland and water conservation are matters of concern to the entire town. The establishment of preservation, protection and conservation practices is essential to the public health, safety and welfare of the residents of the town.

**B. Regulated activities.**

- (1) It shall be unlawful for any person, without a written permit therefore issued by the town, to alter any freshwater wetland, watercourse or controlled area protected by this section, except as herein provided.
- (2) Activities subject to regulation under this section shall include the following:
  - (a) Any form of dredging or excavation and any grading or removal or disturbance of soil, mud, sand, gravel, silt or any other earth material from any controlled area, either directly or indirectly;
  - (b) Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind in any controlled area, either directly or indirectly;
  - (c) Erecting any building or other structure; construction of any road, driveway or motor vehicle parking facility; paving; installation of sewage disposal systems or sewer outfall or swimming pools; discharge of sewage treatment effluent or other liquid wastes; drilling and digging of wells; installation of any pipe or other conduit; or the placing of any other obstructions within a controlled area, whether or not the same affect the ebb and flow of water;
  - (d) The use of any chemicals, dyes, fertilizers, herbicides, pesticides or similar materials in any controlled area, such that the same may cause pollution of or effect the controlled area;
  - (e) Creating an increase or decrease in the flow, velocity or volume of water in any watercourse, excluding customary seasonal raising and/or lowering of said watercourse;
  - (f) Creating a diversion of water flow on any watercourse, including but not limited to constructing dams, docks or bridges;



(g) Introducing any influents of high thermal content, such that the same are capable of causing deleterious ecological effect;

(h) Any logging operation, including clear-cutting, within one hundred (100) feet of a wetland or watercourse. These actions shall be reviewed by the E.C.I., so as to determine if such acts affect the prevailing surface water runoff conditions, directly or indirectly; or

(i) Any other activity which substantially impairs any of the functions of the wetlands and watercourses or the benefits derived therefrom as set forth in Subsection A of this section.

(j) Any substantial removal of surface vegetation that may affect the function of a wetland or watercourse.

(k) Any accumulations of sediment resulting from uncontrolled stormwater runoff or soil erosion.

(3) Exclusions. Activities excluded from regulation under this section shall include the following:

(a) The removal of the natural products of freshwater wetland and adjacent areas by recreational or commercial fishing, shellfishing, aquiculture, hunting or trapping where otherwise legally permitted and required.

(b) Public health activities under order and regulations of the New York State Department of Health and/or the Putnam County Department of Health or orders and regulations of any duly authorized agency, provided that copies of such orders and regulations have been filed with the Town Clerk of the Town of Patterson and that the E.C.I. may request modifications of such orders if they deem it necessary to implement the policy of this section.

(c) Any actual and ongoing emergency activity which is immediately necessary for protection and preservation of life or property or the protection or preservation of natural resource values. Such emergency activities include, but are not limited to: search and rescue operations; preventative or remedial activities related to large scale contamination of streams or other bodies of water; response to floods, hurricanes and other storms; fire fighting and public health concerns. Within five (5) days of the end of such an emergency involving the undertaking of any activity which otherwise would be treated as a regulated activity under this section, the person chiefly responsible for undertaking such emergency activity shall send a written statement to the E.C.I. setting forth the pertinent facts regarding such emergency, including an explanation of life, property or resource values such activity was designed to protect or preserve.

(d) Ordinary maintenance and repair of existing structures or improved areas which do not involve expansion or substantial restoration, reconstruction, rehabilitation or modification, including but not limited to bridges, roads, highways, railroad beds, bulkheads, docks, piers, pilings or paved streets.

(e) Trimming, pruning and bracing of trees. Decorative landscaping, including the addition of native trees and plants, and incidental removal of trees and brush.

(f) Repairs to existing subsurface sewage disposal systems located within an area regulated pursuant to this Section excepting that reasonable notice shall be provided by the property owner to the Patterson Environmental Conservation Inspector prior to any disturbance. Notice shall include a description and plan of any work proposed.

The Patterson Environmental Conservation Inspector may impose such reasonable requirements and restrictions as are necessary to give effect to the intent and purpose of this Section pertaining to wetlands, streams and water bodies.

(g) The routine maintenance of ponds or wetlands and other facilities designed, constructed and intended specifically for the management and treatment of stormwater runoff. **[Added 11-15-06 by L.L. 10 of 2006]**

C. E.C.I.

(1) Appointment. The Environmental Conservation Inspector shall be appointed by the Town Board.

(2) Qualifications. Qualifications for the position of E.C.I. shall include a baccalaureate degree in a natural science discipline or an associate's degree in the natural sciences and two (2) years full-time experience in work closely associated with wetlands protection or related environmental areas, and any other training and experience which assures a technical knowledge of wetlands and their functions and benefits to perform the tasks identified in Subsection C(3) of this section.

(3) Duties. The E.C.I. will review all wetlands permit applications, periodically inspect town wetlands and permitted projects for unregulated activities and make recommendations to the regulatory agencies or Departments of the town which also regulate such activity or project, including the Planning Board, and shall prepare such investigations, recommendations and reports on environmental issues as may be requested by the Town Board.

(4) The E.C.I. shall have the authority to issue stop work orders and appearance tickets for violations of the zoning code pertaining to wetlands and watercourses.

(5) The E.C.I. may issue an Act of Remediation to allow immediate corrective action to alleviate any potential or occurring impairment to a wetland or watercourse, or any action which has caused a violation of the regulations pertaining to wetlands or watercourses.

(6) Concurrent with the initial appointment of the E.C.I., the Town Board shall appoint a Deputy E.C.I. to carry out the duties of the E.C.I. in his/her absence, i.e., vacation, illness, etc.

D. Permit applications.

(1) Any person proposing to conduct or causing to be conducted a regulated activity requiring a permit under this section upon any controlled area shall file an application for a permit with the Patterson Planning Board, together with a filing fee established by the Town Board. The Planning Board shall immediately inform the Environmental Conservation Commission, the E.C.I. and the Code Enforcement Officer. Projects for which an environmental assessment form (EAF) has not been required by any other agency shall file an EAF under this permit application. All wetlands and watercourse boundaries will be flagged with easily identifiable material and numbered in sequence by a qualified ecologist, botanist, soil scientist or wetland specialist. The E.C.I. will certify the flagging as accurately reflecting the boundaries the wetland or watercourse. Once so certified the boundaries will be accurately located on any plans submitted to the Town.

(a) All permit applications must include the following information unless waived by the Planning Board upon recommendation of the E.C.I.:

[1] Name/address. The name, address and telephone number of the

applicant, and, if the applicant is not the owner, the written consent of the owner must be attached.

[2] Tax Map designation. The street address and tax map designation of the property involved.

[3] List of property owners. An application shall include a list of adjacent and nearby property owners whose rights or interests may or will be affected by the proposed action. Notification of adjacent property owners contained on the list shall be by certified mail by the Applicant at least ten (10) days prior to the date of the public hearing and shall include the notice of public hearing as advertised in the local paper. Proof of mailing shall be provided to the Planning Department. The list of property owners shall include all those property owners as follows:

[a] Where the total area disturbed will not exceed 2,500 square feet, all property owners whose property lies within two hundred (200) feet of the proposed area of disturbance; or

[b] Where the total area disturbed exceeds 2,500 square feet, all property owners whose property lies within two hundred (200) feet of the proposed area of disturbance and those property owners within five hundred (500) feet of the area of disturbance where any portion of their property is within the wetland, watercourse or controlled area thereto.

[4] Plans/specifications. Detailed plans and specifications for the proposed wetlands activity, drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, showing the following:

[a] Location of disturbed area. The location of the construction area proposed to be disturbed and its relation to property lines, buildings, roads, controlled areas and watercourses within five hundred (500) feet.

[b] Quantity of material. The estimated quantities of material to be deposited or removed.

[c] Location of wells/septics. The locations of any wells, and depth thereof, and of any waste disposal systems within two hundred fifty (250) feet of the proposed operation or project.

[d] Drainage system details. The details of any drainage system proposed, both for the construction process of the system and the final development and maintenance of the system.

[e] Construction details/deposition of spoil. Where creation or enlargement of a lake or pond is proposed, details the construction of any dams, embankments, outlets or other water control devices and of the deposition of the spoil material.

[f] List of affected functions. A list of all beneficial functions of the wetland which will be affected by the application.

[g] Details of protection procedure. A diagram showing what erosion controls will be installed, and a schedule for their installation and maintenance.

[h] Topographic details. Existing and adjusted contours shall be shown at an interval of two (2) feet in the area of the proposed operation or project and to a distance of fifty (50) feet beyond said operation or project.

(b) Application fee. Each application shall be accompanied by an application fee, as set by the Town Board. No application shall be considered complete by the E.C.I. until the application fee has been received by the town.

(c) Impacts upstream and downstream. Applications affecting the water-retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland shall include a statement and numerical calculations of the impact of the project on upstream and downstream areas, giving appropriate consideration to other than normal levels of watercourses and amounts of rainfall, specifically the one-hundred-year storm.

(d) Miscellaneous information. Applications should also contain such other design specifications, engineering studies, hydrogeologic studies or impact considerations as the Planning Board and the E.C.C. may deem necessary.

(e) Burden of proof. To meet the applicant's burden of proof, the applicant may submit any information necessary to demonstrate that the proposed activity is not adverse to the general health, safety or economic and general welfare of the residents of the Town of Patterson.

(f) Submission of fourteen (14) copies of application. Fourteen (14) completed copies of the application, together with fourteen (14) copies of the specified supporting plans and documentation, including an environmental assessment form, shall be filed with the Town Clerk. Applications under this section involving subdivision, site development plan or special permit approval by the Planning Board or Town Board shall be submitted concurrently with the application for such preliminary subdivision approval, site development plan approval or special permit approval.

(g) Professional preparation/certification of applications. Plans and specifications for all wetlands permit applications requiring Planning Board approval shall be prepared and certified by an engineer licensed by the State of New York, unless this requirement is waived by the Planning Board. If the requirement for certified plans is waived, the plans submitted shall be neat, complete, fully definitive of all details of the proposed operation or project and capable of reproduction.

(h) Should the Planning Board determine, after review of said application and recommendation of the E.C.I., that an action proposed for a regulated area is insignificant, a permit and/or public hearing waiver shall be issued and the permitting process suspended for that action. The fee may be returned, in whole or in part, at the discretion of the Town Board, upon recommendation of the Planning Board. In determining whether the fee should be refunded in partially or wholly refunded the Town Board will consider the extent of the review completed by the Planning Board and the E.C.I.

(i) Withdrawal/refund conditions for applications. Any applicant may withdraw his/her application at any time. Any application fee paid by the applicant, as outlined in Subsection E(1)(b) of this section, shall not be refunded to any applicant who so withdraws his/her application, except that the fee may be returned, in whole or in part, at the discretion of the Town Board, upon recommendation of the Planning Board. In determining whether the fee should be refunded in partially or wholly refunded the Town Board will consider the extent of the review completed by the

Planning Board and the E.C.I.

(2) As determined by the Planning Board, the town shall publish notice of the filing of the application in the official newspaper of the town, which notice shall be in a form approved by the Town Clerk.

(3) This section does not remove the necessity of any applicant to obtain the approval or permit required by any other town law or other applicable federal, state or local permits or authorization, including wetlands permits under Article 24 of the New York State Environmental Conservation law.

(4) Where a regulated wetland lies within two (2) or more jurisdictions:

(a) The Planning Board must provide copies of the application to the other sharing jurisdiction; and

(b) The processing of the application by the E.C.I. will include consultation with the other entities in order to achieve a mutually satisfactory determination.

E. Administration of permit application.

(1) After the application is deemed complete by the Planning Board in compliance with Subsection D, the E.C.I. shall render a decision to the Planning Board within sixty (60) days recommending approval, denial or approval with conditions of applications for a wetlands permit. Pursuant to the approval of an application by the Planning Board, a permit will be issued by the Chairman of the Planning Board.

(2) Unless waived, with such reasons as may justify a waiver set forth in the minutes of the meeting, a public hearing shall be held by the Planning Board regarding all applications for a wetlands permit.

(3) Standards for permit decisions.

(a) In his or her its recommendation to approve, deny or condition any permit, the E.C.I. shall consider the effect of the proposed activity with reference to public health and welfare; fishing, flood, hurricane and storm dangers; and protection or enhancement of the several functions of freshwater wetlands and the benefits therefrom, which are as set forth in Subsection A of this section. Due consideration will also be given to the benefit the applicant and/or the public may derive from the completion of the proposed activity. The E.C.I. may consider the freshwater wetlands permit requirements promulgated by the rules and regulations of the State of New York.

(b) No recommendation for approval of a permit shall be rendered by the E.C.I. unless:

[1] The proposed regulated activity is consistent with the policy of this section to preserve and protect and also conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands and to regulate the developments of such wetlands in order to secure the natural benefits of freshwater wetlands, consistent with the general welfare and the beneficial economic and social development of the Town of Patterson.

[2] The proposed regulated activity is compatible with the public health and welfare.

[3] The proposed regulated activity is reasonable and necessary.

[4] There is no practicable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area.

[5] The applicant shall have the burden of demonstrating that the proposed regulated activity will be in accord with the standards set forth in this subsection.

(c) Duly filed written notice that the state or any agency or political subdivision of the state is in the process of acquiring any freshwater wetlands by negotiation or condemnation authorizes, but does not require denial of any permit, but only if both the affected landowner and local government have been so notified.

(4) Extension of time. The applicant and the Planning Board may mutually consent, in writing, to extend the time for a determination on the application. Any such extension of time must be in writing or recorded in the minutes of the Planning Board meeting at which the project was reviewed.

(5) Conditions for a permit

(a) Every permit issued pursuant to this section shall contain the following general conditions:

[1] The E.C.I., Deputy E.C.I or Code Enforcement Officer shall have the right to inspect the project from time to time.

[2] The permit holder shall notify the E.C.I., in writing, of the date on which project construction is to begin, at least five (5) business days in advance of such date.

[3] The permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.

[4] The boundaries of the project shall be clearly staked or marked. In addition, boundaries of any wetlands contained within boundaries of the project shall also be staked or marked with markers approved by the Town of Patterson.

[5] All permits shall expire on completion of the acts specified and, unless otherwise indicated, shall be valid for a period of one (1) year.

(b) Any permit issued pursuant to this section may be issued with special conditions. Such conditions may be attached as are necessary to assure the preservation and protection of affected freshwater wetlands and to assure compliance with the policy and provisions of this section.

(6) Findings. Decisions on permit applications, shall be supported by written findings and reasons.

(7) Permit renewal. Upon request of the applicant and upon approval by the Planning Board, a permit may be renewed for a period of no more than one (1) year. The fee for a permit renewal will be set by the Town Board.

(8) Bonding requirements. The Planning Board may require posting of a performance bond or other surety as a condition of approval. The amount of the performance bond or surety shall be determined by the Town Board, upon recommendation of the Planning Board.

The form and surety will be subject to acceptance by the Town Attorney.

(9) Suspension or revocation of permits.

(a) The E.C.I. shall suspend, pending Planning Board review, a permit issued pursuant to this section where he/she finds that the permittee has not complied with any term of such permit, has exceeded the authority granted in the permit or has failed to undertake or complete the project in the manner set forth in the application.

(b) The E.C.I. shall set forth, in writing to the Planning Board, his/her findings and reasons for suspending a permit pursuant to this section. Upon review of these findings, the Planning Board shall determine whether to lift the suspension of the revocation of the permit, modify the permit or permanently terminate the permit.

F. Penalties and corrective action.

(1) Administrative sanctions.

(a) Any person found violating any provision of this section or the conditions imposed by the Planning Board upon an approved permit shall be served with a stop-work order and/or notice of violation by the E.C.I., stating the nature of the violation and providing a reasonable and specified time within which corrective action shall be completed by the violator to restore or correct, insofar as possible, the affected wetland to its condition prior to the violation. The E.C.I. shall supervise any restoration.

(b) Any person who violates, disobeys or disregards any provisions of this section, in addition to a criminal sanction, shall be liable to the people of the town for a civil penalty consistent with the costs of the corrective action.

(c) In the event that a violation of this section results in imminent peril to persons or property, the Town may enter and perform any corrective work that needs to be undertaken to eliminate the peril. All costs of corrective work shall be at the expense of the property owner.

(d) Any fines, civil penalty or corrective work shall be paid to the Town within sixty (60) days notice to the property owner, and thereafter shall be a lien imposed upon the property.

(2) Criminal sanctions.

(a) Any person violating Subsection 154-18 or any order of the town issued pursuant to Subsection E(1) above shall, for the first offense, be guilty of a violation punishable by a fine of not more than ten thousand dollars (\$10,000.).

(b) Where the affected area has not been restored to a condition existing prior to the unpermitted activity, each day's continued violation shall constitute a separate additional violation.

(c) For a second and each subsequent offense by any person within a three-year period, the aforesaid shall be guilty of a Class A misdemeanor, punishable by a fine of not less than one thousand dollars (\$1,000.) nor more than twenty thousand dollars (\$20,000.) or a term of imprisonment of not less than fifteen (15) days or not more than six (6) months, or both.

(d) The town shall prosecute any persons alleged to have violated the provisions of this section and may seek equitable relief to restrain any violation or threatened

violation of its provisions.

(e) Where a stop-work order has been issued by the E.C.I. or Codes Enforcement Officer, because of violation of the provisions of this section, or any permissions or extensions thereof issued hereunder, each day such violation shall continue after such service shall constitute a separate offense punishable by a like fine or penalty as herein set forth.

(f) The E.C.I. and the Codes Enforcement Officer shall have the power to issue an appearance ticket or summons to any person(s) that violate the town's wetlands and watercourses legislation.

(3) Notwithstanding any of the penalties or fines herein above provided, the Town of Patterson may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the noncompliance of any provision of this section or permit issued hereunder.

G. In the case of a dispute over wetland delineation, the most current release of the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" and the "National List of Plant Species that occur in Wetlands" may be used to settle the dispute as it pertains to wetland soils or vegetation.

H. Appeals. Any person aggrieved by an order or decision regarding protected wetlands and watercourses which are regulated by this section may seek review by the Patterson Town Board and then may seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court for the County of Putnam. Such appeals shall be filed within thirty (30) days after the date of the filing of the particular order or decision with the Patterson Town Clerk.

#### **§ 154-19. Soil test pits.**

For the protection of the public health, safety and welfare, open test pits in the ground, such as are made with construction machinery and as are required by the Putnam County Department of Health, shall either be safely covered and weighted or, if they contain any water, be completely filled in with soil, all within a period of twenty-four (24) hours from the time they were dug.

#### **§ 154-20. Required street frontage/ driveways. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. No building permit shall be issued for any building or structure unless the lot upon which that building or structure is to be built has the required frontage on a street or highway, as defined herein, which street frontage provides the actual access to such building or structure and which street or highway shall have been suitably improved to town road standards, or where the appropriate relief has been granted as provided in §280-a of the Town Law.

B. Each principal structure shall be accessible from an improved driveway, the terminus of which shall be located within 20 feet of the principal structure.

#### **§ 154-21. Notification by Sign [Amended 9-24-2003 by L.L. No. 6-2003]**

A. In addition, to other notification requirements, each applicant requesting approval of a site plan, a subdivision of lands, a special use permit, a use variance or a change in the zoning code or map shall post a sign on the property referenced in such application on or before the seventh day following the reviewing Board's determination of the receipt of a complete application, however in no case shall the sign be posted less than twenty-one days prior to a public hearing on the



application. Such sign shall be a minimum of inches twenty (20) by thirty (30) inches in size however, shall in no case exceed a total area of forty (40) square feet for an individual sign or in aggregate where more than one sign is erected. The sign shall consist of sturdy, weather-resistant and serviceable material and containing a white background with black letters, and shall be placed in a location plainly visible and easily readable from the most commonly traveled street or highway upon which the property fronts.

B. Such sign shall be at least six feet above the ground and in legible lettering at least two inches high and shall read as follows: **[Amended 5-24-2017 by L.L. 1 of 2017]**

ON THIS SITE A [describe action set forth in application or petition, e.g. an application for a site plan to permit an automobile service station.] IS PENDING. INFORMATION CONCERNING THIS APPLICATION MAY BE OBTAINED FROM THE TOWN OF PATTERSON PLANNING DEPARTMENT, P.O. BOX 470, 1142 ROUTE 311, PATTERSON, NEW YORK. Unauthorized access is not permitted.

C. In addition, the sign shall provide in legible letters, the applicant or applicant's agent by name and address.

D. Where two or more applications are made to the Town which must comply with the provisions of this Section, the Applicant shall have the option to erect one sign which identifies each one of the approvals, permits or variances required, or may erect a sign for each of the approvals, permits or variances required.

E. Prior to review of the application or petition, the applicant shall file with the appropriate Board an affidavit certifying to the fact and date of said posting.

F. Such sign shall remain erected and in good condition, except as noted below, until either all final resolutions approving the application, with or without conditions have been granted, or a final resolution denying the particular application has been issued, upon which the Applicant shall remove any sign erected pursuant to this subsection from the subject premises within 10 days. The period or duration that a sign must remain erect may be varied by the Board with jurisdiction over the application for which the sign must be erected.

#### **§ 154-22. Bedroom Occupancy. [Amended 11-15-06 by L.L. 10 of 2006]**

For the purpose of this Section, a bedroom shall be considered any room used routinely for persons sleeping for periods of more than one hour. The maximum occupancy for a bedroom in any dwelling unit shall be limited to three persons unless the Owner thereof can demonstrate to the Zoning Board of Appeals that an increase in the number of persons per bedroom for a particular dwelling unit is reasonable, and will not result in an unsafe or unsanitary condition. A bedroom shall be at least fifty (50) square feet for one person, and at least seventy-five square feet for each additional person thereafter. This Section shall not apply to bedrooms in a non-residential building or facility which has received a special use approval or site plan approval pursuant to this Chapter, where the approval specifically permits a greater bedroom occupancy.

#### **§ 154-22.1 Lighting Standards. [Added 11-16-2005 by L.L. No. 12-2005; amended 11-15-2006 by L.L. No. 10-2006]**

A. Purpose. The purpose of this Section shall be to establish standards for outdoor lighting facilities in order to reduce light pollution to the general community, to minimize the effects to the night sky, to prevent light trespass, nuisance, or glare to adjacent properties, and to employ lighting standards designed to protect the desired atmosphere of the community. It is intended that all

exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light trespass (unwanted light cast beyond the property line), and glare across, the property lines, and, or disability glare at any location on or off the property.

B. Applicability. These outdoor lighting provisions apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures. Replacement of a lighting fixture is defined as a change of fixture type, or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses and other similar components, does not constitute replacement and is allowed provided such changes do not result in a higher light output.

C. Regulated Activities. No luminaires in any zoning district shall be erected, illuminated, or otherwise used except in compliance with this Section. Luminaires erected on any parcel used by, and for a single family residence, or any accessory use thereto shall comply with the standards and restrictions of this Section, but shall not be subject to review by the Planning Board pursuant to Article XV. All other luminaires erected shall be subject to review by the Planning Board pursuant to Article XV.

D. Prohibited Lighting. The following types of lighting and luminaires are prohibited, except when used for those activities described in §154-22.1(E), below:

- (1) Flashing lights – Any lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.
- (2) Floodlights – Floodlights not in compliance with the regulations set forth above, or the Standards and Requirements contained herein, or other forms of outdoor light fixtures (including but not limited to stringer lights) not specifically used to illuminate the site, buildings or structures.
- (3) Outdoor strings of lights, including but not limited to those outlining lot lines, outdoor display areas, rooflines, doors, windows, landscaping or edges of walls. This section shall not apply to lighting of less than three (3) feet in height along a walkway.
- (4) No spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward.

E. Exemptions.

- (1) The following shall be exempt from the provisions of this Section, provided that such luminaire, except for those set forth in Paragraphs (a) and (b) below, do not cause glare:
  - (a) Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations, or other federal, state or county agencies, to include street lights within the public right-of-way.
  - (b) Outdoor lighting required by utility companies, law enforcement, fire and rescue, the New York Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.
  - (c) Temporary lighting used for a special event held by, and on behalf of a municipal organization or agency, or a not-for profit organization. This exemption shall not extend to individuals, organizations, corporations or promoters using lands or facilities owned by a municipality or not-for-profit organization.

(d) Motion detector security lights which are normally off, and which when occasionally activated upon motion being detected are on for less than four (4) minutes.

(e) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps or output less than 100 lumens each) used for holiday decorations.

(2) Outdoor lighting used in connection with these categories shall only be illuminated while the activity takes place and during high traffic periods before and after the event.

F. Requirements and Standards

(1) The maximum illumination at the edge of the property line located adjacent to, or within residential-designated zones shall not exceed 0.2 footcandles measured at 30 inches above the ground at the property line.

(2) The maximum illumination at the edge of the property line located adjacent to, or within nonresidential-designated zones shall be 0.5 footcandle measured at 30 inches above the ground at the property line.

(3) The maximum height for any pole mounted luminaire located in a non-residential zoning district shall be 18 feet.

(4) The maximum height for any pole mounted luminaire located in a residential zoning district shall be 12 feet, except for street lights included in the Town lighting district. Schools, day care centers and churches shall be exempt from this section, but shall comply with subsection (3) above. **[Amended 11-15-06 by L.L. 10 of 2006]**

(5) The maximum wattage for luminaires in a residential zoning district is 400 watts.

(6) All exterior lighting shall have full shielding, with recessed bulbs and the light fixtures must be installed in a horizontal position.

(7) Externally lit signs, display, building and aesthetic lighting must be directionally shielded and appropriately screened to prevent the lamp from being visible, or to prevent direct glare off site.

(8) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(9) The Planning Board may require street lights at the intersection of each new residential street or non-residential driveway.

G. Affect on Existing Lighting Fixtures

(1) Lighting fixtures existing at the time of the approval of this section may remain, and shall be considered nonconforming structures. Any modifications to, or replacement of existing lighting fixtures shall conform with the standards of this section. Any additional or new lighting fixtures to existing parking areas or expansion of existing parking areas shall conform with the standards of this section.

**by L.L. 1 of 2017]**

A. In any district, tents and membrane structures used for temporary events or parties having an area in excess of 200 square feet and canopies in excess of 400 square feet shall not be erected, operated or maintained for any purpose without first obtaining written approval from the code enforcement official. Nothing in this section shall require or otherwise be interpreted to necessitate the issuance of a building permit or a certificate of occupancy for the erection or operation of a tent, membrane structure or canopy.

B. Tents, membrane structures or canopies regulated pursuant to this section shall not be erected, operated or otherwise maintained for a period of more than fourteen (14) consecutive days, nor for more than 100 days in aggregate within a 12-month period. The removal and replacement of a tent with a different tent shall be considered as one tent

C. On non-residential properties, review and approval of a site plan by the Planning Board shall not be required so long as the tent, membrane structure or canopy is erected, operated or maintained in an area of the property which will not affect one or more of the ancillary improvements constructed on the lot, including but not limited to parking spaces, access driveway or building access.

D. This section shall not apply to awnings attached to a principal or accessory structure, nor permanent or semi-permanent tents used as summer tents, or for storage or other purposes.

E. No tent, membrane structure or canopy as heretofore described under Subsection A shall be erected or maintained on an unimproved or vacant parcel.

**§ 154-22.3. Control of Animals. [ Added 2-25-2009 by L.L. No. 5-2009]**

No property owner, renter or leasee shall permit their animals, farm animals or livestock to run at large, to leave the property on which they are kept while unattended, or to otherwise be unconfined, whether intentional or unintentional. Property owners shall provide such fencing, restraint, confinement or supervision as may be necessary to ensure that any animal, farm animal or livestock kept, housed or otherwise intended to be maintained on a parcel, by the owner, any tenant, leasee, or renter shall not run at large or otherwise be permitted to freely cross to any property owned by another, unless there is a written agreement between the parties expressly for this purpose. Any fences installed or otherwise erected pursuant to this section shall be in conformance with all other requirements of this Chapter affecting fences and walls, and shall at all times be maintained in a good condition. This section shall be applicable to all property within the Town of Patterson, including any property which may be designated as in an agricultural district.

**§ 154-22.4. Research and Development Uses. [Added 10-27-2010 by L.L. No. 6-2010]**

Research and development uses as defined in Section 154-4 of this Chapter shall conform to the following additional standards and requirements in addition to all other applicable standards and requirements of this Chapter:

A. Site plan approval by the Planning Board as set forth in Article XV of this Chapter shall be required. Each site plan application shall include a complete description of the activities and processes that will be conducted on the site, the number of employees for each building; the type and estimated quantity of power to be used; the type of wastes or by-products to be produced; and a description of the processes and proposed methods of disposal of such wastes or by-product.

B. The minimum lot area for the use of property for research and development shall be 5 acres.

C. Buildings and parking areas associated with the use shall be set back 65 feet from any property line. Any such building or parking area shall be effectively visually screened from all

neighboring properties and public rights-of-way.

D. No manufacturing, processing, assembly, storage or warehousing of goods or articles of any kind for sale shall be considered as an accessory use to a research and development use, except for small quantities of pilot prototype, test or experimental products utilized to test the characteristics and qualities of such products and/or their consumer acceptance and which are the end product of the scientific research, design or engineering being conducted at the site. Nothing herein shall prohibit a research and development use from concurrently occupying a site or building with any other principal use permitted in that zoning district, so long as both uses meet the more restrictive of the zoning requirements of the uses proposed for that lot.

E. Research and development operations and uses, except for off-street parking and loading, shall be carried out within fully enclosed buildings, except that the Planning Board may permit limited outdoor development and testing of machines, products and technology, provided that such activities do not produce noxious or offensive odors, vapors, dust, vibration, smoke, gas, noise, fumes, glare or radiation, do not otherwise present any danger to the public health or safety and are not otherwise injurious to any of the surrounding properties or their owners or occupants. The Planning Board shall have the authority to establish such additional setback requirements from a property line for those outdoor activities as they deem appropriate under the circumstances. The Planning Board shall establish the days and hours of operation for any outdoor development and testing of machines, products or technology.

F. The entire lot except for areas covered by buildings or surfaced as parking areas or roadways shall be suitably landscaped. All landscaping shall be maintained through the life of any use conducted on the property.

G. A 50 foot vegetated buffer of trees and shrubs shall be provided along all side and rear property lines. Where outdoor development or testing of machines, products or technology is approved as part of the site plan, a minimum one-hundred-foot (100) foot vegetative buffer of trees and shrubs shall be provided along all side and rear property lines.

H. No manufactured, or commercial, or other types of explosives or radioactive materials shall be kept, maintained or used on the premises except in small quantities for research, design, or experimental use, and the keeping and use of such materials shall be licensed by and shall conform to all applicable government regulations.

I. No dwelling units or other living quarters for overnight lodging shall be permitted.

## **ARTICLE IV**

### **District Uses**

#### **§ 154-23. Compliance required.**

In any district, no building, structure or premises, in whole or in part, shall be used, and no building or structure, in whole or in part, shall be erected, enlarged, structurally altered or moved, except for the following purposes or as herein elsewhere specifically provided for by the respective districts, together with the specified accessory uses. For special regulations, see Article III.

## **ARTICLE V**

### **Uses in Residence Districts**

#### **§ 154-24. Minimum lot area.**

The classification of residence districts and the minimum areas of the lots situated in said respective districts shall be as follows unless otherwise specified:

- A. Putnam Lake Residence RPL-10 District: 19,500 square feet.
- B. Residence R-1 District: one (1) acre.
- C. Residence R-2 District two (2) acres.
- D. Residence R-4 District four (4) acres.

**§ 154-25. Open Space Overlay District Requirements. [Amended 11-15-06 by L.L. 10 of 2006]**

Lots lying in the Open Space Overlay Zone must also comply with Chapter 138, Part 2 which overlay zone shall identify those areas where additional restrictions and requirements, as set forth in Chapter 138, Part 2, shall be required in addition to those requirements established by this Chapter and the Schedule of Zoning Requirements for residence zoning districts.

**§ 154-26. Permitted principal uses. [Amended 11-15-2006 by L.L. No. 10-2006]**

The following principal uses shall be permitted in residence districts:

- A. A detached one-family dwelling and the raising of fruit and garden crops primarily for the use of the lawful occupants thereof. See Schedule of Regulations for minimum square footage requirements.
- B. Special permit uses enumerated in Article XVII and Article XVIII, subject to permits issued by the Board of Appeals and site plan approval by the Planning Board as provided in this chapter.
- C. A small farm as defined in this chapter for the casual sale of products raised on the premises, but excluding retail sales on the premises. Maximum coverage of all buildings and structures shall be five percent (5%). A small farm shall also comply with Article X, Farming, Additional Requirements.
- D. A large farm as defined in this chapter for the casual sale of products raised on the premises, including greenhouses and cold storage plants incidental to the raising and storage of agricultural, nursery and garden products and buildings incidental to the storage and maintenance of equipment, implements, machinery and vehicles incidental to farming, but excluding retail sales on the premises except as may be herein provided. Maximum coverage of all buildings and structures shall be ten percent (10%). A large farm shall also comply with the Article X, Farming, Additional Requirements.
- E. Multi-family dwellings shall be permitted only within the Multi-family Overlay Zone located along Fair Street, Bullet Hole Road and along Farm-to-Market Road, subject to the following conditions: **[Amended 6-8-2011 by L.L. No. 5-2011]**
  - (1) The minimum lot area immediately prior to its development for multifamily housing shall be ten (10) acres.
  - (2) The total number of dwelling units which shall be permitted on the lot shall be determined by the lot area required for each dwelling unit as set forth in subsections (a) through (c), below. This section shall only be used to determine the total number of dwelling units permitted on the lot immediately prior to its development for multifamily housing and

not the lot area required for each dwelling unit.

(a) One-bedroom units or efficiency unit: 5,445 square feet of lot area.

(b) Two-bedroom units: 10,890 square feet of lot area.

(c) Three-bedroom units: 18,700 square feet of lot area.

(3) The maximum coverage of all buildings shall not exceed twenty percent (20%) of the total lot area immediately prior to its development for multifamily housing

(4) On a lot used for multifamily housing, the R-4 zoning district minimum road frontage requirements shall not apply. The yard setback requirements for a principal building or structure shall apply to all principal buildings, and all accessory building or structures, and shall be measured as follows.

(a) The minimum distance between a principal building or structure or any accessory building or structure to a lot line or property boundary pursuant to this subsection shall be measured from said building or structure to the nearest point of the property boundary of the lot in existence immediately prior to its development for multifamily housing.

(b) Each principal or accessory building or structure shall meet the minimum separation distance between buildings required by the New York State Building and Fire Code, but in no instance shall be less than 15' between an accessory building or structure and any principal building or other accessory building or structure, or 20' between any principal buildings.

(c) Each building containing one or more residential dwelling units shall be considered a separate and single principal building.

(5) The usable floor area for each dwelling unit shall not be less than six hundred (600) square feet and the maximum height of each building shall not be more than thirty (30) feet.

(6) The required off-street parking space shall not be less than two (2) parking spaces for each dwelling unit. Parking spaces shall be a minimum of ten (10) feet in width and twenty (20) feet in length (see Article XIV).

(7) Site plan approval shall be required in accordance with Article XV.

(8) Any and all multi-family dwellings located within the Multi-family Overlay Zone along Bullet Hole Road and constructed after July 1, 2010 shall be comprised exclusively of active adult residences.

F. Open Space used for the enjoyment of the natural resources located thereon or for hunting, trapping or fishing lawfully-conducted pursuant to the Laws of the State of New York subject to the following conditions:

(1) On a lot of not less than fifty acres used in its entirety exclusively as open space as defined herein one cabin may be erected. Access to the cabin may be provided solely by a pedestrian trail.

(2) A parking area of sufficient size, suitably improved and which has safe ingress and egress shall be provided to accommodate visitors to the site. "Suitably improved" shall mean improved such that the parking area may be safely and reasonably used, however shall not necessarily mean that an asphalt surface is required.

**§ 154-27. Permitted accessory uses. [amended 11-16-2005 by L.L. No. 12-2005; 11-15-2006 by L.L. No. 10-2006; 1-10-2007 by L.L. No. 1-2007; 5-24-2017 by L.L. No. 1-2017]**

A. The following accessory uses shall be permitted in residence districts:

- (1) Home Day Care
- (2) A noncommercial greenhouse for personal use, provided that:
  - (a) The minimum lot size shall be ten thousand (10,000) square feet.
  - (b) The structure shall not exceed one percent (1%) of the lot area and shall be located in the rear yard only.
  - (c) If artificial light is used therein, it shall be so screened that the source of light and illuminated area shall not be visible outside the building.
- (3) The harboring of animals, when the animals are kept as household pets and owned by a legal occupant of the residence, and if dogs or cats, or other mammals, or reptiles have an adult weight that does not typically exceed one hundred twenty-five (125) pounds, or if fowl have a typical adult weight of less than the typical weight of a chicken of two (2) pounds. Furthermore, the total number of such pets above the age of six (6) months shall not exceed three (3) for each classification, or ten (10) in aggregate, except that the total permitted number of dogs above the age of six months shall not exceed four dogs if at least one of the four dogs is a guide dog, hearing dog, service dog, working search dog or therapy dog, as such dogs are defined in § 108 of the Agriculture and Markets Law of the State of New York. This section shall not apply to the raising of livestock such as cows, alpaca, sheep, or fowl on a hobby farm, small farm or large farm. **[Amended 9-12-2018 by L.L. No. 5-2018]**
- (4) Home occupation as defined in this chapter, provided that not more than one (1) assistant other than the regular occupants of the premises shall be employed.
- (5) Noncommercial recreational areas which are incidental and accessory to a residential principal dwelling and used for the occasional use and enjoyment of the occupants therein, their family and guests, but excluding circuitous tracks or trails used for motorized vehicles. **[Amended 9-12-2018 by L.L. No. 5-2018]**
- (6) A hobby farm as defined herein.
- (7) A private garage space as defined in this chapter, provided that the nonpassenger vehicle conforms to Subsection A(10). A private garage may be located in the front yard if, as a detached structure, conforms with subsection B(7), below, or if it is integral part of the principal structure. **[Amended 5-11-2022 by L.L. No. 1-2022]**
- (8) A barn used exclusively for the storage of grain, hay or other farm-related products, or the storage of farm equipment, or the sheltering of animals excepting dogs. No barn shall be located in the front yard.
- (9) A small building with a first floor area greater than 290 square feet, principally constructed of wood, stone or a cementitious material, or a combination of these materials, whose primary use is for a workshop or the storage of yard equipment and/or non-hazardous material, either of which is intended for use solely on the parcel on which the building is located and subject to the following restrictions:



- (a) They shall not be located in the front or forward of the rear corners of the principal dwelling on the lot;
  - (b) They shall not be nearer to any side or rear line than is specified in the schedule and shall not be closer than fifteen (15) feet to the principal building, garage or other accessory structure;
  - (c) The building will not exceed in size,, a bulk area ratio in cubic feet of fifty percent (50%) of the principal dwelling on the lot as measured by the length, width and height of each structure from the above-ground exterior walls, and does not exceed in height the height of the principal structure, and shall substantially resemble the principal building in architecture;
  - (d) The building shall be used exclusively by the occupants of the lot upon which the building is erected.
- (10) The storage of one (1) commercial vehicle of not greater than one (1) ton capacity, as determined by the manufacturer's classification of the vehicle, whether ½ ton, ¾ ton, 1 ton or larger, when such vehicle is used by the occupant of the premises in his daily work and the premises is not leased or rented for storage either permanent or semipermanent in nature.
- (11) The storage of not more than one (1) unregistered passenger vehicle.
- (12) Other accessory structures not otherwise listed in this subsection including, but not limited to garden, utility or storage sheds, playhouses, pools, outdoor fireplaces tennis courts, satellite dishes, tent-like structures or structures for the storage of equipment for the personal use of the residents of the premises subject to the following conditions:
- (a) they shall not be located in the front yard
  - (b) they shall not be nearer to any side or rear line than is specified in the schedule and shall not be closer than fifteen (15) feet to the principal building, garage or other accessory structure, excepting that the fifteen foot separation shall not apply to patios or other at-grade structures.
  - (c) they shall not exceed 96 inches in height, except for garden, utility or storage sheds which shall not exceed 144 inches in height.
  - (d) For each principal dwelling, only one tent-like enclosure made of plastic, vinyl, canvas or similar materials and not exceeding 240 square feet shall be permitted on the property.
  - (e) Metal boxes or containers used for storage shall not be considered an accessory structure.
- (13) On a private pond or lake, landings and docks, provided they are located at least ten (10) feet from any side lot line and do not extend over the water more than thirty (30) feet beyond the mean shoreline. Further, any new landings or dock or changes made to an existing landing or dock other than routine maintenance shall be subject to the requirements of §154-18.
- (14) Signs, subject to limitations of Article XIII.
- (15) Fences which meet the requirements of §154-15.

(16) Water treatment plants, wastewater treatment plants, and other types of above-ground utility services which are necessary for health and safety of residential dwellings for which they will be used.

(17) On a lot of not less than two acres nor more than five acres the raising of not more than six (6) chickens for personal use provided that **[Added 8-11-2021 by L.L. No. 2-2021]**:

(a) No male chickens (roosters) will be permitted under this section.

(b) The chickens shall be provided with a covered enclosure (i.e. "hen house/coop") and must be kept in the covered enclosure or a fenced enclosure at all times. Chickens must be secured within the movable henhouse/coop during non-daylight hours;

[1] The space per bird in the henhouse/coop shall not be less than four (4) square feet per bird.

[2] No covered enclosure or fenced enclosure shall be located in the front yard or side yard, nor shall the henhouse/coop be closer than ten (10) feet to any rear property line of an adjacent property, nor within twenty-five (25) feet of any off-site residential structure.

[3] All enclosures shall provide adequate ventilation and natural light. No chicken shall be housed in a structure that has inadequate ventilation and light.

[4] Odors from chickens, chicken manure, or other chicken related substances shall not be detectable at the property boundaries.

[5] All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. The henhouse/coop must be impermeable to rodents, wild birds, and predators, including dogs and cats. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials. All manure not used for composting or fertilizing shall be removed promptly.

(c) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rodents or other pests shall be kept in secure containers or otherwise protected so as to prevent rodents and other pests from gaining access to or coming into contact with them.

(d) The on-site sale of eggs or any other chicken products generated is prohibited.

B. The following additional conditions are imposed:

(1) Any farm structure or building, or structure or building for the housing of any permitted farm-type animal, or the storage of manure or other odor- or dust-producing substance shall comply with Article X. **[Amended 5-11-2022 by L.L. No. 1-2022]**

(2) All swimming pools shall be enclosed with a minimum four-foot-high chain link

fence, or its equivalent, which shall be kept locked when not in use.

(3) On a minimum lot size of at least three (3) full acres or on a small farm or on a hobby farm, the maximum number of horses which may be kept on the lot shall be limited to one (1) horse for each two (2) acres of usable farmland. **[Amended 8-11-2021 by L.L. No. 2-2021]**

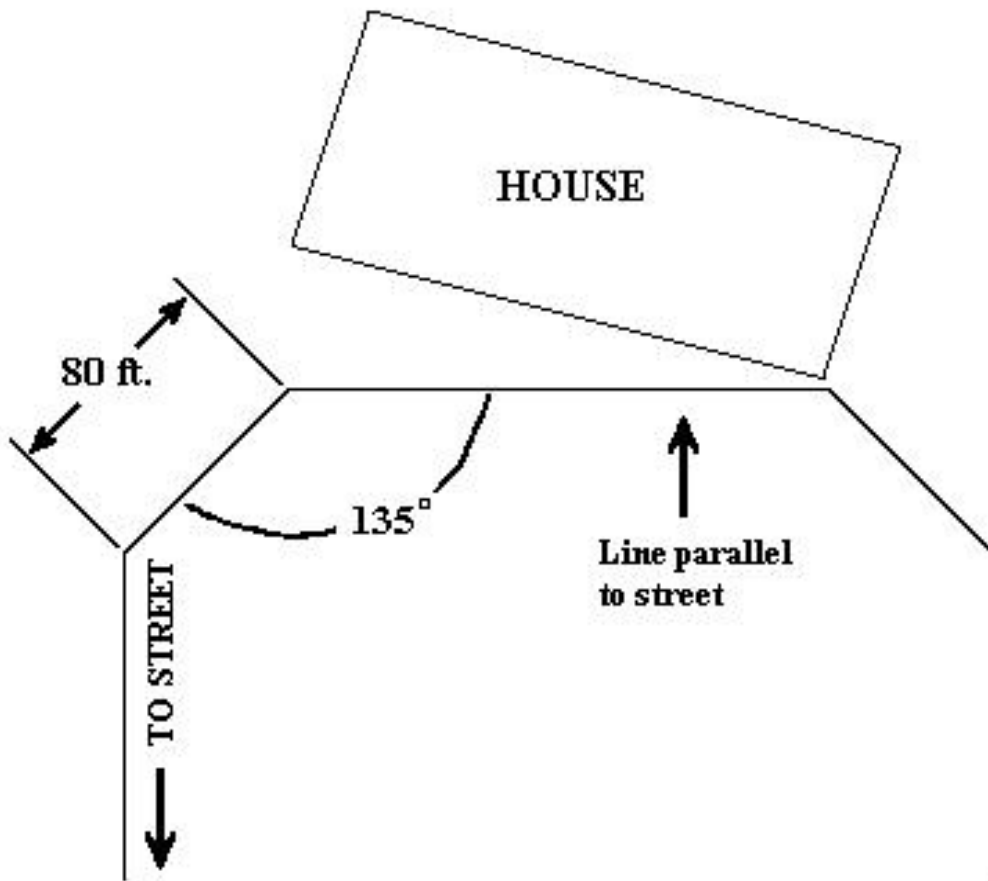
(4) Any accessory structure listed in § 154-27.A shall provide not less than 15 feet of separation between the accessory structure and the principal building, garage or any other accessory structure, unless the accessory structure is permanently attached to the principal structure. No structure or accessory use pursuant to § 154-27.A, regardless of its attachment to the principal structure on the property, shall be located in the front yard of such property unless specifically stated otherwise. **[Added 9-12-2018 by L.L. No. 5-2018]**

(5) On a lot of ten or more acres an outdoor furnace may be permitted providing that it shall not be located within two hundred (200) feet of any property line.

(6) Any alterations on the grade of in individual lot must be done in conformance with Chapter 133 “Stormwater, Soil Erosion and Sediment Control”, and §79-11 for any fill placed on the property in quantities of 11 cubic yards or greater.

(7) No accessory structure or other large man-made object, other than a fence, a stone wall, a masonry wall, or decorative objects less than seventy-two (72) inches in height shall be placed in the front yard, unless located a minimum of 150' from a front property line. A single detached garage may be placed in the front yard if not located within the front yard setback, and if located outside the area created by a line parallel with the street which extends through the front corner of the principal structure closest to the street, whose length is equal to the greatest width of the principal structure, and which extends equally across the front of the principal structure, thence extending from the end of the line on an angle of 135 degrees for a distance of eighty (80) feet, and thence running parallel with the side yard line to the front yard line (See Figure 1, below). This subsection shall not apply to barns or farm structures, which structures shall comply with Article X.

Figure No.1



ARTICLE VI  
Uses in General Business (GB) Districts

**§ 154-28. Approval of site plan. [Amended 11-15-2006 by L.L. No. 10-2006; Amended 5-24-2017 by L.L. 1 of 2017]]**

A. All permitted principal and accessory uses, or any nonconforming non-residential use, or any changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.

B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of 2006]**

**§ 154-29. Minimum lot area and dimensional requirements.**

The minimum lot area in the General Business (GB) District shall be 30,000 square feet. For required setbacks and building sizes, see schedule.

**§ 154-30. Permitted principal uses. [Amended 11-15-06 by L.L. 10 of 2006; Added 7-22-2009 by L.L. No. 7-2009]**

The following principal uses shall be permitted in the General Business districts:

A. Individual retail stores and personal service establishments not exceeding 20,000 square feet or, buildings or sites which may contain two or more retail or service operations not exceeding 50,000 square feet in total, but excluding the dispensing or sales of tobacco or vape products along Front Street, or along Route 311 for a distance of 2500 feet from the intersection of Front Street. **[Amended 8-11-2021 by L.L. No. 2-2021; 2-28-24 by L.L. No. 1-2024]**

B. Professional Offices **[Amended 5-22-2024 by L.L. No. 2-2024]**

C. Greenhouses and nurseries.

D. Restaurant.

E. Telephone exchange.

F. Undertaker establishment.

G. Indoor theaters.

H. Music or dancing schools, nursery or day-care centers.

I. Medical and dental offices.

J. Banks.

K. Public Libraries or libraries run by not-for-profit organizations and open to the general public.

L. Gasoline Stations, provided that: **[Added 8-10-2011 by L.L. No 7-2011]**

- (1) The gasoline station is servicing individual consumers and not designed or used for bulk distribution.
- (2) That the owner has provided adequate methods of protection from the storage tanks or dispensing operation discharging any petroleum based products to surface or groundwater.
- (3) The gasoline station shall be located along Fairfield Drive within 500 feet of the intersection of Haviland Drive and that access provided to the gasoline station shall only be from Fairfield Drive.

M. Light Manufacturing on Tax Map No. 36.49-1-30, provided that: **[Added 9-12-2018 by L.L. No. 5-2018]**

- (1) All operations are conducted within the building. There shall be no outdoor operations, storage of equipment, or storage of materials.
- (2) The Planning Board shall not approve a site plan for any business that would result

in a significant increase in trips of semitrailer trucks with a box length of greater than 44 feet.

**§ 154-31. Permitted accessory uses. [Amended 1-15-2006 by L.L. No. 10-2006]**

The following accessory uses shall be permitted in general business districts:

- A. Manufacturing, converting, altering, finishing or assembly of goods incidental to such retail sale on the premises, excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes.
- B. Signs, subject to the requirements of Article XIII.
- C. Off-street parking and loading areas, subject to Article XIV.
- D. Fences.
- E. Lighting facilities.
- F. For greenhouses and nursery operations only, the processing of firewood provided that the total sales volume does not exceed three hundred (300) cords per year, that no portion of the processing or storage operation is closer than two hundred (200) feet from a property line and that access is from a state or county road.
- G. Warehousing of goods on the site which are incidental to sales conducted on the premises for retail, undertaking establishments and restaurants, which shall not exceed 35% of the area of the premises. **[Amended 11-15-06 by L.L. 10 of 2006]**
- H. Outdoor table service incidental to a restaurant or fast food establishment. **[Added 11-15-06 by L.L. 10 of 2006]**

ARTICLE VII  
**Uses in Commercial (C-1) District**

**§ 154-32. Approval of site plan. [Amended 11-15-2006 by L.L. No. 10-2006]**

- A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.
- B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Amended 11-15-06 by L.L. 10 of 2006]**

**§ 154-33. Minimum lot area.**

The minimum lot area in the Commercial (C-1) District shall be two (2) full acres. For required setbacks and building sizes, see schedule.

**§ 154-34. Permitted principal uses. [Amended 10-27-2010 by L.L. No. 6-2010]**

The following principal uses shall be permitted in Commercial (C-1) Districts:

- A. Individual retail stores not exceeding 50,000 square feet or individual stores providing personal services, except that buildings, or sites which may contain two or more retail or service operations, shall be considered a retail center, and shall be permitted by special use permit only.
- B. Research and development uses. **[Amended 10-27-2010 by L.L. No. 6-2010]**
- C. Veterinary hospitals, exclusive of outdoor kennels.
- D. Greenhouses, and nurseries for wholesale and retail sales purposes.
- E. Restaurants.
- F. Health or fitness clubs.
- G. Nursery schools and day-care centers.
- H. Active indoor and outdoor for-profit recreational sports facilities, archery ranges, swimming pools, ice skating, bowling, baseball and golf ranges, excepting amusement arcades.
- I. Electrical substations.
- J. Betting parlors.
- K. Business and professional offices.
- L. Undertaker establishments.
- M. Small and large farms which shall also comply with the Article X [Farming, Additional Requirements].
- N. Banks.
- O. Drive-in and fast food establishments .
- P. Offices of Commercial Trade Operations providing that **[Added 7-22-2-15 by L.L. No. 3-2015; Amended 5-24-2017 by L.L. 1 of 2017; Amended 8-11-2021 by L.L. No. 2-2021]**:
  - (1) Access shall be from a State Highway or shared commercial driveway with an entrance on a State Highway.
  - (2) There shall be no outdoor storage of work vehicles, equipment, supplies or product except as provided herein. All work vehicles, equipment, vehicle or equipment maintenance and activities of the business conducted on the site shall be located in the principal building, or an accessory building.
  - (3) Vehicle or equipment maintenance shall only be performed on vehicles or equipment

owned by the business occupying the site, and shall only occur inside a building.

- (4) Only one principal building devoted to the commercial trade operation shall be permitted on the site which shall meet all the architectural standards of §154-81, and shall not have the appearance of an industrial warehouse.
- (5) Any accessory buildings shall be to the rear of the principal structure and shall be suitably screened from the street or from any property with a residential use.
- (6) Any manufacturing, converting, altering, finishing or fabrication of products conducted on the site shall be accessory to the principal use of the property for office and equipment storage.
- (7) Excepting for the driveway providing access to the site, there shall be no impervious surface or fence within 65' of any highway right of way. The Planning Board may require landscaping to be provided in this area in order to maintain an attractive streetscape.
- (8) All other requirements of Chapter 154 shall apply.

Q. Self-Storage Facility provided that; **[Added 10-9-2019 by L.L No. 2-2019]**

- (1) All activities associated with the on-site retail sales of storage services, including the lease of fixed, individually secured and self-contained storage lockers or rooms, must occur within a permanent, approved and permitted structure on property owned, operated or otherwise legally controlled by the lessor of said retail storage services.
- (2) Self-storage rental units shall be used for incidental storage only. The following activities shall not be permitted to be conducted in, or from a self-storage rental unit: retail or wholesale sales activities, storefronts, residence, workshop, studio, band rehearsal area, place of business, garage sales, auctions, assembling, manufacturing, office activities, servicing or maintenance of mechanical equipment, operation of power tools or spray-painting equipment, or other similar equipment or kilns. There shall be no storage of toxic, flammable, hazardous, or infectious materials, or of perishable items or live animals.
  - (a) Exception. The Lessor of the self-storage rental units may auction the contents of a rental unit when the Lessee is in default of a signed agreement and sale of the contents of the unit is consistent with all applicable laws and regulations.
- (3) One office for the operation of the self-storage facility shall be permitted with limited retail sales of products and supplies which are incidental and related to the principal use. The office shall be permitted as an accessory use.
- (4) Vehicle access shall be designed so as to accommodate moving vehicles, automobiles, vans, light-duty trucks and other two-axle vehicles. Internal site circulation lanes shall be adequate in dimensional cross-section, width and turning radii, where applicable, to provide for the maneuverability of fire apparatus. Twenty-four foot wide drive aisles shall be provided between storage buildings, or storage areas.
- (5) Storage unit doors shall not be visible from public streets. Decorative buffers and screening shall be provided for aesthetic and security purposes along all site property lines and road frontages.



- (6) Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- (7) Electrical service to individual units must be for lighting and climate control only.
- (8) All storage shall be inside an enclosed building, except that outdoor storage of automobiles, trucks, buses, motorcycles and recreational vehicles and boats may be permitted as an accessory use to a self-storage facility provided that all proposed storage areas are clearly delineated on a site plan approved by the Planning Board and meeting the following requirements:
  - (a) Any areas designated and used for outdoor storage shall meet the principal building setback requirements and shall be located within the rear yard of the site.
  - (b) Outdoor Storage areas shall be screened with walls, fences or such other screening as the Planning Board may deem appropriate, or a combination thereof.
  - (c) Outdoor storage areas shall be suitably improved with a finished surface of concrete, asphalt, recycled asphalt or such other material approved by the Planning Board.
- (9) Architectural Standards : Without limitation of any other provision of the Town Code related to site development plan review and approval, the following standards shall apply:
  - (a) All buildings and other improvements shall be of a uniform architectural design or theme and architectural elevations and details of each shall be submitted to the Planning Board as part of its site plan approval process. Preference should be given to a “country”, New England, farm-style architecture which blends into the existing countryside.
  - (b) Bright primary colors are prohibited on buildings, regardless of corporate standards or preferences.
  - (c) All buildings, including storage units, must be surfaced in high quality materials. Metal siding, smooth-faced concrete block, painted masonry, tilt-up and precast concrete panels are prohibited.
  - (d) Perimeter fencing, security fencing, and entry gates must be constructed of attractive materials that are compatible with the uniform architectural design of the site.
  - (e) Outdoor and indoor lighting must be sensitively designed to ensure that no light is visible off-site at its source, glare visible from surrounding properties is minimized to the fullest extent possible, and no lighting is installed in clerestories, cupolas, dormers or other architectural features which are installed above the roof lines of buildings.
  - (f) Detailed floor plans of all buildings shall be submitted with each site plan.

**§ 154-35. Permitted accessory uses. [Amended 11-15-2006 by L.L. No 10-2006; 10-27-2010 by L.L. 6-2010; 5-24-2017 by L.L. 1-2017]**

The following accessory uses shall be permitted in Commercial (C-1) Districts:

- A. Except as otherwise prohibited or restricted for research and development uses, manufacturing or assembly of those items solely incidental to the use of the premises as a retail operation, excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor, or obnoxious waste. **[Amended 10-27-2010 by L.L. No. 6-2010]**
- B. Signs, subject to the requirements of Article XIII.
- C. Off-street parking and loading areas, subject to the requirements of Article XIV.
- D. Fences.
- E. Lighting facilities.
- F. Except as otherwise prohibited or restricted for research and development uses, warehousing of goods on the site which are incidental to the permitted principal use thereon, or for operations which have received a special permit. The warehouse portion of the use shall not exceed 35% of the area of the premises. **[Amended 10-27-2010 by L.L. No. 6-2010]**
- G. Outdoor table service incidental to a restaurant or fast food establishment **[Added 11-15-06 by L.L. 10 of 2006]**
- H. The storage of not more than 2 commercial vehicles directly associated with and used by a Greenhouse or nursery business, or the storage of not more than 8 commercial delivery vehicles directly associated with, and used by a Business Office use of a parcel where such vehicles are stored more than 100' from any road, are located to the rear of any principal building and are adequately screened so as not to be visible from the road providing access to the parcel. **[Added 5-24-2017 by L.L. 1 of 2017]**
- I. Small engine, or equipment repair associated with a retail operation. **[Added 5-24-2017 by L.L. 1 of 2017].**

## ARTICLE VIII Uses in Industrial I District

### **§ 154-36. Approval of site plan.**

- A. All permitted principal and accessory uses, and changes thereto, are subject to the approval of a site plan by the Planning Board in accordance with the provisions of Article XV.
- B. For the purpose of determining when a use shall be subject to the requirements that a site plan be prepared, the Permitted principal uses which may be permitted in any district may be divided into subsections. A change from a use listed in one subsection to a use listed in another subsection shall constitute a change in use of the site for which approval of a site plan shall be required, except as provided in § 154-77(B). A change to one or more uses contained within the same subsection shall not constitute a change in use which shall require review by the Planning Board. **[Added 11-15-06 by L.L. 10 of 2006]**

**§ 154-37. Minimum lot area.**

The minimum lot area in the Industrial I District shall be two (2) full acres. For required setbacks and building sizes, see schedule.

**§ 154-38. Permitted principal uses. [Amended 11-15-06 by L.L. 10 of 2006]**

The following principal uses shall be permitted in Industrial I District:

A. Manufacturing, converting, altering, finishing or fabrication of products, excluding commercial composting, and excepting those processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes.

B. Warehouses.

C. Research and development uses. **[Amended 10-27-2010 by L.L. No. 6-2010]**

D. Contractors' offices, equipment and storage yards, provided the equipment and storage yards are properly fenced and screened.

E. Greenhouses and nurseries as defined in this chapter, all for retail sales, and provided the minimum lot size shall be five (5) acres.

F. Distribution terminals.

G. Electrical substations.

H. Restaurants.

I. Banks.

J. Indoor theaters.

K. Veterinary hospitals and kennels, provided no kennels or runs are located within one hundred fifty (150) feet of any property line. The area of outdoor kennels and runs shall be included when computing maximum lot coverage.

L. Hotels and motels, provided that they shall be located on lots not less than five (5) acres in area and shall contain not less than three thousand (3,000) square feet of land area per each guest unit.

M. Health or Fitness clubs.

N. Active indoor and outdoor for-profit recreational sports facilities such as tennis clubs, archery ranges, swimming pools, ice skating, bowling, baseball and golf ranges, excepting amusement arcades.

O. Small and large farms which shall also comply with the Article X [Farming, Additional Requirements]

P. Individual retail stores not exceeding 50,000 square feet or individual stores providing personal services, except that buildings, or sites which may contain two or more retail or service operations, shall be considered a retail center, and shall be permitted by special use permit only.

- Q. Professional Offices or Business Offices
- R. Drive-in and fast food establishments
- S. Gasoline Stations, provided that: **[Added 8-10-2011 by L.L. No 7-2011]; amended 9-12-2018 by L.L. No/ 5-2018]**
- (1) The gasoline station is servicing individual consumers and not designed or used for bulk distribution.
  - (2) That the owner has provided adequate methods of protection from the storage tanks or dispensing operation discharging any petroleum based products to surface or groundwater.
  - (3) The gasoline station driveway providing access to the site shall be located within 2,500 feet of the Route 311/I-84 interchange and that driveway providing access to the gasoline station shall only be from Route 311.
  - (4) Subject to a site plan approved by the Planning Board, a gasoline station may be permitted on a site as a permitted principal use of the site, or as an accessory use to a single retail store of a greater than 75,000 square feet. Nothing herein shall limit a gasoline station from occupying a site concurrently with other permitted principal or accessory uses, or uses permitted pursuant to a special use permit.

#### **§ 154-39. Permitted accessory uses.**

The following accessory uses shall be permitted in Industrial I District:

- A. Locker room and shower facilities.
- B. Outdoor recreational facilities normally associated with hotels and motels, such as tennis courts and swimming pools.
- C. Signs, subject to the requirements of Article XIII.
- D. Off-street parking and loading areas, subject to the requirements of Article XIV.
- E. Fences.
- F. Lighting facilities.
- G. Except as otherwise prohibited or restricted for research and development uses, warehousing of goods on the site which are incidental to the permitted principal use thereon, or for operations which have received a special permit. The warehousing portion of the use shall not exceed 35% of the area of the premises. **[Amended 10-27-2010 by L.L. No. 6-2010]**
- H. Outdoor table service incidental to a restaurant or fast food establishment. **[Added 11-15-06 by L.L. 10 of 2006]**

### **ARTICLE IX**

#### **Uses in Commercial Recreation CR District**

**[Amended 11-15-2006 by L.L. No. 10-2006; 2-14-2018 by L.L. No. 3-2018]**

#### **§ 154-40. Purpose and Intent.**

- A. The purpose of the Commercial Recreation District is to afford the Town of Patterson an

opportunity to permit the establishment of commercial recreation throughout the Town on those lots that are appropriate for the intended use, to ensure such operations are sited on property in a manner that negative impacts can be appropriately mitigated, and to encourage recreational and economic development opportunities which would be in harmony with, and complimentary to Patterson's rural character, historic resources, and natural assets.

- B. The Commercial Recreation District is a floating zoning district i.e. a district of undetermined location which may be placed on a specific tax map parcel by petition of a property owner and legislative act of the Town Board. A floating zoning district may only be applied to a specific property if the stated criteria are satisfied, a finding of compatibility is made and a conceptual development plan is approved for the property.
- C. The Town Board, in its approval, may limit the location and specific types of activities that may occur, the hours of operation, may increase the minimum setback requirements or impose any reasonable conditions related to the use of the property.

#### **§ 154-41. Minimum Standards.**

- A. The minimum lot area in the Commercial Recreation (CR) District shall be fifty (50) contiguous acres. For required setbacks and other minimum dimensional standards, see schedule.
- B. Access shall be from a State or County Road.

#### **§ 154-42. Permitted/Prohibited principal uses.**

- A. The following principal uses shall be permitted in the Commercial Recreation (CR) District:
  - (1) Active indoor and outdoor recreational sports facilities providing such activities as bowling, baseball, golf and golf ranges, fishing, horseback riding, bicycling, mountain biking, archery, skiing, all forms of tennis, roller skating, paintball, trampoline parks, ice skating, swimming, tobogganing, bobsledding, squash, badminton, volleyball, track and field sports and zip lines.
  - (2) For-profit zoos, animal and nature parks open to the general public.
  - (3) Amusement parks
  - (4) Fairs and festivals operating for a minimum of 200 contiguous days.
- B. The following principal uses, whether public or private, are prohibited in Commercial Recreation (CR) District :
  - (1) Race car and go cart race tracks and motor cross tracks.
  - (2) ATV tracks or trails
  - (3) 4-wheel, off-road trails

#### **§ 154-42.1. Permitted accessory uses.**

The following accessory uses shall be permitted in the Commercial Recreation (CR) District :

- A. Restaurant and indoor snack bars for the sale of food or beverages, excepting prefabricated

railroad car style diners, drive-ins or curb service establishments, for the sale of food or beverages.

- B. One (1) indoor recreational lounge, including an area for amusement arcades, billiard tables and other facilities for general rainy-day activities.
- C. Retail sales incidental to the approved principal use.
- D. Indoor and outdoor concerts.
- E. A clubhouse specifically for the approved principal use.
- F. Signs, subject to requirements of Article XIII.
- G. Fairs and festivals of not more than three contiguous weeks, and not more than three times within the period of one year.

#### **§ 154-43. Procedures.**

- A. A property owner shall submit an application to the Town Clerk. The application shall include:
  - (1) A petition to the Town Board requesting designation of one or more lots as a commercial recreation district.
  - (2) A report describing the general land use of the surrounding neighborhood and showing the relationship between the proposed development and traffic arteries, public transportation, neighboring land uses, available services and general drainage patterns.
  - (3) A narrative which describes how the proposal serves the goals and objectives of the Town Comprehensive Plan, information about potential phasing of the project, and an explanation of how the proposal complies with the design standards set forth herein.
  - (4) A concept plan of the proposed development showing all improvements planned in conjunction with the proposed use, including general locations, layout, and dimensions of structures, parking areas, streets, driveways, utilities, recreation areas, conservation areas, method and locations of water supply and wastewater treatment, and other information necessary to demonstrate compliance with the requirements of this subsection, including square footage of building floor area, and impervious surface coverage.
  - (5) The preliminary concept plan shall include a map showing natural features including New York State protected freshwater wetlands, federal jurisdictional wetlands, Town-regulated wetlands, streams, one-hundred-year floodplains, ecologically significant habitats, areas of 25% and greater slope, and such other environmental features and development limitations that would affect the use and development of the site
  - (6) Transportation analysis including the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent road system, and proposed mitigation measures to limit any projected negative impacts.
  - (7) A Full Environmental Assessment Form.

- B. Upon receipt of a complete application, the Town Board shall follow the procedures provided in § 154-134 prior to a final determination of the application.

#### **§ 154-43.1 Site Plan Approval Required.**

If the application is approved by the Town Board, the property owner, or his designee shall submit an application to the Planning Board within one year from the rezoning requesting approval of a site plan pursuant to Article XV. If this is not accomplished, the Town Board may, at its option and without a public hearing, return the parcel to its original zoning.

#### **§ 154-43.2 Standards for Approval.**

The Town Board shall determine each application upon the merits only after public hearing and in conformity with the following standards and guides:

- A. The use shall be of such location, size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town. In evaluating the application, the Town Board shall consider the type of recreational opportunities proposed, the intensity of development on the site, the location, size and height of all existing commercial recreation developments within the Town and the potential impacts of such additional commercial recreation on community services and the community character.
- B. The Town Board shall consider the effects of the project on the Town's infrastructure, community facilities and services, schools, environmental quality, economic development, and transportation.
- C. The Town Board's determination shall be made in accordance with the comprehensive plan and requirements set forth in this chapter including the need to lessen congestion on the surrounding roadways; to ensure all safety and security measures are implemented and met; to secure freedom from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, and other public requirements, as one or more of such standards may apply to the particular use.
- D. The final decision of the Town Board shall be made with reasonable consideration, among other things, as to the character of the surrounding community and its peculiar suitability for the particular activities being proposed, to conserving the values of buildings and property in general, and to encouraging the most appropriate use of land throughout the municipality.
- E. The deliberation and determination of the Town Board shall be made with reasonable consideration to the effect the proposed activity will have on the environment and the standards enumerated in 6 NYCRR Part 617.7(c).
- F. The proposal shall minimize any visual impact to the general neighborhood from the location, nature, extent and height of any building, structure, wall or fence, and shall minimize any visual impact to the viewshed to the maximum extent practicable.
- G. In granting the application, in whole or in part, the Town Board may attach thereto such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit as the Board in its discretion may deem necessary to promote the health, safety and general welfare of the Town of Patterson.
- H. The Town Board shall consider the ability of the proposal to promote and preserve open

space, the rural character of the community and connections between greenway corridors and trails.

### **§ 154-43.3 Approved Lots.**

The following lots, each identified by its Tax Map number is hereby designated as being in the Commercial Recreation District without the need for further action by the Town Board:

|          |          |          |
|----------|----------|----------|
| 14.-1-44 | 14.-1-46 | 14.-1-47 |
| 14.-1-48 | 14.-1-49 | 14.-1-50 |
| 14.-1-51 | 13.-3-38 |          |

## **ARTICLE X Farms.**

### **§ 154-44. Additional Requirements.**

Any small farm, large farm or hobby farm shall comply with the following additional requirements.

A. No building or structure used for the housing or maintenance of an animal shall be within one hundred (100) feet of any road or property line. **[Amended 8-11-2021 by L.L. No. 2-2021]**

B. No riding range, paddock, or bridle path shall be allowed within one hundred (100) feet of a road or property line, however that this section shall not include fields used for animal grazing.

C. No storage of manure or other odor- or dust-producing substance shall be allowed within one hundred (100) feet of any road or property line, nor within one hundred (100) feet of any stream or body of water. No storage of manure or other material which may result in a degradation of water quality shall be located such that channelized runoff may have a direct route between the material and a stream, wetland or other body of water. **[Amended 8-11-2021 by L.L. No. 2-2021]**

D. Said frontage and access for the lot on which there is located a small farm or a large farm shall be on a state, county, or town road.

E. No buildings or structures of less than 400 square feet used for farm purposes shall be placed in the front yards.

F. Greenhouses may be permitted, except that:

(1) If artificial light is used therein, it shall be so screened that the source of light and illuminated area shall not be visible outside the building.

(2) There shall be no retail or wholesale sales at the site except for a roadside stand as provided below.

G. In addition to the barns and other structures erected on the lot used as a small farm or a large farm, one principal residential building and one accessory residential building may also be erected on the lot provided that:

(1) The principal residential dwelling unit must be owner-occupied, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall



not be used to meet the area requirements of the equestrian center or the number of horses or other animals that may be quartered on the premises

(2) The accessory residential dwelling unit shall be used for full-time farm help only, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses or other animals that may be quartered on the premises. In addition, the accessory residential dwelling shall not exceed in size seventy-five percent of the total floor area of the principal residential dwelling unit located on the site.

H. On any large farm only, up to two (2) single bedroom apartments may be located within the principal barn structure used to house horses or other large livestock provided that:

(1) the maximum size of the apartment in total shall not exceed six hundred (600) square feet.

(2) The apartment(s) may only be occupied by persons employed by the farm on which the apartments are located and who are employed for more than thirty-five hours per week by the farm for the maintenance and operation of the farm.

(3) Any apartments created pursuant to this subsection shall also be required to obtain a special use permit and site plan approval which may be issued concurrently with a special use permit and site plan approval for an equestrian center or as a separate application.

I. Roadside stands for retail sales may be permitted as an accessory use to a large farm operation provided:

(1) sufficient parking is provided.

(2) the location of any entrance or pull-off to the roadside stand has adequate safe stopping sight distance.

#### **§ 154-45. Agricultural Certification for Nonconforming Activities**

A. In order to ensure that certain improvements made to real property are supporting a legitimate farm practice or operation, prior to any improvement made to any real property, which would otherwise be required to comply with the requirements of this Chapter, however will not meet one or more of the requirements of this Chapter, and may not need to meet one or more requirements of this Chapter due to their participation in an agricultural district, prior to the commencement of any improvements the property owner shall obtain and submit to the Town Code Enforcement Officer one of the following:

(1) A written certification from the Patterson Town Planner that activity or improvement is a legitimate farm practice or operation as defined by, and is consistent with the intent and purpose of Article 25AA of Agriculture and Markets Law.

(2) A written certification from Zoning Board of Appeals that activity or improvement is a legitimate farm practice or operation as defined by, and is consistent with the intent and purpose of Article 25AA of Agriculture and Markets Law.

(3) A certification from Commissioner of Agriculture that proposed improvement is consistent with the Agriculture and Markets Law.

(4) A variance as required pursuant to this Chapter.

B. To obtain certification from the Patterson Town Planner or the Zoning Board of Appeals, the property owner shall submit such information on the use, the design and the location of the proposed improvement as may be necessary demonstrate its relation to a farm practice and the reason which necessitates non-conformance with this Chapter.

C. The information required for certification from the Town Planner or the Zoning Board of Appeals shall be the minimum necessary to reasonably demonstrate the improvement is necessary to support a legitimate farm practice, i.e. where a sketch plan is sufficient to show location, a survey may not be required.

## **ARTICLE XI**

### **Right to Farm**

#### **§ 154-46. Intent.**

The Town Board of the Town of Patterson finds that farming provides a number of benefits to the community including maintaining open space and the rural character of the community; providing a source of fresh farm products; providing an important source of food and habitat to wildlife within the community; and creating a healthy diversity of businesses within the local economy. Further it is recognized that there are many practices and activities which are necessary for the business of farming, which practices and activities may at times conflict with adjacent land uses, it is the specific purpose of this chapter to provide that legitimate farming practices and activities may proceed and be undertaken free of unreasonable and unwarranted interference or restrictions. It is also the intent of this chapter to aid in the preservation and promote, as an important economic activity, farming within the Town, to protect the existence and operation of established farms and to encourage the creation of new farming businesses.

#### **§ 154-47. Applicability**

This subsection providing for the Right to Farm shall apply to any small farm, large farm or equestrian center, as defined herein.

#### **§ 154-48 Rebuttable presumption to exist.**

In all relevant actions filed subsequent to the effective date of this chapter, there shall exist a rebuttable presumption that any agricultural activity that conforms to all the provisions of this chapter, and which does not pose a direct threat to public health and safety shall not constitute a public or private nuisance, nor shall any such use be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

#### **§ 154-49. Right to Farm**

Farmers, as well as those employed, retained or otherwise authorized to act on behalf of farmers, may lawfully engage in farming practices within the Town at any and all such times and at such locations as are reasonably necessary to conduct the business of farming. For any farming activity or operation, in determining the reasonableness of the time, place and methodology of such operation, due weight and consideration shall be given to both traditional customs and procedures in the farming industry, as well as to advances resulting from increased knowledge and improved technology.

## **§ 154-50. Interference**

No person, group, entity, association, partnership or corporation will engage in any conduct or act in any manner so as to unreasonably, intentionally, knowingly and deliberately interfere with, prevent or in any way deter the practice of farming within the Town of Patterson.

## **§ 154-51. Times of Operation**

The activities incidental to farm operations, when reasonable and necessary for that farming activity and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays and at night and during the day. The noise, odors, dust and fumes that are caused by these activities are recognized as ancillary to the permitted activities set forth in this Article and the right to farm.

# **ARTICLE XII Nonconforming Buildings and Uses**

## **§ 154-52. Continuance of existing uses.**

Any use of land or buildings thereon, which was substantial and lawfully existing immediately prior to the effective date of this chapter or of any pertinent amendment thereto may be continued, and any building so existing which was designed, arranged, intended for or devoted to a nonconforming use may be structurally altered and the nonconforming use therein changed, all subject to the following provisions; provided, however, that a nonconforming mineral processing facility may continue in use only if the minerals processed at such facility are excavated from the same parcel within the Town of Patterson on which the processing facility is located.

## **§ 154-53. Change to other nonconforming use.**

A. A nonconforming use shall neither be changed as to area or occupy a different portion of the lot, or portion of a building thereon, than it did on the effective date of this chapter or any amendment thereto, nor changed in any manner so as to diminish any conforming use or dimension. **[Amended 11-15-06 by L.L. 10 of 2006]**

B. Subject to the approval of the Board of Appeals, an existing nonconforming use may be changed to another nonconforming use, provided the Board shall find:

- (1) That the proposed new use is not substantially different in its purpose and manner of operation and no more harmful or objectionable to the neighborhood than the nonconforming use from which it has changed.
- (2) That the proposed new use is substantially more in conformity with the uses permitted in the district in which such building or land is situated.
- (3) That it will generate no more traffic than the preceding nonconforming use.
- (4) That it will tend to facilitate subsequent transition to conformity.
- (5) That the density of occupancy will be no more than that of the former nonconforming use.

- (6) That the proposed use will not cover more land than the former use.

**§ 154-54. Change to conforming use.**

No nonconforming use, once changed to a conforming use, shall revert back to a nonconforming use.

**§ 154-55. Discontinuance of use.**

No nonconforming use which has been discontinued for a period of one (1) year shall thereafter be resumed.

**§ 154-56. Restoration of unsafe structures.**

Any nonconforming structure or portion thereof declared unsafe by the Code Enforcement Officer may be restored to a safe condition in accordance with § 154-59.

**§ 154-57. Buildings under construction.**

Nothing in this chapter shall require any change in the designated use of a building, the construction of which, and for which a permit has been lawfully issued, shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereof.

**§ 154-58. Enlargement of nonconforming buildings.**

Any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No nonconforming portion of any building may be extended, nor any nonconforming use extended into any other area of a building or lot.

**§ 154-59. Major damage to nonconforming structure.**

Any nonconforming building or structure that over fifty percent (50%) of the volume of its structure above the foundation has been destroyed or damaged from any cause, as determined by the Code Enforcement Officer, shall not be restored in nonconforming form or location on the lot or for the continuance of a nonconforming use therein; provided, however, that such buildings or structures may be restored and the nonconforming use continued to the extent and in such manner as may be permitted by the Board of Appeals after application and public hearing as provided in Article XXI. The Board of Appeals, upon entertaining such application, shall consider the practical difficulties or unnecessary hardship involved in accordance with the standards in § 154-122 of this chapter and shall seek to minimize any non-conformity. Any nonconforming building or structure destroyed by fire, explosion or other cause, other than by willful act of the owner, to the extent of not more than fifty percent (50%) of the volume of its structure above the foundation may be restored in substantially the same location, provided that said structure is not enlarged beyond the size of said structure immediately prior to such damage. The Code Enforcement Officer shall request and receive a report from the town's Engineer prior to his making a determination of percent of damage or destruction.

#### **§ 154-60. Application for permit to rebuild.**

Application for permit to rebuild or restore the damaged portion of any building damaged or destroyed as set forth in § 154-59 above shall be filed within six (6) months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects save as to the use of the building or structure.

#### **§ 154-61. Completion of rebuilding.**

If a permit for such rebuilding or restoration is granted, it shall lapse twelve (12) months thereafter unless the permitted construction is completed within such period, except that the Code Enforcement Officer in his discretion may grant one (1) six-month extension thereof if construction has been delayed by circumstances beyond the control of the permit holder.

#### **§ 154-62. Buildings on nonconforming lots.**

A. Except as provided in Subsection C below, no provision of this chapter pertaining to minimum lot area and minimum lot width shall prevent the construction of an otherwise permitted building or the establishment of an otherwise permitted use on a lot owned separately from any adjoining lot at the effective date of adoption of any such provision, excepting as provided below, and provided that the building will not exceed any other dimensional zoning requirements.

B. Where an person, a partnership or corporation is the owner of one or more lots, or structures thereon, which do not conform to the dimensional requirements of this Chapter, and where said lots were not created pursuant to a subdivision plat duly approved by the Planning Board and filed with the Putnam County Clerk within the last seven (7) years from the adoption of this Chapter, and where a merging of the lots would result in minimizing or eliminating the nonconformity of the lots or structures contained thereon with the requirements of this Chapter, said lots shall be considered merged, and as one lot.

C. Where a lot with an area equal to, or less than 19,500 square feet is owned separately from any adjacent or adjoining lot, the minimum lot area required to erect, move, alter, added to or enlarge a principal structure shall be equal to the areas as shown in the following schedule [Amended 11-9-05 by L.L. No. 12 of 2005]:

| Lot Area/Principal Structure Size |                           |  |                 |                           |
|-----------------------------------|---------------------------|--|-----------------|---------------------------|
| Lot Area (sf)                     | Livable Floor Area (s.f.) |  | Lot Area (sf)   | Livable Floor Area (s.f.) |
| 4,000- 4,500                      | 375                       |  | 12,001 - 12,500 | 1042                      |
| 4,501- 5,000                      | 417                       |  | 12,501 - 13,000 | 1083                      |
| 5,001 - 5,500                     | 458                       |  | 13,001- 13,500  | 1125                      |
| 5,501 - 6,000                     | 500                       |  | 13,501-14,000   | 1167                      |
| 6,001 - 6,500                     | 542                       |  | 14,001 -14,500  | 1208                      |
| 6,501 - 7,000                     | 583                       |  | 14,501 - 15,000 | 1250                      |
| 7,001 - 7,500                     | 625                       |  | 15,001 - 15,500 | 1292                      |
| 7,501 - 8,000                     | 667                       |  | 15,501 - 16,000 | 1333                      |
| 8,001 - 8,500                     | 708                       |  | 16,001 - 16,500 | 1375                      |
| 8,501 - 9,000                     | 750                       |  | 16,501 - 17,000 | 1417                      |
| 9,001 - 9,500                     | 792                       |  | 17,001 - 17,500 | 1458                      |
| 9,501 - 10,000                    | 833                       |  | 17,501 - 18,000 | 1500                      |
| 10,001 - 10,500                   | 875                       |  | 18,001 - 18,500 | 1542                      |
| 10,501 - 11,000                   | 917                       |  | 18,501 - 19,000 | 1583                      |
| 11,001 - 11,500                   | 958                       |  | 19,001 -19,500  | 1625                      |
| 11,501 - 12,000                   | 1000                      |  |                 |                           |

### § 154-63. Non-conforming Improvements

A. A limited immunity use is any use or activity which the Town's authority to impose zoning restrictions has been pre-empted by the State, or by a judicial determination, and thus is not subject to the provisions of this Chapter.

B. Within ninety (90) days of termination of any limited immunity use for which improvements were constructed, erected or otherwise made to a parcel or lot subsequent to the adoption of this Chapter, and those improvements do not meet one or more of the requirements of this Chapter, the property owner shall comply with one of the following:

(1) The improvements shall be brought into conformance, and meet all of the requirements of the Town Code of the Town of Patterson in effect at the time the limited immunity use is terminated.

(2) The improvements shall be removed in their entirety and the site restored to its natural condition.

(3) The improvements shall be removed in its entirety and the site restored to its natural condition within a reasonable time, as determined by the Zoning Board of Appeals. In

determining the length of time in which the improvement may remain and be used by the residents of the property thereon, the Zoning Board of Appeals shall consider the following factors:

- (a) The initial capital cost of the improvement, the extent to which the investment has been realized and the additional length of time needed to recoup the investment in the improvement.
- (b) The date the improvement was constructed and the anticipated life of the improvement.
- (c) The use for which the improvement was constructed.
- (4) Any improvement complying with subsection three above shall be used in a manner consistent with the zoning in effect at that time.

### ARTICLE XIII **Signs and Billboards**

[Amended 11-15-2006 by L.L. No. 10-2006; 7-22-2009 by L.L. No.6-2009; 8-14-2013 by L.L. No. 5-2013]

#### **§ 154-64. Intent**

It is the intent of these sign regulations to enhance and protect the town's physical appearance and provide a more scenic and pleasing community. More specifically, these regulations are designed to safeguard property values; create a more attractive economic and business climate; safeguard the general public by elimination of advertising which distracts motorists and contributes to the hazards of driving; encourage the installation of appropriate advertising signs that harmonize with the buildings, and character of the neighborhood; avoid unsightly proliferation and unnecessary competition for visual attention through advertising signs; and encourage the functional use of signs as directional, informational and advertising devices.

#### **§ 154-65. General restrictions and regulations.**

- A. In no residence or business district, nor on any public property, or within any public or private road rights-of-way, shall any sign or billboard be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered except in conformity with and/or expressly authorized by the provisions of this Article.
- B. Day-glo or florescent colors shall not be permitted.
- C. All signs shall be erected on appropriate supports and shall not be located on trees, utility poles or fences.
- D. No sign shall be illuminated by exposed incandescent or fluorescent light, and all signs shall be nonanimated, nonflashing and emit no glare. Electronic variable message displays shall not be permitted. Neon signs, which do not project a carnival-type atmosphere may be permitted within the business districts.
- E. No sign shall be located so as to obscure any signs or traffic control device erected and maintained by a public authority, including without limit traffic lights, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with the flow of pedestrians

or traffic.

F. Any sign erected pursuant to this Section shall remain in a clean condition and in good repair. Any sign in disrepair, or any obsolete, or abandoned sign, or any sign for a business that has been discontinued shall be immediately removed by the property owner.

G. All road-side signs erected under this Article shall provide on the sign the contact name and phone number of the person who is responsible for placing and removing the sign. The phone number shall be a minimum of one-half inches in height. Any directional or road-side sign which does not include a phone number shall be deemed (i) abandoned, and (ii) roadside litter and may be removed by any Town employee. **[Amended 5-24-2017 by L.L. 1 of 2017]**

H. No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design, color or placement, or in any manner create a hazard or disturbance to the health, safety and welfare of the general public. No sign exceeding 30" in height shall be placed within the triangular area formed at corners by the intersecting street lines, for a distance of seventy-five (75) feet from their intersection and the diagonal connection the end points of these lines, nor shall any sign impair visibility for the motorist at a street corner or intersection. Any sign which does not meet these requirements may be immediately removed by any Town employee.

I. Violations of this Article shall be enforceable pursuant to the requirements of this Chapter and §154-131, except that each individual sign placed in violation of this Article shall constitute a separate violation.

#### **§ 154-66. Exempt signs. [Amended 5-24-2017 by L.L. 1 of 2017]**

The following signs may be erected, subject to the provisions of §154-65, without a permit issued by the Town of Patterson, when located outside of the right of way of any street, or more than 25' from the centerline of any road:

A. Historical markers, tablets and statues; memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of wood, bronze, stainless steel or similar material; and emblems installed by governmental agencies: not exceeding 12 square feet.

B. Flags and insignia of any government, except when displayed in connection with commercial promotion.

C. On-premises directional signs for the convenience of the general public identifying public parking areas, fire zones, entrances and exits and similar signs when approved by the Planning Board unless otherwise required by law. Such signs shall be non-illuminated and shall not exceed two square feet per face and mounted height not exceeding six feet to the top of the sign. Business names and personal names shall not be allowed on these signs, including advertising messages and insignias. The number of such signs shall be limited to those determined by the Planning Board to be necessary for the safe and orderly circulation of traffic and as necessary to indicate specific traffic and/or parking regulations applying to the site.

D. Non-illuminated warning, private drive, posted or no-trespassing signs, not exceeding two square feet per face.

E. House number meeting the requirements of Chapter 112.

F. Name plates identifying residents, mounted on homes, apartments or mailboxes, not exceeding 96 square inches in area.



- G. One non-illuminated "Open/Closed" sign per business not exceeding three square feet is permitted.
- H. Holiday decorations, including lighting displayed in season.
- I. At gasoline stations: integral attached price signs on gasoline pumps.
- J. Public telephone identification signs.
- K. Handicap-accessible parking access signs and pavement markings which meet Department of Transportation standards and dimensional requirements.
- L. Signs on property not used for commercial purposes, placed thereon by the owner thereof which convey an opinion of the owner.
- M. Directional and traffic signs erected by any duly constituted public authority of the state, country, Town, or school district. **[Added 9-12-2018 by L.L. No. 5-2018]**
- N. A sign, which may be illuminated, not exceeding six by eighteen inches, erected or maintained upon a lot to identify the occupant thereof in the case of one-family dwellings. **[Added 9-12-2018 by L.L. No. 5-2018]**
- O. Numbers required pursuant to a unified numbering system established by Chapter 12 of the Patterson Town Code or the Putnam County E-911 system. **[Added 9-12-2018 by L.L. No. 5-2018]**

**§ 154-67. Temporary Road-side signs. [Amended 5-24-2017 by L.L. 1 of 2017]**

- A. Temporary road-side signs not exceeding three (3) square feet in area and which fully comply with the requirements of Section 154-65 shall be permitted for a period not exceeding six weeks prior to the activity or event, or exceeding four days after the activity or event.
- B. Temporary road-side signs erected parallel to the traveled way exceeding three (3) square feet, but not larger than twenty-five (25) square feet in area and which fully comply with the requirements of Section 154-65 shall be permitted for a period not exceeding three weeks prior to the activity or event nor exceeding four days after the activity or event. The maximum number of signs per event shall be eight (8).

**154-67.1 Commercial signs for real estate, "financing by" and contractor signs [Amended 5-24-2017 by L.L. 1 of 2017]**

- A. In any zoning district signs advertising the sale or lease of a property may be erected on the property affected as follows:
  - (1) A sign or signs not exceeding in aggregate six (6) square feet in area located outside of the right-of-way of any street, or more than 25 feet from the center line of any road, advertising the sale or lease of the premises on which such sign is displayed. Real estate signs with an area not exceeding six(6) square feet do not require approval of the Town Planner or Planning Board. **[Amended 9-12-2018 by L.L. No. 5-2018]**
  - (2) A real estate sign or signs advertising the sale or lease of the property on which it or they are located, which individually, or in aggregate, exceed six (6) square feet in total area, but do not exceed sixteen (16) square feet individually, or thirty-two (32) square feet if

placed in a V-shaped configuration with an angle of not greater than ninety degrees may be allowed for a period of not more than one (1) year, renewable one (1) year at a time. Any such sign shall be located outside of the right of way of any street, or more than 25' from the centerline of any road, and shall advertise only the sale or lease of the premises on which such sign is displayed.

(3) A contractor's sign of not more than nine (9) square feet in area when displayed on the premises under construction and for a period not to exceed eight (8) months. Contractor's signs in conformance with this Chapter do not require Planning Board approval.

B. Before any real estate sign or contractor's sign is erected pursuant to subsection A(2) or A(3) of this section a permit shall be issued by the Town Planner.

(1) A separate application shall be made for each individual sign.

(2) A fee, as established by resolution of the Town Board and set forth in the fee schedule, shall accompany each application for a real estate sign. The fee shall be based on the square footage of the sign area which shall be calculated as set for in §154-69. No fee shall be required for a contractor's sign.

(3) Each application shall be made by, or include the authorization and consent of the property owner.

(4) An application shall include a sketch of the proposed sign, and the property showing the proposed location of the sign.

C. An appeal of any decision made pursuant to subsection B, above shall be to the Planning Board.

D. Any sign erected pursuant to this section shall meet the following criteria:

(1) Signs shall not be illuminated.

(2) Colors displayed on the sign shall not be obtrusive to the character of the community. Day-glo or florescent colors are prohibited.

(3) No sign shall be placed so as to obstruct visibility along the highway, or at any intersection of roads or driveways.

(4) Signs shall be nonanimated, nonflashing and emit no glare.

(5) Signs shall not include any loose or moving attachments such as, but not limited to banners or flags.

**§ 154-68. Permanent signs in residence districts. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. In the Putnam Lake Residence RPL-10 District, Residence R-1 District, Residence R-2 District and Residence R-4, signs may be permitted as follows:

(1) Bulletin boards and signs of not more than twelve (12) square feet on the premises of churches, schools and similar nonprofit institutions advertising community events or activities related to the use of each premises, and which may or may not be a part of the architecture of the building. Signs permitted under this section shall be subject to Planning Board approval.

(2) A sign advertising and located on a farm produce stand, which sign does not exceed twelve (12) square feet in area. Signs for a farm produce stand in conformance with this chapter do not require Planning Board approval.

(3) A free standing sign advertising a use, activity or business for which a special use permit has been issued by the Zoning Board of Appeals. The total area of signs advertising a use of the premises in accordance with a special permit use approved by the Zoning Board of Appeals shall not exceed twenty (20) square feet. Signs permitted under this section shall be subject to Planning Board approval.

(4) One on-premises sign, either freestanding or attached, in connection with any residential building in a zoning district for a permitted home occupation operated on such premises, not exceeding two square feet, not exceeding a mounted height of four feet to the top of the sign, and located outside of the right of way of any street, or more than 25' from the centerline of any road. Such sign shall state the name and vocation only. The sign and sign structure shall be made of wood, stone, metal (but not polished aluminum), or any wood-like material. Sign colors shall be limited to black, brown, white, gray, dark green, dark blue and dark red. Freestanding signs shall be placed within 10 feet of the driveway or walkway leading from the public road to the residence.

B. All freestanding or temporary signs shall be erected on appropriate supports and shall not be located on trees, utility poles or fences.

C. No sign shall be illuminated by exposed incandescent or fluorescent light, nor illuminated by neon lighting and all signs shall be nonanimated, nonflashing and emit no glare, nor include any moving or loose attachments.

#### **§ 154-68.1 Permanent signs in business districts. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. All signs permitted under § 154-68.1 shall require approval of the Planning Board prior to their erection, and the location of any permanent signs shall be shown on any site plan required pursuant Article XV. **[Amended 9-12-2018 by L.L. No. 5-2018]**

B. Except as noted in Subsection B and C below, any sign that will be located in a Commercial (C-1), General Business (GB), Industrial (I) and Commercial Recreation (CR) Districts, may be permitted as follows:

(1) Building mounted sign. Any sign shall advertise only the use of the principal building on which it is located or the services or wares provided from the building on which the sign is located. The total aggregate of signs shall not exceed one and one-quarter (1.25) square feet for each linear foot of principal storefront, or building frontage or a maximum total area of one hundred (100) square feet per site or parcel, excepting that any sign which projects horizontally from any portion of a building shall be limited to 25 square feet. In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(2) Free Standing Signs for any permitted principal use. Only one (1) freestanding sign advertising the use or uses of the premises on which it is located shall be permitted, and it shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(3) Bulletin boards and signs not exceeding twelve (12) square feet may be permitted on

the premises of churches, schools and similar nonprofit institutions, or a farm produce stand, advertising community events or activities related to the use of each premises.

C. Temporary retail.

(1) The Planning Department may permit the erection of one (1) temporary sign advertising the future opening of a business, provided that the sign shall be located on the same parcel as the business, and provided that the business shall have received all approvals necessary to open, other than a certificate of occupancy. A temporary sign shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street or highway line or project closer than ten (10) feet to any side or rear property line. The duration that a temporary sign may be erected shall be established by the Planning Department, however in no instance shall a temporary sign be permitted for a period of greater than 90 days.

(2) A retail business may place without the need of a permit, not more than one building mounted or window sign not exceeding 20 square feet or four free-standing signs of not more than 4 square feet advertising a special sales event provided that:

(a) The sign or signs are erected not more than two weeks prior to the date of the event and are removed not more than two days after the event, but in no case shall be erected for more than three weeks.

(b) Shall not be directly illuminated

(c) The signs are placed only on the property owned or leased by the retail business for which the sale is being advertised.

D. Local Retail Center. Any sign erected on a parcel for which a special use permit has been issued for a Local Retail Center pursuant to §154-110 shall meet the following requirements:

(1) Building mounted signs.

(a) Any sign shall advertise only the use of the principal building on which it is located or the services or wares provided from said building on which the sign is located.

(b) The total aggregate area of signage visible on the exterior of the building, including those mounted on the exterior of the building, and those mounted or hung in a window shall not exceed one and one-quarter square feet for each linear foot of storefront.

(c) The area of any individual building-mounted signs shall not exceed one (1) square foot for each linear foot of storefront, excepting that any sign which projects horizontally from any portion of a building shall be limited to a maximum total sign area of 9 square feet.

(d) In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(e) The maximum size of any individual sign shall not exceed twenty (20) feet in length or exceed two-hundred (200) sq.ft. in area.

(f) The maximum height of any building mounted sign shall be the lower of;

[1] five feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;

[2] three feet above the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

(a) Only one (1) freestanding or temporary sign advertising the use or uses of the premises on which it is located shall be permitted.

(b) The area of any freestanding sign erected pursuant to Subsection “B” shall not exceed two (2) square feet of sign area for each one thousand (1,000) square feet, or portion thereof, of individual building area used for principal or incidental retail purposes, excepting that any freestanding sign shall meet the following conditions:

[1] The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel shall be 25 sq. ft.

[2] The maximum area of any freestanding sign permitted pursuant to subsection (2)b. shall be one-hundred and eighty (180) square feet.

(c) No part of any sign shall project over any street line or project closer than ten (10) feet to any side or rear property line.

(d) Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(e) The maximum height of any freestanding sign, including any portion used to hold or fix the sign in place shall not exceed fifteen (15) feet, as measured from an average of the ground’s surface across the width of the sign, to the highest elevation of the sign’s face.

E. Regional Retail Center. Any sign erected on a parcel for which a special use permit has been issued for a Regional Retail Center pursuant to §154-111 shall meet the following requirements:

(1) Building mounted sign.

(a) Any sign shall advertise only the use of the principal building on which it is located or the services or wares provided from the building on which the sign is located.

(b) The total aggregate of signs visible on the exterior of the building, including those mounted on the exterior of the building, and those mounted or hung in a window shall not exceed in area the following dimensions:

[1] For the storefront, 1.75 square feet for each linear foot of storefront.

[2] For each side of the building which faces and is visible from a Interstate, State or County road, 0.75 square foot for each linear foot of storefront .

[3] For any side of the building which does not meet the requirements of Subsections E(1)(b)[1] and [2], above, 0.2 square foot for each linear foot of storefront

[4] Fuel-dispensing areas shall be permitted a single sign on each face of the canopy not exceeding 1 square foot for each linear foot of the face on which the sign will be placed.

[5] There shall be only one storefront per building which shall be the side of the building from which a majority of the parking for the building is derived.

(c) The area of any individual building-mounted sign shall not exceed:

[1] For stores less than 75,000 square feet; 250 square feet ,

[2] For stores greater than 75,000 square feet; 500 square feet

[3] For any sign which projects horizontally from any portion of a building; nine (9) square feet.

(d) In addition, no sign, or portion thereof, shall project horizontally over any street line or project closer than ten (10) feet to any side or rear property line. Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(e) The maximum length of any individual sign shall not exceed:

[1] For stores less than 75,000 square feet; 30 feet,

[2] For stores between 75,001 square feet and 125,000 square feet; 40 feet ,

[3] For stores greater than 125,001 square feet; 50 feet.

(f). The maximum height of any building mounted sign shall be the lower of;

[1] For flat roof buildings, two feet below the top of the roof, excluding any false mansard, parapet, false wall, or similar features, or;

[2] For pitched roof buildings, two feet below the fascia board for the main roof, excluding any dormers, gables, or other types of roof extensions.

(2) Free Standing Signs.

(a) Only one (1) freestanding sign advertising the use or uses of the premises on which it is located shall be permitted.

(b) The area of any freestanding sign erected pursuant to Subsection "B" shall not exceed 2 square feet of sign area for each one thousand (1,000) square feet, or portion thereof, of building area used for principal or incidental retail purposes, excepting that any freestanding sign shall meet the following conditions:

[1] The minimum area of any freestanding sign which may be permitted regardless of the building area of the parcel shall be 25 sq. ft.

[2] The maximum area of any freestanding sign permitted pursuant to subsection (2).b. shall be three hundred and fifty (350) square feet.

(c) No part of any sign shall project over any street line or project closer than ten (10) feet to any side or rear property line.

(d) Signs shall not face any lot line of an adjoining residential district if within fifty (50) feet of said lot line.

(e) The maximum height of any freestanding sign, including any portion used to hold or fix the sign in place shall not exceed twenty-five (25) feet, as measured from an average of the ground's surface across the width of the sign, to the highest elevation of the sign's face.

(f) Temporary Signs. The Planning Board may permit the erection of one (1) temporary sign. The temporary sign shall be only for the advertisement of the use or uses of the premises on which it shall be located, or shall only advertise the future opening of a business, provided that the sign may only be located on the same parcel as the business at the main entrance, and that said business shall have received all approval necessary to open, except for a certificate of occupancy. A temporary sign shall not exceed twenty-five (25) square feet in area, nor shall any part of the sign project over any street line or project closer than ten (10) feet to any side or rear property line. The duration that a temporary sign may be erected shall be established by the Planning Board, however in no instance shall a temporary sign be permitted for a period of greater than 90 days.

F. For the purposes of this Chapter, building frontage or storefront is defined as the length across the retail portion of a building on the side on which the main entrance is located. Only one side of any building shall be considered the storefront, and no portion of a building used for warehousing of goods, office or any use other than retail or customary personal services shall be considered as part of a storefront for the purposes of determining the area of a sign.

G. Any property which has received a Commercial Recreation District designation from the Town Board pursuant to Article IX shall be permitted such signage as allowed under §154-68.1B. **[Added 9-12-2018 by L.L. No. 5-2018]**

#### **§ 154-68.2. Patterson Hamlet signs; additional requirements.**

The following additional standards are required for any sign erected in the Patterson Hamlet:

A. The design of the sign should be governed primarily by the building's architectural style, i.e. the design should compliment, and yet remain subordinate to, the primary architectural elements of the building by maintaining a design that is compatible with the building's style in terms of location, shape, scale or proportion, color and lettering.

B. Unless otherwise approved by the Planning Board, signs within Patterson Hamlet shall be limited in color to forest or dark green, dark red and dark blue, excepting that letters and sign borders may also be gold, black and/or white. No reflective materials may be used.

C. Unless otherwise approved by the Planning Board, signs shall be constructed of natural materials such as wood, metal or a masonry product.

D. Building mounted signs shall not be illuminated. Free Standing signs may be illuminated only by direct exterior lighting which is not exposed, but shall not be illuminated by interior lighting. Further, all signs shall be nonanimated, nonflashing and emit no glare.

#### **§ 154-69. Measurement of sign area.**

Double-faced signs which contain the same information or display on each side shall be considered as one (1) surface area, and only one side shall be used to determine the total area of the

sign. Where a sign contains more than two (2) separate and distinct faces, as in a V-shaped sign, each face shall be considered a separate sign and the area of each separate sign face summed, the total of which shall be no greater than as permitted in this chapter. [Amended 11-15-06 by L.L. 10 of 2006]

## ARTICLE XIV Off-Street Parking and Loading

### **§ 154-70. Construction Standards.**

A. Parking space. Each parking space shall be an area, of maximum five-percent grade, not less than ten (10) feet wide and twenty (20) feet long, exclusive of access and turning areas, all of which shall be designed in accordance with the standard details contained herein.

B. Loading space. Each loading space shall be an area, of maximum five-percent grade, not less than ten (10) feet wide and forty-five (45) feet long, and shall be located either within the principal building or in proximity to it in such a manner as to not interfere with normal interior traffic patterns during business hours.

C. Driveways. Each principal or accessory residential dwelling shall be provided with a driveway, constructed to the standards contained herein, which driveway shall be located not less than twenty feet from the principal residential dwelling and shall connect any required parking area to a State, County, or Town road, or a road shown on a subdivision plat filed with the County, any of which shall have been suitably improved. [Added 11-15-06 by L.L. 10 of 2006; amended 5-24-2017 by L.L. 1 of 2017]

### **§ 154-71. General conditions.**

A. Parking facilities off the street shall be provided, kept available and maintained in good condition to serve all buildings erected, moved, altered or enlarged and all premises otherwise developed, and as may be required by any site plan approved by the Planning Board, or as may otherwise be required by this Chapter. Such facilities shall be provided in accordance with the standards hereinafter specified to accommodate the motor vehicles of all occupants, visitors, guests, employees or customers and other persons normally visiting such building or premises at any one (1) time. The parking and loading areas provided shall be dust-free, graded, drained and designed to permit the safe movement and access of both vehicles and pedestrians. All parking areas, walks and drives shall be permanently improved in accordance with the standards set forth herein unless otherwise specifically permitted by the Planning Board. All parking spaces, drive aisles and handicap parking spaces, other than for residential dwellings, shall be suitably marked as may be required by the Planning Board.

B. The installation of a driveway and parking area for a single family residence, as required by this Chapter may be postponed for a period not to exceed three years providing that the property owner posts with the Town of Patterson a surety in the form of a passbook savings account or funds deposited with the Town in a Trust and Agency account, either of which are equal to an amount estimated by the Town Planner as the actual cost for installing the driveway and parking area. Upon certification by the Town Planner that the driveway has been installed in accordance with the standards set forth in this section, or such standards as may be determined by the Planning Board, the property owner may request from the Town Clerk a refund of any surety held by the Town pursuant to this Section.



## **§ 154-72. Location of parking facilities.**

Required parking facilities shall be located on the same lot as the building or other use which they serve, except that, with the approval of the Planning Board, required parking facilities may be located elsewhere, but not more than five hundred (500) feet from such building or use, measured in a straight line to the nearest space for vehicular parking.

## **§ 154-73. Required parking and loading spaces. [Amended 11-15-06 by L.L. 10 of 2006]**

A. Unless otherwise specifically approved by the Planning Board, required parking and loading areas shall contain not less than the minimum number of spaces set forth below. Where multiple uses are located on one site the total number of parking spaces that must be provided shall be determined by establishing the parking requirements for each use and adding them together, unless it can be demonstrated, to the satisfaction of the Planning Board that one or more uses may share parking.

- (1) Banks: One (1) parking spaces for every two hundred fifty (250) square feet of gross floor area or major fraction thereof used for such purposes.
- (2) Bowling alley: four (4) parking space for each lane.
- (3) Church: One (1) parking space for each four seats or fraction thereof.
- (4) Convention hall or places of public assembly:
  - (a) The greater of one (1) parking space for each three (3) seats or one (1) parking space for each forty (40) square feet of seating or display area.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.
- (5) Equestrian Centers and Commercial Horse Boarding Operations: One (1) parking space for each two stalls.
- (6) Funeral homes: One (1) parking space for every two hundred (200) square feet of gross floor area or major fraction thereof used for such purposes, with a minimum number of forty (40) parking spaces per funeral room.
- (7) Garage, Public: One (1) parking space for each 150 square feet of gross floor area or major fraction thereof used for such purposes, in addition to any storage area required for vehicles under repair.
- (8) Gasoline filling stations: One (1) space for each 500 square feet of gross floor area or major fraction thereof used for such purposes, however in no case shall less than a minimum of four parking spaces be provided at the site.
- (9) Greenhouses and nurseries:
  - (a) One (1) parking space for each 700 square feet of gross floor area or major fraction thereof used for such purposes.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

- (10) Golf courses: Nine (9) parking spaces for each tee.
- (11) Hospitals:
  - (a) Five (5) parking spaces for each bed.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.
- (12) Industrial plants, and similar buildings:
  - (a) One (1) parking space for each seven hundred and fifty (750) square feet of gross floor area or major fraction thereof used for such purposes.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.
- (13) Manufacturing, light:
  - (a) One (1) parking space for each 750 square feet of gross floor area, or major fraction thereof used for such purposes.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.
- (14) Medical or Dental Offices:
  - (a) One (1) parking space for every two hundred (200) square feet of gross floor area or major fraction thereof used for such purposes.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.
- (15) Motels, hotels, tourist cabins, rooming or boarding houses:
  - (a) One (1) parking space for each room, and one parking space for each two employees.
  - (b) For hotels or motels only, one (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.
- (16) Movie theater: One (1) parking space for each three seats.
- (17) Nursing homes or home of the aged:
  - (a) One (1) parking space for each 600 square feet of gross floor area, or major fraction thereof.
  - (b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each

additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(18) Nursery Schools or Day Care Center: One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(19) Office, business and permitted home occupations: One (1) parking space for every three hundred (300) square feet of floor area or major fraction thereof used for such purposes.

(20) Office, professional:

(a) One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(21) Research or biotech laboratories and facilities:

(a) One (1) parking space for each 250 square feet of gross floor area or major fraction thereof used for such purposes.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(22) Recreation Centers, fitness clubs, gymnasiums: one (1) parking space for each 200 square feet of gross floor area, or major fraction thereof used for such purposes and six spaces for each outdoor tennis court.

(23) Retail stores and Personal service shops

(a) One (1) parking space for every two hundred (200) square feet of floor area or major fraction thereof.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area or major fraction thereof.

(24) Residences, One- and two-family: two (2) off-street parking spaces per dwelling unit, exclusive of indoor parking. Where no indoor parking is provided, there shall be three (3) off-street parking spaces per unit.

(25) Residences, multifamily dwellings:

(a) One- bedroom unit: 1.50 parking spaces per dwelling unit

(b) Two or more bedrooms per unit: 2.25 parking spaces per dwelling unit

(26) Residences, Accessory

(a) Accessory Apartment: 1 parking space

(b) Accessory Building: 2 parking spaces

(27) Restaurant, Quality:

(a) One (1) parking space for each 75 square feet of gross floor area or major fraction thereof used for such purposes. **[Amended 8-11-2021 by L.L. No. 2-2021]**.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional fifty thousand (50,000) square feet of floor area or major fraction thereof.

(28) Restaurant, Fast Food:

(a) One (1) parking space for each 100 square feet of gross floor area or major fraction thereof used for such purposes. **[Amended 9-12-2018 by L.L. No. 5-2018; Amended 8-11-2021 by L.L. No. 2-2021]**

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional thirty thousand (30,000) square feet of floor area or major fraction thereof.

(29) Veterinary Hospitals and Dog Kennels: One (1) parking space for each 300 square feet of gross floor area or major fraction thereof used for such purposes.

(30) Warehouse;

(a) One (1) parking space for each 2,000 square feet of gross floor area.

(b) One (1) loading space for the first ten thousand (10,000) square feet of gross floor area or fraction thereof, plus one (1) additional loading space for each additional twenty thousand (20,000) square feet of floor area or major fraction thereof.

B. Other uses. In order to maintain the purpose and intent of these regulations, sufficient parking spaces shall be provided for those uses not listed in Subsection A(1) through (30) above. The Planning Board shall classify the use and determine the number of spaces to be provided. **[Amended 11-15-06 by L.L. 10]**

**§ 154-74. Minimum construction standards. [Amended 8-11-2021 by L.L. No. 2-2021].**

For the purpose of safeguarding the public health, safety and welfare by promoting safe and unobstructed vehicular movement through and over all parking areas, unless special circumstances warrant otherwise, and unless specifically approved by the Planning Board, the following minimum pavement specifications shall be required for all off-street parking and loading areas and access drives:

A. One- and two-family residences .

(1) Six inches (6") of subbase Course of Item 4 (NYSDOT Item 304.05) and two inches (2") of Type 6 Top Course (NYSDOT Item 403.16) or;

(2) a minimum thickness of 4" of Class A concrete, with a compressive strength of 3000 psi at 28 days, and which shall be reinforced with six-inch by six-inch (W2.9 x W2.9) woven wire fabric.

(3) Driveway grades shall not exceed a grade of three (3%) percent for a distance of twenty-five (25) feet from the point at which the driveway connects to the street providing access and thereafter shall not exceed fifteen percent (15%) in grade at any point.

(4) Driveways shall contain adequate provisions to ensure that stormwater runoff will not enter onto any Town Road.

(5) Driveways and residential parking areas shall be a minimum of ten (10) feet from the side and rear property lines unless otherwise approved by the Planning Board.

(6) Driveways serving one- and two-family residences shall be a minimum of ten feet in width, excepting that the Codes Enforcement Officer may impose such conditions as may be necessary to ensure the safe use of driveways exceeding seven hundred (700) feet in length including, but not limited to requiring areas of suitable width to enable the passage of two vehicles. The maximum length of a driveway shall not exceed 2,000 feet. This section shall not apply to for a residential lot shown on a subdivision plat approved by the Planning Board subsequent to February 25, 2004, which instead shall comply with the Subdivision Code, and the requirements therein. **[Added 11-15-06 by L.L. 10 of 2006]**

**B. All other uses. [Amended 5-24-2017 by L.L. 1 of 2017]**

(1) Foundation course: six (6) inches Type 4 (NYS DOT Item 304.05 or 304.14M)

(2) Asphalt binder course: two and one-half (2 ½) inches Type 3 (NYSDOT Item 304.13 or 403.138902M).

(3) Asphalt top course: one and one-half (1 ½) inches Type 6 (NYS DOT Item 304.16 or 403.178202M F2).

(4) Driveway and general access way grades shall not exceed a grade of 3% for the initial 25' from the road, and thereafter ten percent (10%) in grade at any point.

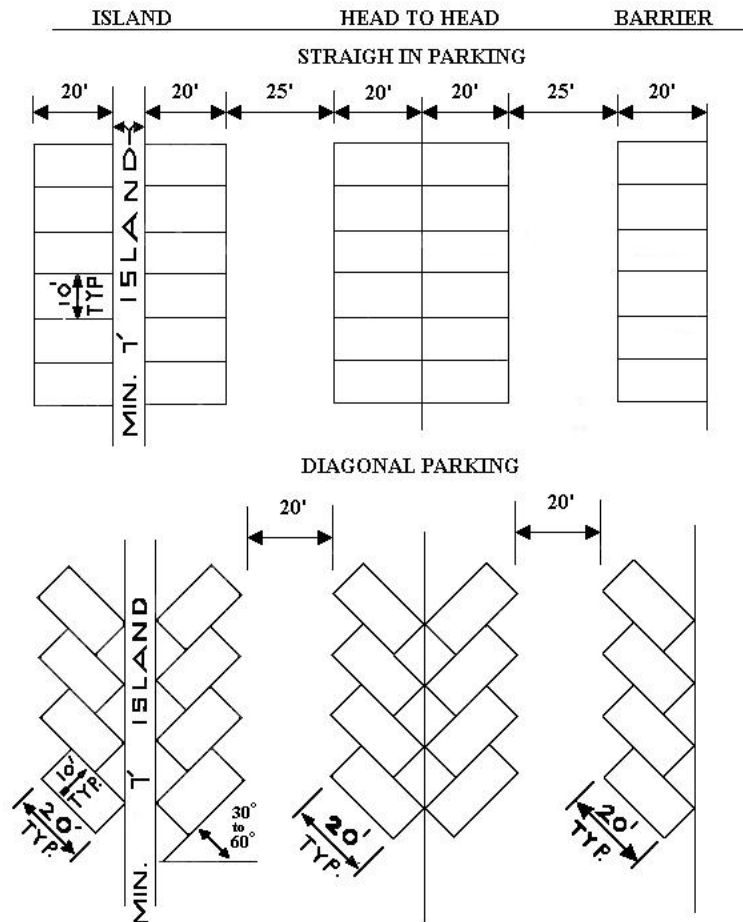
**C. All driveways must;**

(1) intersect the road at a ninety degree angle.

(2) demonstrate that there is adequate site distance and safe stopping distance available in both directions.

(3) be free of obstructions, overhead bars which limit height, or curves in the driveway that would prevent fire apparatus accessibility.

**D. Standard parking details.**



## ARTICLE XV Approval of Site Plans

### § 154-75. Authority and purpose; recreation fees.

A. Purpose. In order to ensure that development and use of land within the Town of Patterson will have a harmonious relationship with the existing or permitted use of contiguous land and of adjacent neighborhoods, and so to ensure that the health, safety, general welfare, comfort and convenience of the public is fully considered, this Article of the Town of Patterson Zoning Code entitled "Approval of Site Plans" is hereby enacted pursuant to the provisions of § 274-a of the Town Law of the State of New York.

B. The Planning Board shall also have the power to pass finally upon any site plan submitted in connection with any proposed development upon which it is empowered to take final action under any provision of this chapter, subject to the limitations therein contained. The Planning Board is hereby authorized, among other things, to review and approve, modify and approve or disapprove any such site plan as to the size, location, character, architectural features and suitability of all buildings and facilities relating thereto, including the safety, adequacy and convenience of public and private ways, walks, streets and highways, required off-street parking and loading areas, access drives and turning areas related thereto, yards, landscaping, shrubbery screens, signs and required open spaces in relation to each other and to pedestrian and vehicular traffic and to the proposed use and the use and enjoyment of adjacent properties. In addition, the Planning Board shall consider the factors of drainage, road alignment, availability of sewer and water facilities and other engineering aspects of such site plan, and may require the review of such factors by engineering

authorities, technical personnel or commissions which may be concerned with any proposed site plan.

C. In passing upon the location, character and suitability of buildings and the facilities relating thereto, the Planning Board shall consider the design and proposed construction of all buildings and related developments to the extent that such design and construction shall either conform to or not detract from the architecture of the surrounding neighborhood. Exposed metal-sided buildings shall not be permitted.

D. Site plan recreation fees. Upon final approval of a site plan which shows dwelling units, the Planning Board, as a condition of approval, shall require either the setting aside of parkland or the payment by the applicant to the town of a sum to be determined from time to time by resolution of the Town Board, which sum shall constitute a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreational purposes, including the acquisition or improvement of land. The Planning Board may, where appropriate, require the provision of parkland and the payment of a sum to the town. **[Amended 11-9-05 by L.L. No. 12 of 2005]:**

E. No commercial property shall, and the Planning Board shall not approve, nor shall any agent of the Town approve the use of a property, or a change in the use of property, or a change in a business to a similar type of business which includes one or more processes which are offensive, obnoxious or detrimental to the neighborhood by reason of vibration, dust, smoke, fumes, noise, odor or obnoxious wastes. **[Added 7-22-15 by L.L. No. 2-2015]**

#### **§ 154-76. Uses for which approval required. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. Site plan approval by the Planning Board is required for the use of land or the issuance of building permits pertaining to such use, for any non-residential use of the land including any permitted use in the I, C-1, CR or GB zoning district, any use permitted by special use permit unless otherwise excepted, any non-residential use for which a use variance has been issued, signs in any district, or for any nonconforming use changed in accordance with Article XII of this chapter, except a one- or two-family residence on a lawfully existing lot created prior to the adoption of this Chapter. **[Amended 8-11-2021 by L.L. No. 2-2021]**

B. Site plan approval by the Planning Board shall also be required for any structures, driveways, drainage improvements, or other improvements made to any lot created pursuant to a subdivision of land approved subsequent to the adoption of this Chapter, including one- or two-family residence, subject to the following requirements and limitations. Approval of a site plan showing one or more lots shall not be considered approval of a subdivision of land as defined pursuant to Chapter 138 of the Patterson Town Code.

(1) Site plan approval shall not be required for any individual accessory building with a building coverage of less than 400 square feet, nor any fence which conforms to the dimensional requirements of this Chapter, either of which are located on a residential lot for which site plan approval must otherwise be obtained.

(2) Approval of architecture shall not be required for any single family residence for which site plan approval is required pursuant to this section, nor its accessory buildings and structures, excepting that any such accessory buildings or structures shall conform in general appearance to the principal structure on the lot.

(3) The location or size of any improvements on a lot used as a single family residence for which a site plan has been approved by the Planning Board shall not be changed as to size or location except that upon review and approval by the Town Planner a change may be authorized, in writing, provided that:

- (a) Does not significantly increase the volume of stormwater runoff or affect the drainage improvements on the site
- (b) Does not create any substantial adverse environmental impact, or is contrary to any provision of this Chapter.
- (c) Is not in conflict with any condition placed on the site plan or contained in any resolution approving the site plan.
- (4) An appeal of any decision of the Town Planner regarding a change of the size or location of an improvement shown on a site plan approved pursuant to Subsection B(3) by any party aggrieved by this subsection shall be to the Planning Board.
- (5) No public hearing shall be required for a residential site plan prepared pursuant to Subsection B above, for which a subdivision plat has been reviewed and approved pursuant to the requirements of Chapter 138 of the Patterson Town Code.

**§ 154-77. Conditions for which approval required.**

- A. No building permit shall be issued until site plan approval, as required pursuant to this Chapter shall have been obtained from the Planning Board.
- B. The owner of any building or site is required to notify the Code Enforcement Officer and the Planning Department of any proposed change of use in said building, or any change in the site plan or improvement shown thereon, or any change in the type of business, or any substantial change in the hours of operation, or any change in the potential for emissions, odors or noise from the proposed business. For any change heretofore listed, the Planning Department shall issue notice, in writing, that the change conforms with the requirements of the Patterson Code, that there are no potential impacts of concern, that no changes to the site improvements are required, or that the change will require a change to the site plan or the improvements shown thereon, which, if so determined, shall subject such change to the review and approval by the Planning Board of an amended site plan. **[Amended 7-22-15 by L.L. No. 2-2015]**
- C. No certificate of occupancy for any structure or use upon or within the site shall be issued until all of the required conditions of the site plan approval have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with the approved site plan and conditions attached thereto.
- D. Any revision of a site plan, or any improvement shown thereon, shall be subject to the same approval procedure as provided herein.

**§ 154-78. Application for approval.**

- A. Application for site plan approval must be in writing on forms provided by the town, subscribed to and verified by the owner of the property or by the agent of the owner duly authorized by an instrument in writing, executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property. The number of copies required for submission shall be determined by the Planning Board.
- B. Application for such approval must be filed with the Planning Department, together with the appropriate review fee as provided in Chapter 87, by the owner of record or by his agent or other authorized person acting on his behalf. The date by which an application, a site plan and other supporting materials must be submitted in order for such application to be considered at such regularly scheduled Planning Board meeting shall be established by the Planning Board. **[Amended**



**§ 154-79. Required information.**

The site plan application must be accompanied by a detailed development plan prepared by a licensed architect or professional engineer, under his professional seal, which plan shall contain the information specified below in addition to the information and data required by the Land Subdivision Regulations, Town of Patterson, Articles IV and V, Planning Criteria and Specifications for Plans and Plats.

- A. Map of the applicant's entire parcel on which the use or building is to be located.
- B. A location map at a scale of not less than 1" = 1000', showing all properties, subdivisions, streets and easements within one thousand (1000) feet of the applicant's parcel, Tax Map and zoning district designations, and identifying all of the property held by the applicant.
- C. Topographic map of property at two-foot intervals, referenced to the nearest United States Government approved local bench mark, and at a minimum scale of one (1) inch equals fifty (50) feet.
- D. Location, proposed use and height of all buildings; location and dimensions of all parking and truck loading areas with access and egress drives thereto; location and dimensions of outdoor storage, if any; location and dimensions of all existing or proposed site improvements, including drains, culverts, curbs, retaining walls and fences; description of method of water supply and of sewage disposal and the location of such facilities; proposed finished grades and contours, location and proposed planting and development of buffer areas; location and design of the lighting facilities; location of utility services which the Planning Board shall require to be installed underground; and the amount of building area proposed for retail sales uses, if any, and building areas provided for other types of uses. **[Amended 11-15-06 by L.L. 10 of 2006]**
- E. All site plans shall comply with the provisions of Chapter 133, and shall prepare an Erosion and Sediment Control Plan or a Stormwater Pollution Prevention Plan as required therein, and all erosion and sediment control practices shown thereon, or as may otherwise be required to be installed on a development site shall be designed in accordance with Patterson's Erosion and Sediment Control Law and the "New York Standards and Specifications for Erosion and Sediment Control". Calculations to support the design of erosion and sediment control practices shall be based upon the USDA Soil Conservation Service's methodology utilizing the SCS soil maps and soil classifications.
- F. Architect's renderings of all building proposed for the site.
- G. Location of all proposed and existing easements.
- H. Location, height and size of all signs.
- I. Any relevant deed restrictions or covenants shall be noted.
- J. Letters or permits from other agencies having jurisdiction as to their comments on the site development plan.
- K. Any other pertinent information as may be necessary to determine and provide for the proper enforcement of this chapter.

**§ 154-80. Notations.**

A. Each site plan shall contain an endorsement block for the Planning Board stating:

“Approved by resolution of the Planning Board of the Town of Patterson, New York, on the .....day of.....20..... Any change, erasure, modification or revision of the plan, as approved, shall void this approval. Signed this .....day of..... 20....., by

.....  
Chairman

.....  
Secretary

B. Each site plan shall contain the endorsement of the property owner and the applicant stating: “The undersigned owner of the property hereon states that he is familiar with these drawings, their contents and their legends and hereby consents to all their said terms and conditions as stated hereon.” **[Amended 11-15-06 by L.L. 10 of 2006]**

C. Each site plan shall contain the signature and seal of the design professional who prepared the plan.

#### **§ 154-81. Architectural Standards.**

The following architectural standards shall be used to determine appropriate architectural standards for new non-residential buildings.

A. Buildings should be constructed using styles that are traditionally used within the Town and in rural settings. These architectural styles include Colonial, Colonial -Revival, New England Colonial, Victorian and Georgian. Buildings should be designed in an attractive and interesting manner to define the image of the community.

B. The front building facade and primary entrance shall be oriented towards the street.

C. Facade and roof colors shall have subtle, neutral, or earth tone colors. Muted colors are encouraged. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

D. The following materials shall not be used as exterior building materials and shall be prohibited on all exterior walls:

(1) concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating

(2) Metal sheets or panels except that: **[Added 1-11-23 by L.L. No. 1-2023]:**

(a) The Planning Board may permit metal-sided buildings provided that:

[1] Any metal sided building needs to be at least 150 feet away from a public right of way.

[2] The metal siding has a minimum thickness of 24-gauge.

[3] The metal siding has a minimum warranty for the finish of 30 years.

(b) Not included in this category is aluminum siding which resembles clapboard siding.

(c) The provisions found in Section 154-81.D(2) do not apply to properties located along Commerce Drive.

(3) Mirrored glass with a reflectance greater than 40 percent shall not cover more than 20% or the exterior walls of any building.

E. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet must incorporate multidimensional design features to break up large wall surfaces into areas of 600 square feet or less.

F. Individual “corporate image” architectural design elements and colors shall be incorporated only as secondary elements to the development and not as the dominant element. Such elements should be consistent and blend with the larger development area.

G. Foundation plantings and trees should be incorporated around the building exterior to soften the building appearance and to create a place of relief from the summer sun.

H. Service and mechanical areas shall be designed as an architectural feature of the building and entirely screened from view.

I. All lighting fixtures will comply with the standards and requirements of §154-22.1, “Lighting Standards”, contained herein..[Amended 11-9-05 by L.L. No. 12 of 2005]:

J. No mechanical equipment may be located on a roof in such a manner as it may be visible.

#### **§ 154-82. Public hearing.**

A. A public hearing on a site plan application shall be scheduled and conducted by the Planning Board within sixty-two (62) days after receipt of a properly completed application. Notice of the public hearing shall be provided to a newspaper of general circulation in the town such that it may be advertised in the newspaper at least five days prior to the date of the hearing.

B. Official submission. In order to determine the date of submission from which a public hearing is required to be held, an application, complete in every respect and accompanied by the required plans and fees, shall be considered officially submitted to and received by the Planning Board on the date of its regularly scheduled monthly meeting following no less than fourteen (14) days the date on which the same was submitted to the Secretary or Clerk of the Planning Board.

C. At least ten days prior to the day of any public hearing, the Planning Board shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a site plan is being considered. [Added 11-15-06 by L.L. 10 of 2006]

#### **§ 154-83. Notice to property owners.**

A. The Applicant shall mail notice of the public hearing to all property owners whose property is within five hundred (500) feet of the site of the proposed project or within five hundred (500) feet of any property contiguous to said site that is owned partially or wholly by the Applicant or property owner, members of the Applicant's and Property Owner's family(ies) or firms in which the Applicant or Property Owner owns a financial interest.

(1) Such notice shall be mailed, certified return receipt requested, not less than fifteen (15) calendar days prior to the date of the public hearing scheduled by the Planning Board. Prior to the public hearing the subdivider shall provide to the Planning Board a copy of the required notice and an affidavit listing all of the property owners to whom such notice was

mailed and copies of all mailing receipts.

(2) Such notice shall be in a form approved by the Planning Board, including no less than:

(a) The name of the Applicant.

(b) The location of the site of the proposed site plan.

(c) A brief description of the proposed use of the property including, as a minimum, the total acreage involved, the total area of disturbance, the location of proposed entrances and the proposed methods of providing water supply and sewage disposal.

(d) The date, time, and place of the public hearing.

#### **§ 154-84. Performance bond required.**

A. Supersession of statutory provisions. This section shall, pursuant to the supersession authority granted by the Municipal Home Rule Law, supersede, in its application to the Town of Patterson, the provisions of §§ 274-a, 276 and 277 of the Town Law of the State of New York relating to the limitation upon the authority of a town to require the posting of a performance bond or other form of security in connection with the approval of a land subdivision plat, to extend such authority to Planning Board approvals of commercial and residential site plans in accordance with the provisions of § 274-a of the Town Law.

B. Legislative intent. In order to ensure that once a project has been started it shall not be abandoned, partially completed or left in a state which will cause erosion of the soil, improper drainage or any other condition which will result in the deterioration or devaluation of the surrounding land or neighborhood, and in order to ensure that while under construction, the workmanship and materials used shall promote the long life of the project and the health, safety and welfare of the future users of the subject premises and surrounding areas, the Town Board of the Town of Patterson has determined it to be a proper exercise of authority conferred upon it by the laws of the State of New York to require the posting of adequate security for the performance of necessary site improvements contemplated in connection with a residential or commercial site development.

C. Procedure.

(1) Prior to the grant of final site plan approval for a particular project, the Planning Board, in considering the recommendation of the engineering authorities available to it, shall establish the amount of performance security to cover the full cost of the required site improvements as shown on such final site plan as enumerated in Subsection D hereof. The Planning Board shall make a referral of the matter regarding the establishment of the amount of performance security of a particular project to the Town Board, which referral shall include its recommendation as to the amount of such performance security. The performance security shall become effective only if and when the Town Board shall have approved it as to form, sufficiency of surety and manner of execution.

(2) The performance security shall be in the amount approved by the Town Board in the form of a performance bond issued by a surety company licensed in the State of New York; a letter of credit issued by a federally or state-chartered financial institution; or a savings passbook, money market account or certificate of deposit naming the Town of Patterson as joint tenant.

(3) Such performance security, if in the form of a performance bond or letter of credit,

shall run for a term to be fixed by the Planning Board, but in no event for a term longer than three (3) years; provided, however, that the term of such security may be extended by the Planning Board with the consent of the parties thereto. In the event that such security is in the form of a letter of credit, such a letter of credit shall contain a provision requiring automatic renewal thereof unless, not less than thirty (30) days prior to its expiration, the Town of Patterson is given written notice of the issuing institution's intention not to renew such letter of credit.

(4) The performance security in the full amount established by the Town Board shall be posted with the Town Clerk upon grant of final site plan approval. No building permits shall be issued for and no site preparation work shall be commenced on the subject premises unless and until the necessary performance security has been posted.

(5) A duly designated official of the town shall inspect the improvements during construction to assure their satisfactory completion.

(6) During the course of construction, the performance security may be reduced, in the sole discretion of the Town Board upon the recommendation of the Planning Board, to an amount certified by the Town Engineer or the Town's consulting engineer to be the probable cost of completion of the remainder of the required site improvements, but in no event shall such amount be reduced to less than fifty percent (50%) of the original amount of the performance security.

(7) The performance security shall be released or reduced only by the Town Board and only upon recommendation of the Planning Board after certification by the Town Engineer or the Town's consulting engineer that all or part of the required site improvements have been completed in conformance with the approved final site plan and all applicable regulation.

D. Site improvements subject to bonding. The following items are considered essential to the principles stated above and shall be included in the amount of the performance security to be set:

(1) Site grading, including replacement of topsoil and seeding, and including structural features and other measures deemed necessary by the Planning Board to provide long-term stabilization of the site [**Amended 2-25-09 by L.L. No. 4 of 2009**].

E. Phased projects. In the event that a particular site plan is to be constructed in sections or phases, the Planning Board, in its sole discretion, taking into consideration the importance of the entirety of the site improvements on the section or phase to be constructed, may recommend to the Town Board that the performance security be posted for only so much of the project as is going to be constructed in a particular phase or section; provided, however, that no building permits shall be issued for and site work shall be conducted on any future phase or section unless and until the required performance security is established for such future phase or section and properly posted in accordance with the provisions of this section.

F. Default. In the event that any required site improvements have not been installed as provided in this section within the term of the performance security, the Town Board may thereupon declare said performance security to be in default and collect the sum remaining payable thereunder, and, upon receipt of the proceeds thereof, the town shall install such improvements as are covered by such security and are commensurate with the extent of building development that has taken place on the site. In the event that no building has taken place but site preparation has taken place, the proceeds of the security shall be used, to the extent practicable, to restore the site to its original state and avoid erosion and adverse drainage conditions.

**§ 154-85. Fees for site plan review [Amended 2-25-09 by L.L. No. 4 of 2009].**

A. Fees for submission of an application requesting site plan approval, as required by Chapter 87 of the Town Code of the Town of Patterson, shall be established by resolution of the Town Board, and shall be set forth in the Schedule of Fees:

B. The project applicant or developer shall deposit with the Town, pursuant to §87-4, a fee for inspection of site improvements in the amount of five percent (5%) of the total estimated cost of all site improvements listed below.

(1) Site grading, including replacement of topsoil and seeding, and including necessary structural features such as retaining walls and ground cover.

(2) Drainage, including waterways, conduits and all necessary appurtenances and structures.

(3) Water and sewer systems, including all wells, conduits, structures and appurtenances as may be required by those government agencies having final jurisdiction for approval of those system.

(4) Foundation course, pavement, curbs and sidewalks for all roads, drives, parking areas and walkways.

(5) Lighting, including all necessary wiring, structures and appurtenances.

(6) Landscaping, including all shrubs, trees and screening as may be required to ensure that the final site condition meets with the site plan approved by the Planning Board.

#### **§ 154-86. Waiver of site plan approval.**

A. Site plan approval as required in § 154-76 may be waived in whole or in part when the site plan is for a conforming or nonconforming use or occupancy that will not enlarge an existing building or if there is a proposed enlargement of an existing building for less than ten percent (10%) of the minimum floor area for dwelling units or minimum floor area for other uses and where said conforming or nonconforming use or occupancy would also conform to all other requirements of this chapter.

B. For said waiver, the applicant shall submit to the Planning Board a written request setting forth the following:

(1) A detailed statement of the applicant's proposed use of the building or property, including detailed information on the conformity and adequacy of the on-site parking and loading facilities, signs and all other applicable information required by this chapter and other town ordinances for the proposed use in the zone in which said use is located.

(2) The applicant's reasons for requesting a waiver of all or part of the site development plan requirements of this chapter.

C. In considering a request for waiver of site development plan approval, the Planning Board shall consider the standards and other requirements for said site development plan approval as contained in this Article. The Planning Board shall make findings that the approval of the waiver does not impair the intent and purposes of the site development plan requirements of this chapter.

D. The Planning Board's findings and written approval or disapproval with or without conditions shall be forwarded to the applicant and the Code Enforcement Officer or other town agency or department, where appropriate.

#### **§ 154-87. Expiration of approval.**

The approval of any site plan by the Planning Board, excepting a residential site plan approved pursuant to Section 154-76(B), shall be deemed null and void one (1) year from the date thereof unless a building permit in compliance therewith shall have been obtained and construction thereunder shall have progressed such that structural improvements as shown on the approved plan have been installed on the site. Expiration of the building permit shall constitute an expiration of the approved site plan. In the event that no building permit is required for a site plan, approval of the site plan shall be deemed null and void one (1) year for the date of the approval unless the improvements shown thereon have been substantially completed. The expiration of such approval of a site plan shall not prevent the submission of a subsequent application and site plan, which shall be considered without reference to the prior approval.

#### **§ 154-88. Damage to Conforming Building**

Any building or structure, which conforms to the requirements of this Chapter and has also received site plan approval, and which has been destroyed or damaged from any cause to the extent, as determined by the Code Enforcement Officer, of over fifty percent (50%) of the volume of its structure above the foundation shall apply for a permit from the Code Enforcement Officer to rebuild or restore the damaged portion of any building damaged or destroyed within six (6) months of the day of such damage and shall be accompanied by plans for reconstruction which, as to such portion, shall comply with the provisions of this chapter in all respects.

### **ARTICLE XVI Special Use Permits**

#### **§ 154-89. Authority regarding special use permits.**

A special use permit may be granted by the Board of Appeals for any one (1) or more of the uses provided for in Articles XVII through XIX, subject to the provisions of Articles XVI and any other applicable provisions of this Chapter.

#### **§ 154-90. Application for permit.**

A. An application for a special use permit shall be in writing on a prescribed form subscribed to and verified by the owner of the property for which the permit is sought or by the agent of the owner thereunto duly authorized by an instrument in writing, duly executed and acknowledged, as in the case of a deed, by the owner of the aforesaid property.

B. In the event the special use is to be conducted by a lessee, the said lessee shall join in the application and subscribe and verify the application in person or by the lessee's duly authorized agent, in the same manner as the owner.

C. In the event such application is made by an agent on behalf of the owner or of the owner and lessee, there shall be attached to the application an authorization duly executed and acknowledged, as in the case of a deed, by the owner or by the owner and the lessee, as the case may be. **[Amended 11-15-06 by L.L. 10 of 2006]**

D. In the event that a lessee shall be interested in the application, a photostatic copy of the lease

shall accompany the application.

E. In the event the application is made by or in behalf of a corporation, the application shall include the names and addresses of all officers and directors of said corporation, and certify that the corporation is organized and existing under the laws of the State of New York or is a Corporation authorized to conduct business in the State of New York.

F. The number of copies of the application and any materials in support thereof, which shall constitute a complete submission to be placed on an agenda of the Zoning Board of Appeals, shall be determined by the Zoning Board of Appeals. **[Amended 5-24-2017 by L.L. 1 of 2017]**

G. Unless waived in whole or in part by the Zoning Board of Appeals, which reasons shall be placed in the record of the meeting, the application shall be accompanied by a land use and development plan at a scale of not less than one (1) inch equals one hundred (100) feet, and such plan shall indicate the following:

(1) The property boundaries, including metes and bounds, its area, zoning districts and owners of all properties located within five hundred (500) feet of the boundaries.

(2) Terrain conditions on the property, including existing and proposed topographic data showing contour at two foot increments. A blowup of the United States Coast and Geodetic Survey maps is not deemed appropriate to allow proper study by the Board of Appeals or the Planning Board. Where it is deemed essential for proper determination of topography qualities, the applicant shall supply more accurate topography as required.

(3) Soil types and hydrologic soil cover complexes as may be obtained from the United States Soil Conservation Service, as well as existing watercourses and their classifications, watershed area, wetlands, wooded areas, major rock outcroppings and other significant features, including proposed method of water supply and sewage disposal, shall be shown on one (1) or more separate maps of the same scale as the land use and development plan.

(4) The proposed sizes and arrangement of buildings and use or uses, developed and undeveloped areas, including roads and traffic patterns, general parking areas and proposed method of off-site drainage disposal.

H. The application shall be accompanied by a written report prepared by a professional engineer, architect or landscape architect duly licensed in the State of New York. The report shall consist of the following:

(1) A statement describing the nature of the proposal and how it will serve to implement the intent and purpose of this chapter.

(2) A statement describing each of the features of Subsection G above, and concluding with a statement regarding the effect of the proposed development on the surrounding neighborhood.

I. The application shall include such other additional information as may be deemed necessary by the Board of Appeals to properly study and evaluate the application.

J. The application shall be accompanied by a certified list of the name and address of each owner of property located within five hundred (500) feet of the boundaries of the project.

K. The application shall be accompanied by a fee as set from time to time by resolution of the Town Board. **[Amended 11-9-05 by L.L. No. 12 of 2005]:**



**§ 154-91. Review by other agencies.**

A. Each application for a special use permit, except for accessory apartments or accessory buildings, shall be referred to the Planning Board for a report thereon prior to a public hearing being held on the Application. **[Amended 11-15-06 by L.L. 10 of 2006]**

B. Where an application has been received for a parcel that lies within five hundred (500) feet from a municipal boundary, or from any existing or proposed county or state park or recreation area, or from any existing or proposed county or state road or right of way, or from any county or state lands on which there is situated a public building, pursuant to General Municipal Law the application shall be referred to the Putnam County Division of Planning and Development, who shall report its recommendations within thirty (30) days.

C. At least ten days prior to the day of any public hearing, the Zoning Board of Appeals shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a special use permit is being considered. **[Added 11-15-06 by L.L. 10 of 2006]**

**§ 154-92. Publication of notice of hearing.**

Within sixty-two days (62) of the receipt of a complete application, the Board of Appeals shall hold a public hearing on the application. The Board of Appeals shall give notice thereof by publication in the official paper of notice of such public hearing at least ten (10) days prior to the date thereof; and the Board shall, at least ten (10) days before such hearing, send to all such owners of record of land within five hundred (500) feet of the boundary of the property, as set forth in the application, a written notice of the application applied for.

**§ 154-93. Standards and guidelines for determination. [Amended 5-24-2017 by L.L. 1 of 2017]**

A. In addition to the standards and guidelines in Articles XVII through XIX, the Board of Appeals shall determine each application upon the merits only after public hearing and in conformity with the following standards and guides:

(1) The use shall be of such location, size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town and, in particular, the district specified in the appropriate sections of Articles V through IX of this chapter.

(2) The Board of Appeals' deliberation and determination shall be made in accordance with the comprehensive plan and requirements set forth in this chapter including the need to lessen congestion in the streets; to secure freedom from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions of transportation, water, sewerage, schools and other public requirements, as one or more of such standards may apply to the particular use.

(3) The deliberation and determination of the Board of Appeals shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for the particular uses, and with a view to conserving the values of buildings and property generally and to encouraging the most appropriate use of land throughout the municipality.

(4) The deliberation and determination of the Board of Appeals shall be made with reasonable consideration to the effect the proposed activity will have on the environment,

and to the continued maintenance that may be required.

(5) The location, nature, extent and height of any building, structure, wall or fence and the nature and extent of any landscaping shall be such as will not hinder or discourage the appropriate development and use of property in the general neighborhood.

(6) The issuance of any permit hereunder for any public utility use in any residence district shall be subject to the finding that the establishment of the particular use in the subject location is necessary and convenient for the efficient operation of the particular utility system of which said use is a part or for the provision of service by the utility to the neighborhood in which the particular use is located.

(7) The Board of Appeals shall also consider, upon an application for a special use permit, such standards as are established in this Article or any other provision of this chapter.

(8) Nothing in this section provided shall be deemed to authorize the Board of Appeals to grant a special permit except in strict conformity with Articles XVI through XXI of this Chapter, and no change in any use provisions of this chapter shall be permitted except as expressly provided in said Articles.

B. In granting the application, in whole or in part, the Board of Appeals may attach thereto such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit as the Board in its discretion may deem necessary to promote the health, safety and general welfare of the Town of Patterson.

C. Reserved.

D. The determination of the Board of Appeals shall be in writing, and shall be filed with the Town Clerk within five (5) days. A certified copy of the decision shall be mailed to each applicant, the Planning Board and the Code Enforcement Officer within three (3) days of such filing.

#### **§ 154-94. Certificate of occupancy for special permit uses.**

Upon completion of the site improvements authorized by the special use permit and shown on a site plan as approved by the Planning Board, and upon certification of completion by the Town Engineer to the Planning Board and acknowledgment by the Planning Board of same, the applicant may apply to the Code Enforcement Officer for a certificate of occupancy without further application to the Board of Appeals; and the Code Enforcement Officer shall, after personally inspecting the premises involved, issue a certificate of occupancy, provided the conditions attached to the granting of the permit have been duly and fully complied with. In the event of the failure or refusal of the Code Enforcement Officer to issue a certificate of occupancy, the applicant may appeal to the Board of Appeals within thirty (30) days thereof.

### **ARTICLE XVII Special Permits for Any District**

#### **154-95. Not-for-Profit Membership Club. [Added 10-27-2010 by L.L. No. 5-2010]**

Subject to the provisions, conditions and requirements of Article XVI of this Chapter, and as further conditioned below, a special use permit may be granted by the Board of Appeals in any district for the establishment of a Not-for-Profit Membership Club as defined in Section 154-4 of this Chapter provided:

A. The minimum lot area for the use shall be five acres except that a minimum lot area of ten acres shall be required when essential functions of club activities or uses are to be conducted outdoors.

B. Buildings and parking areas associated with the use shall be set back 100 feet from the front lot line, 200 feet from the side and rear lot lines, and 300 feet from any existing neighboring residence. Any such building or parking area shall be effectively visually screened from all neighboring properties and public rights-of-way.

C. Buildings or facilities used for active recreational uses shall be set back a minimum of 250 feet from all property lines.

D. Frontage and access to the lot shall be from a State or County highway or from a through Town roadway that is not a residential subdivision street.

E. The minimum square footage of the principal building deemed to be the clubhouse shall be 2,000 square feet. The maximum building coverage of that principal building shall be 15,000 square feet.

F. The maximum building coverage for all buildings and structures shall be two (2%) percent of the lot area.

G. No accessory building shall be larger in building coverage than 75% of the principal building.

H. The use of outdoor public address systems or amplifiers are prohibited unless permission is granted by the Town Board for a specific event.

I. One dwelling unit may be located in the clubhouse for the use of the club manager or caretaker and his immediate family. No other sleeping accommodations shall be permitted.

J. Any permitted use of a clubhouse or club site which involves the discharge or use of firearms, bow and arrow or any other dangerous weapons shall be conducted in strict compliance with applicable State and local laws. The Board of Appeals may establish such additional setbacks and require the installation of such facilities that, in its judgment, are necessary to protect the safety, peace, health and well being of the public.

K. Except as otherwise further modified by the Board of Appeals in its consideration of a specific application for a special use permit, the hours of operation, for any outdoor active recreational use of the property or facilities authorized under this section shall be limited to 8:00 a.m. to 9:00 p.m. daily.

L. No not-for-profit membership club shall be operated so as to create a nuisance to surrounding properties and no special permit shall be issued under this section for a use of property that would be deleterious to the public health, safety and welfare or to the peace, and quiet enjoyment of any adjacent residential property. The Board of Appeals shall attach such conditions to the special use permit as may be required to protect neighbors from excessive light or noise or stray balls or other nuisances and hazards which might be inherent in the operation of the club.

M. Except as otherwise set forth in this section, all the requirements of the Schedule of Use Regulations shall apply and compliance with the lighting, signage, off-street parking and other general standards of this Chapter, and any other applicable provisions of the Town Code, shall be required.

N. Accessory uses which may be permitted for a not-for-profit membership club are those activities which are clearly subordinate and incidental to the principal use provided that the Board of Appeals determines that such uses will not:

- (1) Generate a substantial increase in noise at any property line of the parcel.
- (2) Create adverse visual impacts to the surrounding viewshed.
- (3) Cause or otherwise create a potential to cause an adverse impact to air, groundwater or surface water quality or resources.
- (4) Impair the safety or quiet enjoyment of adjacent properties.

O. Outdoor rifle ranges, pistol ranges and target ranges, skeet and trap shooting, any form of aviation, animal rescue, the launching of fireworks, any form of motorized vehicle sport or testing, or adult entertainment use shall not be permitted as principal or accessory uses. Passive activities or uses of the land where there is no change to the topography or vegetative cover, such as hunting, hiking or fishing, are permitted accessory uses subject to compliance with the conditions of this section. Children's outdoor areas, if permitted by the Board of Appeals as an accessory use, shall not exceed 12,000 square feet in area.

P. Where specific uses to be established by a Not-for-Profit Membership Club are regulated or restricted elsewhere in this Chapter, those provisions shall apply in addition to the provisions of this section, and in case of any conflict, where a special permit is sought under this section the more restrictive provisions shall apply.

Q. The architectural design of the building exteriors shall be similar to and compatible with the surrounding neighborhood and shall otherwise comply with the provisions of §154-81 of this chapter.

R. At all reasonable times, the Code Enforcement Officer may visit and inspect the club property, the membership list, register of guests and all of the relevant books, records, and accounts of the club for the purpose of determining whether the club is being operated in compliance with this Chapter as a bona fide non-profit organization for the purposes stated in its certificate of incorporation, and in accordance with the special use permit approved by the Board of Appeals.

#### **§ 154-96. Churches, parish houses and convents.**

A. Activities associated with a Place of Public Worship can result in adversely affecting the health, safety and general welfare of the community from impacts including, but not limited to significantly increasing traffic congestion, reducing water quality, compromising a neighborhood's character, increased noise, increased municipal services and taxes, loss of privacy, noxious fumes and increased light pollution. Further, it is found that it is in the best interest of the community to minimize or avoid these impacts. There also exists a presumption that a place used for public worship is beneficial to the community and every attempt should be made to accommodate such uses except where it is demonstrated that such use, or improvements incidental thereto adversely affects the health, safety or general welfare of the community in a manner that can not be mitigated by the imposition of conditions. It is the findings of the Town Board of the Town of Patterson that the procedures and requirements contained herein are the minimum necessary to protect the health, safety and general welfare of the community.

B. A special use permit may be granted, after public hearing by the Board of Appeals, in any district for a place of public worship provided that: **[Amended 5-24-2017 by L.L. 1 of 2017]**

- (1) The lot area size and setbacks conform to all the requirements of the district in which it is located, except that in the Residential District RPL-10, the minimum lot area shall be twenty thousand (20,000) square feet.
- (2) The lot frontage shall conform to the requirement of the district in which it is located,

but it shall be no less than one hundred (100) feet.

(3) Said frontage and access for the lot shall be on a state or county road, which road shall have sufficient design capacity to accept the additional traffic and/or shall not cause, or further deteriorate an unsafe traffic condition.

(4) The maximum of the lot which may be covered by impervious surface shall be sixty-five percent (65%).

(5) Adequate parking, based on the standards enumerated in § 154-73. Any parking areas and access drives shall be suitably screened from any adjacent residential areas with a vegetative buffer of no less than fifty (50) feet.

(6) The architecture design of the building exterior shall be similar to, and compliment the surrounding residential neighborhood.

(7) Adequate water and sewage disposal can be provided on the parcel to accommodate the proposed activities.

(8) For any special use permit issued, site plan approval, pursuant to §154-75 shall also be required.

(9) The proposed activity for which a special use permit has been issued pursuant to this Section shall not cause or result in a reduction in the total assessed value of the Town by more than five (5) percent.

C. Where only a portion of a lot or building will be used as a place of public worship, only that portion of the lot or building shall be considered a place of public worship and subject to the requirements of the Section.

D. The Zoning Board of Appeals is hereby authorized to require such conditions as may be necessary to permit the use of the site for religious use while minimizing any adverse impact that may be created.

E. A church for public worship, parish house or convent as defined herein shall not include the printing or manufacturing of religious paraphernalia. The manufacturing of religious paraphernalia shall not be permitted by a special use permit authorizing the use of land for a place of worship, except as where such use would otherwise be permitted by this Chapter.

## ARTICLE XVIII Special Permits for Residence Districts

### **§ 154-97. Nursery schools, day-care centers.**

A. Nursery schools and day-care centers. On a lot of not less than five (5) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a nursery school, or day-care center, provided that:

(1) Any building is located at least one hundred (100) feet from any property line.

(2) The lot frontage shall conform to the requirement of the district in which it is located, but it shall be no less than one hundred (100) feet.

(3) The size of buildings in aggregate shall not exceed five thousand (5,000) square feet

of lot area.

(4) The play space shall be located in rear yards but no nearer than one hundred (100) feet to any lot line and no nearer than one hundred (100) feet to any adjacent residential structure. The outdoor play area shall be suitably fenced or planted and screened to protect the school children and to avoid any nuisance to adjoining properties.

(5) The architecture design of the building exterior shall be in similar to and compliment the surrounding residential neighborhood.

#### **§ 154-98. Senior citizen facilities.**

On a lot of not less than fifty (50) acres, a special use permit may be granted, after public hearing by the Zoning Board of Appeals, in any residence district for a senior citizen facility, provided that:

A. Any building is located at least two hundred (200) feet from any property line.

B. The lot frontage shall be no less than two hundred fifty (250) feet.

C. Maximum lot coverage of the structures shall not exceed eight percent (8%).

D. Where any building, structure, driveway or parking area is within four hundred (400) feet of a property line, a densely vegetated buffer no less than seventy-five (75) feet in width shall be provided.

E. The architecture design of the building exterior shall be in similar to and compliment the surrounding residential neighborhood.

F. For the purposes of this subsection, senior citizen facilities shall mean a facility licensed by the State of New York which provides:

(1) apartment-style housing that includes a package of services such as meals, housekeeping, transportation, social activities and some personal care assistance, or

(2) apartment-style living units with full time nursing care

#### **§ 154-99. Schools and colleges.**

On a lot of fifty (50) acres or more, a special use permit may be granted, after a public hearing by the Board of Appeals, in any residence district for a private or parochial school, preparatory school, junior college, seminary, college or university operated by a nonprofit organization with its service and administration buildings, dormitories, fraternity and sorority houses and customary indoor and outdoor recreation facilities and parking areas, except that a nonprofit primary school may be located on a lot of five (5) acres or more, all provided that:

A. No recreation facility structure or area shall be less than two hundred (200) feet to any property or street line.

B. No structure housing students or classrooms shall be nearer than one hundred (100) feet to any property or street line.

C. The lot frontage shall conform to the requirement of the district in which it is located, but it shall be no less than one hundred (100) feet.

- D. Said frontage and access for the lot shall be on a state or county road.
- E. Maximum building coverage shall be fifteen percent (15%).
- F. The Board of Appeals, upon recommendation from the Planning Board, shall determine the minimum number of parking spaces required.

**§ 154-100. Equestrian Centers.**

A. On a lot of not less than fifteen (15) acres, a special use permit may be granted, after a public hearing by the Board of Appeals, in any residence district for an equestrian center, which shall also be deemed to mean a livery or boarding stable, provided that:

- (1) The lot frontage conforms to the district in which it is located, but shall be no less than one hundred (100) feet.
- (2) Not more than one (1) horse per acre of usable farmland shall be quartered on said premises.
- (3) The maximum coverage of all buildings and structures shall be fifteen percent (15%).
- (4) No building or structure for animal use shall be within two hundred (200) feet of any road or property line.
- (5) No riding range or bridle path shall be allowed within one hundred (100) feet of a road or property line.
- (6) No storage of manure or other odor- or dust-producing substance shall be allowed within two hundred (200) feet of any road or property line nor within one hundred (100) feet of any stream or body of water.

B. In addition to the barns and other structures erected on the lot used for the storage and maintenance of horses, one principal residential dwelling unit and one accessory dwelling unit may also be erected on the lot provided that:

- (1) the principal residential dwelling unit must be owner-occupied, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses that may be quartered on the premises
- (2) The accessory dwelling unit shall be used for full-time farm help, shall meet all the dimensional requirements for the R-1 zoning district and shall have an area devoted to the residential dwelling unit of not less than one acre which area shall be in addition to and shall not be used to meet the area requirements of the equestrian center or the number of horses that may be quartered on the premises. In addition, the accessory dwelling shall be not less than one thousand (1,000) square feet of livable floor area, nor more than two thousand (2,000) square feet of livable floor area, however in no instance shall the accessory dwelling exceed in livable floor area the principal dwelling.

C. On any equestrian center up to two (2) single bedroom apartments may be located within the principal barn structure used to house horses or other large livestock provided that:

- (1) The maximum size of the apartment in total shall not exceed six hundred (600) square feet.

(2) The apartment(s) may only be occupied by persons employed by the farm on which the apartments are located and who are employed for more than thirty-five hours per week by the farm for the maintenance and operation of the farm.

(3) Any apartments created pursuant to this subsection shall also be required to obtain a special use permit and site plan approval which may be issued concurrently with a special use permit and site plan approval for an equestrian center or as a separate application.

#### **§ 154-101. Golf courses and country clubs.**

On a lot of not less than one hundred twenty-five (125) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a golf course, golf club or country club, provided that each golf club and country club shall qualify as an organization of persons as a business corporation or a membership corporation and shall be operated solely for recreational, social, educational, athletic and health purposes. Accessory uses to a golf club or country club shall include:

- A. Golf course.
- B. Tennis courts.
- C. Swimming pools.
- D. Maintenance buildings for the storage of equipment and supplies.
- E. Rain shelters, starter houses and refreshment stand on the golf course.
- F. Swimming pool cabanas.
- G. Pro-shop for sale of equipment and clothing.
- H. Restaurant.
- I. Clubhouse, locker room and sauna facilities.
- J. Other incidental and related uses as may be determined by the Board of Appeals.
- K. Parking facilities.

#### **§ 154-102. Bed & Breakfast. [Added 5-24-2017 by L.L. 1 of 2017]**

- A. The purpose of this chapter is to authorize and regulate the establishment and operation of bed-and-breakfast inns in the Town of Patterson and to ensure the preservation of the character, integrity and property values of surrounding areas within which such facilities are located and maintained.
- B. A special use permit may be granted by the Planning Board for the operation of bed-and-breakfast inn within the area designated as the Hamlet of Patterson.
- C. Site plan approval pursuant to Article XV shall also be required prior to the operation of a bed- and-breakfast inn. The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the Planning Board.



- D. An application for a special use permit for a bed and breakfast shall be made on the forms approved by the Town of Patterson and shall include the following information.
- 1) All information required pursuant to §154-79.
  - 2) Location, design and size of all existing and proposed signs and outdoor lighting facilities.
  - 3) A detailed floor plan of all buildings on the site.
- E. The owner of the property used as a bed-and-breakfast inn must reside in and continue to reside in the dwelling as his/her/their principal residence. The owner will provide a sworn statement certifying to such residency upon request of the Code Enforcement Officer. Should the owner of the property fail to reside on the property for a period of 90 days, the Special Use Permit shall be revoked, and considered null and void. The owner occupied portion of the principal building shall not be less than 30% of the livable floor area of the building, not including any common kitchen area.
- F. The parcel improved by the bed-and-breakfast inn shall provide not less than two off-street parking spaces for the members of the owner's family residing in the bed-and-breakfast inn, and one (1) off-street parking space per room or unit that may be available for rent.
- G. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area.
- H. The maximum number of bedrooms available for rent shall be six (6). The number of paying guests accommodated per night shall not exceed eighteen (18). Further, no guest shall stay for a period of time in excess of fourteen (14) consecutive days, or a maximum of 28 days in any one year period. Documentation verifying the length of stay of each guest, such as a registration ledger or receipts, will be made available to the Code Enforcement Officer or the Building Department upon request. Registration ledgers or receipts shall be maintained for a period of not less than three years.
- I. Each bedroom occupied by a paying guest shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each bedroom rented to paying guests exists.
- J. The bed-and-breakfast inn shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended. The Code Enforcement Officer shall be given such access to the dwelling as he deems necessary from time to time for the purpose of making inspections to ensure compliance with all federal, state and local codes, rules and regulations, including the New York State Uniform Fire Prevention and Building Code. Such inspections may be made with or without prior notice thereof.
- K. A single exterior freestanding or building mounted sign may be established on the site of the bed-and-breakfast inn. Said sign shall not exceed nine (9) square feet in area. No freestanding sign shall be located less than fifteen (15) feet from the front property line nor less than five (5) feet from the side property line. The sign shall be as unobtrusive as reasonably possible and may be illuminated by no more than two (2) seventy-five-watt light bulbs which shall be shielded so as to prevent glare, and shall contain no information other than identification of the premises as the named bed-and-breakfast inn.
- L. Minimum lot size on which a bed-and-breakfast may be permitted is two acres.
- M. Minimum house size in which a bed-and-breakfast may be permitted is two thousand five

hundred (2,500) square feet.

- N. Minimum size for any bedroom shall be not less than 144 square feet and shall have a minimum of one bathroom for each unit available for rent.
- O. Except for coffee makers, cooking facilities shall be restricted from use in guest bedrooms.
- P. Guest rooms may not be used as legal residences in order to enroll children into a school district.
- Q. No more than two employees shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's immediate family who are residents on the premises shall not be considered employees, whether or not paid.
- R. A common gathering area such as a parlor, dining or living room shall be maintained for guest use.
- S. The Planning Board shall have the right to impose and include much other and additional conditions as it may deem necessary to effectuate the purpose of this chapter.
- T. One additional bed & breakfast rental with not more than two bedrooms may be permitted in an accessory building on the property.
- U. Bed and breakfast inns shall be screened from any residential property so that activities conducted on the site are not easily visible from adjacent residential properties.
- V. Due to their proximity to adjacent residential properties and other sensitive receptors, one or more of the activities associated with the land use permitted under this section may be limited by the Planning Board in their time of operation, or restricted in other ways, in order to minimize or avoid the potential to cause a public or private nuisance. In making this determination imposing limits on one or more of the activities, the Planning Board will evaluate the potential effects caused by outdoor lighting, noise, traffic, air quality and odors associated with the proposed activities.

#### **§ 154-103. Trailer parks.**

On a lot of not less than twenty-five (25) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in any residence district for a trailer park, provided that:

- A. The lot possesses a minimum frontage of four hundred (400) feet.
- B. Said frontage and access for the lot shall be on a state or county road.
- C. No trailer shall be closer than one hundred (100) feet to any street or property line.
- D. The trailers shall be placed on individual sites which site includes sufficient area for the trailer and a twenty-five (25) foot yard surrounding the entire trailer.
- E. Each trailer park shall contain a park and recreation area or areas provided with recreation equipment and fenced with a chain link fence at least four (4) feet high. The park and recreation area shall contain a minimum of five hundred (500) square feet of land for each trailer or mobile home lot, the aggregate of which shall not be less than 1,500 square feet nor more than 10,000 square feet.
- F. The perimeter of the area utilized for the trailers shall be adequately buffered with plantings.

G. In addition to other area requirements, a minimum of two improved parking spaces shall be provided for each trailer site, which shall not be used to meet the requirements of Subsection (D) above.

H. The maximum number of trailers that shall be placed on a site shall not exceed one trailer for each 20,000 square feet of the total site area excluding any Town-regulated wetlands, watercourses or bodies of water, or any regulated control area thereto, or any areas where the topography exceeds a gradient of twenty-five percent (25%).

#### **§ 154-104. Hobby kennels.**

A. On a lot of not less than ten (10) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in the R-4 residence district for a hobby kennel, provided that:

- (1) Said frontage and access for the lot shall be on a state, county road or Town road.
- (2) No building, enclosure or run shall be closer than two hundred (200) feet to any road or property line.
- (3) The maximum building coverage of all buildings and structures including runs or pens shall be two percent (2%).
- (4) Any pens or enclosures used for the housing of animals shall be of a size suitable to allow for the animal to exercise.
- (5) The maximum number of animals that may be kept at the hobby kennel is six adult dogs over six months in age, and not more than ten puppies less than six months in age, provided that the puppies are parented by one or more of the six dogs over six months in age.
- (6) The property shall be owner occupied and the primary residence of the owner thereon. The hobby kennel shall be an accessory use to the principal residence of the site.

B. For the purposes of this Chapter, a hobby kennel is an accessory use to a principal residence use of a parcel, for the accommodation of not more than 6 adult dogs of more than six months in age, in a building, structure, compound, pen or cage, or on the property, and provided that the dogs are all owned by the owner of the property.

C. Each, and every adult dog kept on the property for which a special use permit has been issued under this Section shall be licensed in accordance with Agriculture and Markets Law. A copy of said license shall be maintained at the site and shall be immediately presented upon request to any Official charged with enforcement of this Section.

#### **§ 154-105. Accessory Apartments.**

A. A special use permit is required to create a single apartment within a single-family dwelling, subject to the following provisions:

- (1) Only one (1) apartment is allowed, and it shall be clearly subordinate to the one-family dwelling.
- (2) The number of bedrooms in the apartment shall not be more than one (1).
- (3) The floor area of the apartment shall be greater than four hundred (400) square feet and less than six hundred (600) square feet.

(4) The floor area devoted to the apartment shall not exceed 35% of the entire livable floor area of the single-family principal dwelling and area of the accessory apartment combined.

(5) The apartment and one-family dwelling must have safe and proper means of entrance. Entrance to the accessory apartment shall be from the side or rear of the structure.

(6) If the water supply is from a private source, the applicant shall certify that the water supply is potable and of adequate flow. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.

(7) The Putnam County Health Department has jurisdiction over additions to principal residences and additional bedrooms. Upon receipt of an application for an accessory apartment, the Building Inspector shall determine whether there is an increase in the bedroom count. If an increase is determined, the application will also require the approval of the Putnam County Health Department. If no increase is determined, the Building Inspector shall confirm that to the Zoning Board of Appeals. **[Amended 11-15-06 by L.L. 10 of 2006; Amended 11-29-23 by L.L. No. 6]**

(8) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.

(9) Off street parking shall be in accordance with Article XIV of this Chapter and shall be on the parcel on which the accessory apartment is located.

(10) Any legally established apartment within a one-family dwelling that is in existence at the time of the adoption of this chapter shall not be subject to the provisions outlined in this chapter.

(11) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special use permit.

(12) The owner of the single-family lot upon which the accessory apartment is located shall occupy the principal or accessory dwelling unit on the premises as his primary residence.

(a) The special use permit shall be issued to the owner of the property. Should there be a change in the ownership or a change in residence of the owner, the special use permit and the certificate of occupancy for the accessory apartment shall become null and void in ninety (90) days. Thereafter, should the new owner decide to live in the structure and desire to continue the use of the accessory apartment, within ninety (90) days of the change in ownership, he shall have received from the Zoning Board a special use permit.

(b) The special use permit shall be valid for a period of five (5) years. At the end of such period, the owner-applicant shall request that the Zoning Board of Appeals review the permit, or the owner shall notify the Zoning Board of Appeals of his intent to discontinue the permit. The Zoning Board of Appeals shall renew the permit if all conditions of the original permit are still satisfied; otherwise the Zoning Board of Appeals shall not renew the permit.

(13) The property on which the accessory apartment is to be located shall be in conformance with all applicable sections of the zoning provisions of the Town of Patterson Code. Any and all violations of the zoning provisions shall be eliminated prior to

consideration by the Zoning Board of Appeals for the special use permit with the following exception: the Zoning Board of Appeals may consider an application which seeks to legalize an existing illegal apartment, provided that there are no additional existing violations.

(14) An accessory apartment may only be created where the principal and accessory units are within the same structure. No detached accessory apartments are permitted.

(15) In making its determination on the special use permit, the Zoning Board of Appeals shall also give consideration to the character of the existing and future uses in the immediate vicinity of the proposed accessory apartment, including the exterior appearance of buildings as single-family dwellings and the amount of traffic and parking conditions in the neighborhood.

(16) Owners of existing accessory apartments, other than those defined in Subsection A(10), shall have until January 1, 2001 to apply for a special permit in accordance with the provisions hereof. Any initial special permit application for a then-existing accessory apartment submitted after January 1, 2001 shall be accompanied by an application fee equal to twice the existing fee set forth in the fee schedule established in Chapter 87 of the Patterson Town Code.

(17) The building in which the accessory apartment is constructed shall be at least five (5) years old and the owner-applicant shall have occupied the dwelling for at least one (1) year prior to the initial application for the special use permit. Any subsequent change in ownership after the initial application has been approved shall comply with Subsection (12), above.**[Amended 11-9-05 by L.L. No. 12 of 2005]**

(a) Exception. The Zoning Board of Appeal may grant an exception to the requirements of Subsection (17) above upon a findings, which shall be set forth in the resolution for the special use permit, that the accessory apartment will be used for a person or persons related by blood or marriage and that a special or unique hardship exists. In granting approval of a special use permit pursuant to this subsection, the Zoning Board of Appeals may impose such restrictions and requirements as may be necessary to give effect to the intent and purpose of this Chapter. Such requirements may include removal of the apartment from the principal dwelling after a specified period, upon the apartment being vacated by the individual for which the apartment was created, or upon elimination of the determinant factor justifying the special or unique hardship.

(18). There shall be only one principal residential dwelling and one accessory apartment permitted on a lot.

B. Where a special use permit is requested to create an apartment which requires an addition to a one-family dwelling, the following additional requirements must be complied with:

- (1) All bulk regulations and coverage limitations must be met.
- (2) Design and construction of the addition must be compatible with the parent structure.
- (3) The addition must conform to the criteria above in subsection A of this section.

C. Applications submitted to the Zoning Board of Appeals pursuant to this section shall be reviewed by the Code Enforcement Officer. The Code Enforcement Officer shall review the Applicant's compliance with the provisions of Subsections A and B of this section and report to the Zoning Board of Appeals regarding same.

D. An accessory apartment created on any residential property for which site plan was approval was not otherwise not required, shall not require approval of a site plan issued by the Planning Board.

**§ 154-106. Accessory Residential Buildings [Amended 8-11-2021 by L.L. No. 2-2021].**

A single accessory building for residential occupancy may be permitted by special use permit in the R-1, R-2 or R-4 zoning districts, provided that [Amended 5-24-2017 by L.L. 1 of 2017]:

- A. The building shall be used as an accessory use to a detached one-family dwelling only.
- B. The building, including any garage space, is used solely, and in its entirety, for the purpose of providing living quarters for the residents thereof.
- C. The parcel of property containing the structure is five or more acres.
- D. The maximum size of the accessory building shall be 1/3 the size of the principal building, as measured by the total floor area, including non-habitable space, of each building, however in no case shall the building exceed 1,250 in livable floor area. Any space used as a private garage shall remain subordinate in area to the livable floor area, but in no case shall the garage space in the building exceed 500 square feet. In addition, the architectural character of the accessory building shall be similar in character to that of the principal building.
- E. The principal dwelling shall be occupied by the owner of the property on which the accessory dwelling is constructed.
- F. The Zoning Board of Appeals shall determine that suitable facilities exist for yard space, sanitary facilities and potable water.
- G. Suitable access and parking shall be provided which shall be constructed in accordance with the standards of this Chapter.
- H. The maximum height of the accessory building shall not exceed 80% of the height of the principal building.

**§ 154-107. Commercial Trade Operations.**

On a lot of not less than five acres in any residence district a special use permit may be granted by the Zoning Board of Appeals after public hearing for a Commercial Trade Operation, subject to the following requirements.

- A. The use, or any improvements created therefore shall not alter the residential character of the neighborhood.
- B. The owner of the business for which the special use permit is requested shall also be the property owner who shall also have as his principal residence, the location for which the special use permit is requested.
- C. The use, or any improvements created therefore shall be in the rear yard and shall be suitably screened so as not to be visible from the street or any residential property, whether adjacent or otherwise, and shall not be visible from or affect the viewshed.
- D. No hazardous or noxious materials stored at the site, nor shall any activity produce any odors

which may be considered offensive, nor shall the use result in a significant increase in noise.

E. There shall be no operations or activities conducted at the site which require part-time or full-time employees to work or otherwise be in attendance at the site, except on a very limited duration not to exceed one hour per day or one day for every two weeks.

F. The maximum number of employees that may be permitted to report to work at the site shall be two. Parking, improved to the standards of this Chapter shall be provided at the site.

G. The maximum number of commercial vehicles, including equipment trailers and large mobile equipment, shall not exceed six (6) of which not more than two vehicle shall be a maximum of 20,000 gross vehicle weight. All vehicles and equipment shall be in working condition.

H. The property owner shall agree to permit the Code Enforcement Officer to visit the site periodically to ensure compliance with the conditions of this permit.

I. Site plan approval from the Planning Board shall not be required for a Commercial Trade Operation, except as determined by the Zoning Board of Appeals, where improvements to the site necessitate the Property owner to construct or install erosion control or stormwater runoff improvements.

#### **§154-107.1 Livery and Taxi Cab Services. [Added 4-14-2010 by L.L. No. 3-2010]**

A. A special use permit may be granted, in the R-4, R-2, R-1 or RPL-10 zoning district, for the accessory use of a parcel or lot to operate a livery service or taxi cab service, as defined herein, subject to the following requirements and conditions.

B. The following definitions shall apply to this section:

**LIVERY SERVICE** - A for-profit transportation service providing a livery vehicle for hire.

**LIVERY VEHICLE** - A four door passenger motor vehicle, including but not limited to a chauffeured limousine, which is used in the business of transporting passengers for compensation, but shall not include vehicles which are rented or leased without a driver, or a bus, van, omnibus, motorcoach or similar vehicles typically used to transport multiple passengers. Livery vehicles are typically luxury vehicles with no identifying markings or advertisements on the exterior of the vehicle, which may be used for providing local or long-distance transportation services.

**PASSENGER** - A person or persons who has engaged a livery vehicle or taxi cab for the purpose of being transported to a destination, or a person or persons who are awaiting the arrival of a dispatched for-hire vehicle.

**TAXI CAB** - Any motor vehicle having a seating capacity of not more than seven persons in addition to the driver, engaged in the business of carrying persons for compensation, but shall not include vehicles which are rented or leased without a driver, or a bus, omnibus, motorcoach or similar vehicles typically used to transport multiple passengers. Taxi Cabs have identifying markings or advertisements on the exterior of the vehicle, and are typically provide only local transportation services.

**TAXI CAB SERVICE** - A for-profit transportation service providing a taxi cab for hire.

**VEHICLE OWNER** - An individual, or the principal of the corporation, in whose or which name a vehicle is titled, or the lessee of such vehicle from the titled owner.

C. No special use permit shall be issued where the issuance of said permit would result in a change to the residential character of the property or the neighborhood.

D. No livery service or taxi cab service shall be located within 900 feet of any other livery service or taxi cab service as measured between the closest property corners.

E. Each special use permit issued pursuant to this section shall be limited to a period not to exceed five years, and shall remain in effect only upon the property owner remaining in full compliance with Subsections G and H, below.

F. No special use permit shall be approved unless they are in full compliance with these conditions, which shall be incorporated into the approval of said permit:

(1) No freestanding or building mounted signs shall be permitted on the lot advertising the business. This subsection shall not apply to the business vehicle.

(2) Each vehicle used as a taxi cab shall be properly identified as such as follows:

(a) Each vehicle used as a taxi shall be identified by a small illuminated sign on the roof of the vehicle not exceeding eight inches in height, eighteen inches in length and five inches in depth.

(b) Each vehicle shall have the registered business name or business owner and phone number of the taxi business displayed on the right side passenger, on the left driver-side front doors and may have the name and phone number on the rear trunk. The lettering on the doors shall not be less than three inches in height and three inches in width with a quarter-inch paint stroke in a color contrasting to the door color to be readable during operation when the taxi is likely to be used.

(c) Except as noted in Subsection F(2)(b) above, no other lettering or numbering shall be permitted on a vehicle used as a taxi cab, and no lettering or numbering shall be permitted on other types of livery vehicles, excepting as may be required by the State of New York.

(3) Day-glo, florescent or bright colors shall not be used or otherwise exhibited for any lettering, numbering or vehicle finish or design thereon.

(4) Each lot for which a special use permit may be issued shall have thereon a single family residence which shall be owned by the owner/operator of the vehicle used in the livery service or taxi cab service.

(5) Off-street parking shall be provided for the vehicle, which shall be in addition to the parking required for the single family residence, as established by the Patterson Town Code. The driveway providing access to the residential home and parking area shall also not be used to meet the off-street parking requirements. The parking area for each vehicle that will be used shall meet the dimensional and construction standards of this Chapter unless said standards have been waived by the Planning Board pursuant to §§ 154-71 and 154-74.

(6) The vehicle used for the livery service or taxi cab service shall be operated by the property owner, and not more than one other individual, subcontractor or employee.

G. The owner/operator of the livery service, taxi cab service, livery vehicle or taxi cab shall at all times meet the following qualifications:

(1) The owner/operator must maintain a valid New York State chauffeur's license.

(2) The owner/operator shall not operate vehicle while under the influence of alcohol or



a controlled substance.

H. The livery vehicle or taxi cab shall at all times meet the following requirements:

- (1) The livery vehicle or taxi cab at all times shall have a valid New York State motor vehicle registration and a valid New York State inspection sticker, both of which shall be affixed to the front windshield of the vehicle.
- (2) The livery vehicle or taxi cab shall have attached to the vehicle New York State license plates which meet the requirements for a livery vehicle.
- (3) The livery vehicle or taxi cab shall comply with the New York State Insurance Law regarding coverage by bond or policy of liability insurance and all other forms of insurance required by law.
- (4) The appearance of the vehicle shall be in good condition, with the fenders and body of the vehicle rigidly and tightly fastened to said vehicle, free from dents or mutilation, and painted with an exterior finish coat of paint. The vehicle shall be in such condition as to allow the full opening of all doors of the vehicle. The front windshield, and side and rear windows shall be untinted, in good condition, free of cracks, breaks or deformities.
- (5) Taxi cab fare rates must be clearly displayed within the vehicle.
- (6) The owner/operator of the livery vehicle or taxi cab shall, at all times ensure that
  - (a) the interior of the livery vehicle or taxi cab is at all times kept in a clean and sanitary condition.
  - (b) the jack, spare tire, and other equipment in the trunk or other storage area of the vehicle is secured, and covered with appropriate material to avoid damage to a passenger's luggage or other possessions.
- (7) All taxi cabs shall have four doors, two of which lead into the driver's compartment, and all doors shall be so constructed that they may be opened from the inside and the outside. No vehicle used as a taxi cab shall be a two-door vehicle.
- (8) No livery vehicle or taxi cab owner shall allow a registered vehicle to operate as a livery vehicle or taxi cab unless all seat belts and shoulder belts are clearly visible, accessible and in good working order. Each for hire vehicle shall be equipped with shoulder belts for both outside rear seat passenger positions.
- (9) Every licensed vehicle shall be equipped with a standard speedometer that is not inoperative or disconnected.

I. The following operating standards shall be a condition of the special permit approved for the operation of a taxi cab service.

- (1) Each taxicab driver shall, upon the request of the passenger making payment, and upon receipt of full payment for the authorized fare, give a receipt to the passenger making the payment.
- (2) Taxi cab drivers may not carry additional riders other than the first fare employing the cab.
- (3) The use of the vehicle horn for the purpose of notifying a fare of the arrival of the taxi shall be a violation of this Chapter.

(4) The operator of the taxi shall maintain complete vehicle trip sheets which shall include:

- (a) The name and driver's license number of each driver operating the vehicle.
- (b) Date, start time in hour and minutes, and place of origin of each trip for each passenger.
- (c) Time and location of drop-off location
- (d) Fare and trip charged for each passenger and trip.
- (e) Date, time, location and description of any accident or breakdown.
- (f) Any citation or violation issued regarding the taxicab or the conduct of driver.

(5) Trip sheets must be provided to any police officer upon demand.

(6) Trip sheets must be kept on file and made available for audit , examination, or inspection for two years.

(7) The owner/operator of the taxi cab shall not dismiss, discharge, or otherwise require any passenger to leave the taxicab other than at the passenger's requested destination without cause. For this purpose, "cause" means the taxicab has become disabled, or the passenger has become disorderly or has refused to pay the authorized fare. A driver who requires a passenger to leave the taxicab other than at the passenger's requested destination shall do so only at well-lit public place, or (if the taxicab has become disabled) to another taxicab, and shall immediately notify the Putnam County Sheriff's Department of all the details of the incident.

(8) Any property left by a passenger in the taxicab shall be held by the driver for not less than thirty days, and returned to the passenger as soon as reasonably possible, but in any event within 24 hours after its discovery shall be surrendered to the Putnam County Sheriff's Department.

(9) No vehicle cleaning, maintenance, or repairs shall be conducted on the a residential lot for which a special use permit has been issued between the hours of 9:00 p.m and 8:00 a.m.

(10) No individual other than the property owner or immediate family member shall loiter in, at, or near the vehicle waiting for service calls.

J. No special permit shall be issued to an individual with a conviction of, or plea of guilty or *nolo contendere* to, the violation of any law involving commission of a felony that occurred within the past five (5) years. By submission of an application pursuant to this section the Zoning Board shall be authorized by the application to undertake a criminal history background check.

K. The Zoning Board of Appeals may refuse to issue a special permit, or may revoke any special permit issued pursuant to this section, after notice to the holder of the special permit and hearing where the special permit holder:

- (1) has violated any provision of this section, or
- (2) on account of one or more convictions of, or pleas of guilty or *nolo contendere* to, the violation of any law involving commission of a misdemeanor, including, but not limited to, any sexual offense; the illegal use, possession, or distribution of drugs or other controlled

substances; any charge involving robbery, assault, battery; driving while intoxicated, or otherwise impaired; or any crime involving moral turpitude that occurred within the past five (5) years.

**§ 154- 107.2. Veterinary Service. (Added 8-11-2021 by L.L. No. 2-2021)**

On a lot of five (5) acres or more, a special use permit may be granted by the Planning Board, after a public hearing, within the area defined has the Hamlet of Patterson to allow a veterinary service provided that:

- A. The veterinary service may only be located on a lot that has an existing legal conforming or nonconforming single family residence on the lot which shall continue to be used as a single family residence.
- B. The veterinary service shall be owned and operated by not more than two veterinarians, with at least one whom shall own and be a resident(s) of the property on which the veterinary service will be located.
- C. The architecture of all the buildings on the site shall maintain a residential or farm-like appearance.
- D. The office, reception, exam room and other areas used to provide veterinary services may be located within in the main residence or within an accessory building. The area of the building used for veterinary services shall not exceed thirty-five (35%) percent of the floor area of the principal residential building whether located in the principal building or accessory building.
- E. Access provided to the veterinary service shall be from a State or County road.
- F. There shall be no outdoor pens, kennels or dog runs associated with, or used by the veterinary service.
- G. In addition to the veterinarians, there shall be not more than one technician and one secretary present and working on site at any given time.
- H. Site plan approval pursuant to Article XV will also be required.

**ARTICLE XIX**  
**Special Permits for Nonresidential Districts**

**§ 154-108. Light manufacturing.**

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District located on Route 22 only, for a plant for light manufacturing. A permit may be issued providing that **[Amended 11-15-06 by L.L. 10 of 2006]**:

- A. All requirements of the district as to frontage, setbacks and building coverage shall be met,
- B. A seventy five (75) foot densely vegetated buffer shall be provided along any property line which abuts a residential district. No above-ground or below-ground utilities or structures shall be placed in the buffer.

- C. All access must be from a county or state road.

**§ 154-109. Hospitals, clinics and sanatoriums.**

On a lot of not less than ten (10) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Industrial I District and the Commercial (C-1) District located along Route 22 only, for a hospital, clinic, sanatorium, convalescent home, home for the aged, rest home and similar uses, but not including correctional institutions, provided that:

- A. The minimum road frontage for the lot shall conform to the district in which it is located.
- B. No building shall be nearer than two hundred (200) feet to any street or road line.
- C. The maximum impervious coverage shall be sixty-five percent (65%).

**§ 154-110. Local Retail centers.**

On a lot of not less than five (5) acres, a special use permit may be granted, after public hearing by the Board of Appeals, in the Industrial I District or Commercial (C-1) District along Route 22 only, for a retail center, provided that:

- A. The total area of all buildings shall not exceed 75,000 square feet.
- B. Any building is located at least sixty (60) feet from any side or rear property line.
- C. All other requirements of the particular district are conformed to, except that maximum impervious coverage shall be limited to sixty-five percent (65%).
- D. All uses permitted in General Business (GB) Districts, including indoor theaters and fast food establishments, may be permitted.

**§ 154-111. Regional Retail Centers. [Amended 9-12-2018 by L.L. No. 5-2018]**

On a lot of not less than forty (40) acres in the I zoning district, a special use permit may be granted, after public hearing by the Zoning Board of Appeals for a retail center with a total building coverage exceeding 75,000 square feet provided that the following conditions are met in addition to the requirements of Article XVI.

- A. Access shall be only from a State or County Road.
- B. The minimum setback of all buildings, structures, parking areas and access drives shall be sixty-five (65) feet. Sixty-five (65) feet from any rear or side property line shall be maintained as a vegetated buffer, and shall not contain any surface or subsurface improvements including waste disposal system or utility lines.
- C. All other dimensional requirements of the particular district are conformed to, except that total area of all impervious surfaces shall not exceed 50% of the total lot area.
- D. The individual uses permitted on the site shall include all those uses permitted in General Business (GB) Districts, including indoor theaters and fast food establishments.
- E. Any entrance to a regional retail center shall be located within 2,000 feet of Interstate 84.

- F. A gasoline dispensing station, pursuant to § 154-385, may be permitted on the site of a regional retail center as a permitted principal use of the site or as an accessory use to a single retail store of greater than 75,000 square feet.

**§ 154-112. Reserved [Amended 5-11-2022 by L.L. No. 1-2022]**

**§ 154-113. Warehouses.**

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Commercial (C-1) District for a warehouse. A permit may be issued providing that **[Amended 11-15-06 by L.L. 10 of 2006]** :

- A. All requirements of the district as to frontage, setbacks and building coverage shall be met.
- B. A seventy five (75) foot densely vegetated buffer shall be provided along any property line which abuts a residential district. No above-ground or below-ground utilities or structures shall be placed in the buffer.
- C. All access must be from a county or state road.

**§ 154-114. Conference and Cultural Centers**

A special use permit may be granted, after public hearing by the Zoning Board of Appeals for a Conference Center or a Cultural Center in the I, C-1 or CR zoning district provided that the following conditions are met in addition to the requirements of Article XVI.

- A. Access shall be only from a State or County Road.
- B. The minimum setback of all buildings, structures, parking areas and access drives shall be sixty-five (65) feet. Sixty-five (65) feet from any rear or side property line shall be maintained as a vegetated buffer, and shall not contain any surface or subsurface improvements including waste disposal system or utility lines.
- C. All other dimensional requirements of the particular district are conformed to, except that total area of all impervious surfaces shall not exceed 50% of the total lot area.

**§ 154-115. Public Garages and Automotive Dealerships**

On a lot of not less than two (2) acres, a special permit may be granted, after public hearing by the Board of Appeals, in the Industrial (I) District, or the Commercial (C-1) District located on Route 22 only, for a public garage or an automotive dealership provide that:

- A. The minimum first floor area for any principal building shall be two thousand two hundred square feet (2,200 sq.ft.)
- B. No public garage or automotive dealership shall be located within one thousand (1,000) feet of any other public garage, automotive dealership or gas station as measured between the closest property corners.
- C. Any unlicensed, dismantled, disassembled vehicles, or any vehicles held for repair must be housed within the building on the premises or kept in a fully-screened enclosure to the rear of the building.

D. Vehicles for sale or lease or any other wares for sale shall only be stored or displayed within the building or within such area as shall be identified on the site plan approved by the Planning Board as a display area.

E. No flashing signs, streamers or banners shall be displayed on the site, except as may otherwise be permitted by this Chapter and approved by the Planning Board.

F. In addition, to other landscaping that may be required by the Planning Board, a twenty foot landscaped area shall be provided along the property frontage extending across any developed portion of the site. In addition, areas used for the parking or display of vehicles or wares for sale shall be limited to a maximum of nine thousand (9,000) square feet, except that more than one area for display or parking of vehicles may be allowed on the site so long as a twenty (20) foot landscape area separates the parking/display areas.

G. [Deleted 11-29-23 by L.L No. 6]

#### **§154-115.1. Apartments [Added 1-27-10 by L.L. No. 1-2010]**

A special permit may be granted by the Zoning Board of Appeals to allow up to 45% of a principal building located in the GB zoning district to be used for one or more apartments, subject to the following standards and conditions.

A. The apartment or apartments shall be limited in their entirety to floors above the first floor of the building, except that one or more apartments on the floors above the first floor may be permitted to extend into, and use a portion of, the first floor, not greater than 50% of the total area of the first floor, where the Zoning Board of Appeals finds that: **[Amended 9-12-2018 by L.L. No. 5-2018]**

- (1) a special condition exists that is unique to the property or building,
- (2) use of the first floor area for apartments shall not alter or affect the commercial character of either the neighborhood or streetscape,
- (3) no suitable commercial use exists for the first floor area,
- (4) use of the first floor for an apartment, shall not result in an overall increase in the number of apartments that would otherwise be permitted within the structure.

B. The architecture of the building shall compliment the architecture of the surrounding buildings.

- (1) In making its determination on the special permit, the Zoning Board of Appeals shall give consideration to the character of the existing exterior appearance of buildings in the immediate vicinity of the site for which a special permit is being considered. Appropriate consideration shall also be given to any future buildings, any reports discussing architectural elements in the Patterson Hamlet, or any architectural standards adopted by the Town.
- (2) Entrance to the apartments shall not be overt, and shall blend with the overall architecture of the building.
- (3) Stairways providing principal access to any floor or story above the first floor shall be located within the walls of the building. Where no other feasible alternative exists, emergency stairways and fire escapes may be located on the rear wall, excepting that in no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.
- (4) Where a special permit is requested for an existing building, the Zoning Board of

Appeals may include in their approval of any special permit pursuant to this section, recommendations on architectural changes or enhancements for the building to the Planning Board, which shall consider said recommendations during consideration of an application for site plan approval. Where the recommendations of the Zoning Board of Appeals for architectural changes or enhancements for the building are incorporated into the approved site plan, said recommendations shall become a condition of any special permit issued by the Zoning Board of Appeals.

(5) Except for directional signs less than two (2) square feet in size identifying the entrance to the apartments, or E-911 addressing, no building-mounted or free-standing signs shall be permitted advertising the apartments, or that apartments may be for lease or rent.

C. Any design, construction and use of any residential units pursuant to this section shall create a safe and harmonious environment for the future tenants.

(1) The apartments shall have a safe and proper means of entrance.

(2) The applicant shall demonstrate that the water supply is potable and of adequate flow to accommodate the entire use of the building. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.

(3) The applicant shall demonstrate the ability to provide for the wastewater demand for the entire building, and site.

(4) The apartments shall comply with all Putnam County Health Department requirements. The Zoning Board of Appeals may require such proof as may be reasonably necessary to demonstrate such compliance has been met. Failure to correct promptly any problems shall result in the revocation of the special use permit.

(5) The applicant shall demonstrate that adequate parking has been provided on the parcel on which the apartment or apartments are located, or that sufficient parking otherwise exists within the immediate neighborhood and is available for use by the future tenants. All parking shall be in accordance with Article XIV of this Chapter, unless otherwise decided by the Planning Board.

(6) In making its determination on the special use permit, the Zoning Board of Appeals shall also give consideration to the amount of traffic that may be generated by the apartments, and its effect on the general neighborhood.

(7) Smoke Detectors. All apartments shall be equipped with a functioning smoke detector device, in accordance with the New York State Uniform Fire Prevention and Building Code.

(8) No apartment shall consist of a single room, unless the single room can provide a minimum clear floor area of not less than two hundred (200) square feet.

(9) Each apartment shall contain at least one bathroom area containing a shower, toilet and sink, and shall provide independent kitchen facilities, all of which shall be contained within the apartment.

(10) A bedroom shall be considered any room used routinely for persons sleeping for periods of more than one hour. The maximum occupancy for a bedroom in any dwelling unit shall be limited to three persons unless the Owner thereof can demonstrate to the Zoning Board of Appeals that an increase in the number of persons per bedroom for a particular dwelling unit is reasonable, and will not result in an unsafe or unsanitary condition. A bedroom shall be at least eighty-one (81) square feet for one person, and at least seventy-five square feet for each additional person thereafter.

D. In making its determination on the special use permit, the Zoning Board of Appeals may establish the size, location and number of apartments that may be allowed within the building.

E. Continued compliance with all of these standards and conditions is required. Failure to do so will result in a suspension of the special use permit, or such other remedies as may be provided by this Chapter. Where it has been demonstrated that a property owner or landlord is in chronic violation of the conditions of this special permit, the Zoning Board of Appeals, after a public hearing may by resolution revoke this special permit.

F. A site plan, approved by the Planning Board pursuant to Article XV, shall be required for any lot for which a special permit has been granted pursuant to this section.

G. All apartments shall comply with Chapter 129 of the Patterson Town Code.

## **ARTICLE XX Board of Appeals**

### **§ 154-116. General powers and duties.**

The Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which powers and duties are summarized and more particularly specified as follows, provided that none of the following sections shall be deemed to limit any of the power of the Board of Appeals that is conferred by general law. The Board of Appeals shall adopt such rules and regulations as may be necessary or proper to the performance of its powers and duties hereunder, and may amend or repeal the same. All provisions of this chapter relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this chapter and in strict compliance with all limitations contained herein.

### **§ 154-117. Interpretation of provisions. [Amended 5-24-2017 by L.L. 1 of 2017]**

On appeal from any order, requirement, decision or determination made by an administrative official, board or agency of the Town, the Board of Appeals shall have the authority to decide any question involving the interpretation of any provisions of this chapter, including determination of the exact location of any district boundary or the effective application of this chapter on any individual parcel.

### **§ 154-118. Issuance of special use permits.**

The Board of Appeals is empowered to issue special use permits for those special uses provided for in this chapter, all in accordance with the standards and guides set forth in Article XVI.

### **§ 154-119. Appeals and variances.**

A. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of any administrative official or Board charged with the enforcement this Chapter, or as otherwise may be set forth in the Town Code of the Town of Patterson or in Town Law Article 16, to grant area variances from the area or dimensional requirements of such ordinance or local law all in conformance with the Standards and Guidelines established herein excepting that;

(1) Where a proposed site plan duly submitted to the Planning Board contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance without a



decision or determination by the Code Enforcement Officer.

(2) Where a proposed subdivision contains one or more features which do not comply with the dimensional regulations of this chapter, application may be made to the Zoning Board of Appeals for an area variance without a decision or determination by the Code Enforcement Officer.

B. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of any administrative official or Board charged with the enforcement this Chapter, or as otherwise may be set forth in the Town Code of the Town of Patterson or in Town Law Article 16, to grant use variances , as defined herein.

## **ARTICLE XXI**

### **Appeals and Variances**

#### **§ 154-120. Procedures.**

A. An appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Chapter by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal, in writing, on forms prescribed by the Board, specifying the grounds thereof. Each appeal shall specify the provision of the chapter involved and shall set forth the decision of the Code Enforcement Officer which is appealed from, the full circumstances or conditions involved therein, the ruling sought from the Board, the details of any variance applied for and the grounds on which it is claimed that the same should be granted, or the use for which a variance is sought and the full details thereof. The officer from whom the appeal is taken shall forthwith deliver to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.

B. In addition to the aforesaid papers, the Board of Appeals may require the applicant to submit such site and plot plans, contour maps, building plans and specifications and other data or information as the Board may deem necessary.

C. All papers, including affidavits of publication and service of notice by mail, shall be filed with the Board before the hearing unless the Board otherwise orders.

D. Every decision of the Board of Appeals shall be by resolution, with the vote thereon recorded, and shall fully set forth the circumstances of the case and the findings of the Board on which its decision is based and shall be filed with the Town Clerk within the time required by law. The Board shall also notify the Code Enforcement Officer and the Planning Board of its decision in each case.

#### **§ 154-121. Notice of public hearing.**

A. At least fifteen (15) days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the application shall be filed with the Chairman of the Board of Appeals and, in addition to the foregoing, be accompanied by a fee as set forth in Chapter 87 of the Patterson Town Code, and such application shall be accompanied by a sworn statement showing the name and address of each owner of record of land within five hundred (500) feet of the boundary of the property as to which a determination of permit is sought.

B. The Board of Appeals shall give public notice thereof by publication in the official paper of notice of such hearing at least five (5) days prior to the date thereof; and excepting that in the case of an interpretation made pursuant to §154-117, the Board shall, at least five (5) days before such hearing, send to all such owners of record of land within five hundred (500) feet of the boundary of

the property, as set forth in the application, a written notice of the application applied for.

C. At least ten days prior to the day of any public hearing, the Zoning Board of Appeals shall give notice by mail to any adjacent municipality that is within five hundred feet of any property for which an application for a use variance is being considered [Added 11-15-06 by L.L. 10 of 2006]

## **§ 154-122. Standards for variances.**

### **A. Area Variances**

(1) In making its determination for an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:

- (a) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- (b) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.
- (c) whether the requested area variance is substantial.
- (d) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (e) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

(2) The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that they shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) The Zoning Board of Appeals shall, in the granting of an area variance, have the authority to impose such reasonable conditions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Code or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **B. Use Variances**

(1) No use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located that:

- (a) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- (b) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

(c) that the requested use variance, if granted, will not alter the essential character of the neighborhood.

(d) that the alleged hardship has not been self-created.

(2) The Zoning Board of Appeals, in granting a use variance, shall grant the minimum variance that they shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(3) The Zoning Board of Appeals shall, in the granting of a use variance, have the authority to impose such reasonable conditions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the Zoning Code or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

### **§ 154-123. Reserved.**

## **ARTICLE XXII Administration and Enforcement**

### **§ 154-124. Certificate of Compliance.**

A. For each and every change of ownership, occupancy or tenancy of any building or business, excepting residential occupancy, prior to occupancy of the premises, or any portion thereof, or any modification thereto, or any change of use of an existing building or portion thereof the owner or tenant shall provide to the Building Department the following information:

(1) The business owner's or tenant's name, legal mailing address and emergency phone number.

(2) The trade or business name that will be used.

(3) The name, address and phone number of the alarm company, if any.

(4) A narrative which includes a brief description of the use that will be conducted on the premises, the intended activities that will be conducted on the premises, a general description of any modifications that will be made to the building, and a list of any hazardous or noxious materials that may be stored on the premises.

B. In the event that a Certificate of Occupancy is not required as provided below, the Code Enforcement Officer shall issue a Certificate of Compliance which shall include the name of the owner of the business, the business or trade name and the use of the premises.

### **§ 154-125. Building permits.**

A. No building or structure shall be erected, moved, altered, added to or enlarged and no excavation for any building or structure shall be begun unless and until a building permit for such work has been issued by the Code Enforcement Officer. In addition to the requirements of Chapter 64(11), every application for a building permit shall be filed in triplicate on a form provided by the Code Enforcement Officer, and shall include a plan the following information:

- (1) The lot upon which the building or structure is proposed to be erected or on which it is situated if an existing building or structure.
- (2) Lot dimensions, lot and block numbers and subdivision name, if any.
- (3) Names and widths of abutting roads or streets; locations, dimensions and uses of any existing building or structure on the lot.
- (4) Locations, dimensions and proposed use of a building for which the permit is sought and use of land in connection therewith.
- (5) Dimensions of yards in relation to the building for which the permit is sought and distance of the proposed building from any existing building on the same plot.
- (6) North point and scale.
- (7) Such additional information as may reasonably be requested by the Code Enforcement Officer.

B. Each application shall also be accompanied by a construction permit issued by the Putnam County Department of Health and a driveway permit issued by the town, county or state, depending on jurisdiction.

C. Every application for a building permit shall be accompanied by a fee paid to the Code Enforcement Officer. All fees paid to the Code Enforcement Officer shall be paid by him to the Supervisor of the town not later than the fifth day of the month following their receipt and shall be deposited to the credit of the town. The fee charged shall be based upon the dollar evaluation of the construction for which the application has been made as set forth in Chapter 87 of the Patterson Town Code.

D. No building permit shall be issued or reissued for a building to be used for any purpose for which a special permit is required pursuant to the regulations set forth in Article XVII through Article XIX and other applicable sections and subsections unless and until a special permit for such use has been issued by the Board of Appeals as provided in Article XVI.

E. No building permit is to be issued or reissued for a building to be located on a plot for which site development approval by the Planning Board is required pursuant to the terms of this chapter until such approval shall have first been obtained from the Planning Board pursuant to Article XV.

F. Each application for a building permit shall contain the E-911 address, including street and number, for the parcel on which the building permit application has been submitted. Within 10 days of the issuance of a building permit, the property owner shall post the number on the parcel. Such posting shall comply with the requirements of § 112-4C of the Patterson Town Code.

G. Any person, firm or corporation hired to build a new house for profit on property owned by someone other than themselves must post a performance bond in the amount of \$50,000 to insure the completion of construction by themselves and their subcontractors.

- (1) This subsection shall apply to the construction of new single-family homes only.
- (2) This subsection shall not apply to:
  - (a) The repair, replacement, remodeling, installation, construction, alteration, conversion, modernization, beautification, improvement or addition to an existing structure or portion thereof.
  - (b) The sale of goods or materials by a seller who neither arranges to perform nor

performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials on a new single-family residence.

(c) The construction of a new single-family residence by the owner of the property upon which the residence is being constructed.

#### **§ 154-126. Certificates of occupancy required.**

A certificate of occupancy shall be obtained from the Code Enforcement Officer for any of the following:

- A. Occupancy and use of a building hereafter erected, structurally altered or moved.
- B. Change in the use of an existing building except to another use of the same type.
- C. Occupancy and use of vacant land, except for any use consisting primarily of tilling the soil.
- D. Change in the use of land except to another use of the same type and except for any use consisting primarily of the tilling of the soil.
- E. Any change in use of a nonconforming use.
- F. Establishment of any use of a building or land for which a special permit or site development approval is required in accordance with other sections of this chapter.

#### **§ 154-127. Use prior to issuance of certificate; contents.**

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof hereinafter created, erected, changed, converted or enlarged, wholly or partially in its use or structure, until a certificate of occupancy shall have been issued by the Code Enforcement Officer. Such certificate shall state that such building or premises or part thereof and the proposed use thereof are in complete conformity with the provisions of this chapter. It shall be the duty of the Code Enforcement Officer to issue a certificate of occupancy, provided that the building and the proposed use of the building or premises conform to all the requirements herein set forth.

#### **§ 154-128. Application for certificate of occupancy.**

Application for such a certificate shall be made on an official form and filed with the Code Enforcement Officer. Within ten (10) days thereafter, the Code Enforcement Officer shall act thereon by either issuing a certificate or denying the application. He shall forthwith notify such owner or applicant in writing personally or by mail of his decision. Every applicant for a certificate of occupancy shall pay therefor to the Code Enforcement Officer a fee as set forth in Chapter 87.

#### **§ 154-129. Effect of certificate.**

A certificate of occupancy shall be deemed to authorize and is required for both initial, continued or changed occupancy and use of the building or land to which it applies. It shall continue in effect as long as such building and the use thereof and the use of such land are in full conformance with the provisions of this chapter and any requirements made in connection therewith at the time of the issuance thereof. The details of any plan or site plan approved by the Town Board, Planning Board or Board of Appeals shall be deemed to be such requirements.

### **§ 154-130. Issuance of certificates.**

A. Upon the completion of any building or structure for which a building permit was duly issued, the Code Enforcement Officer shall make a final inspection thereof. If it is his determination that the structure complies in full with the provisions of this chapter or of any duly granted variance or special permit by the Board of Appeals, and in the case where required, a site plan approved by the Planning Board, whose site improvements have been completed and duly certified by the Town Engineer and acknowledged by the Planning Board, the Code Enforcement Officer, upon written request by the owner on forms supplied by the Code Enforcement Officer and subject to receipt of the following items, shall issue in the name of the owner a certificate of occupancy, specifying in detail the provisions and conditions of any special permit use or variance and whether or not such variances constitutes a nonconformity as to use:

- (1) Certificate of construction compliance issued by the Putnam County Department of Health, guaranty of septic system, well log and as-built drawing of septic system.
- (2) Certification of electrical installation by the New York State Board of Fire Underwriters or other approved electrical inspection agency approved by the Town Board.
- (3) Final survey showing completed construction as prepared by a surveyor licensed by the State of New York.
- (4) Certificate of compliance for completed driveway issued by the appropriate Highway Department.
- (5) Fee in the amount as set forth in Chapter 87 of the Patterson Town Code.
- (6) Certification from the Planning Department that the site is in compliance of Chapter 133, or that a cash bond in the amount equal to the cost of the outstanding erosion control issues including the establishment of vegetative cover in accordance with the NYSDEC General Permit for Construction. **[Added 1-11-23 by L.L. No. 1-2023]**

B. Upon demand of the Code Enforcement Officer at any reasonable time, the owner's copy of any certificate of occupancy shall be exhibited.

C. Duplicate copies of every certificate of occupancy shall be filed with the Town Clerk and the Town Assessor. A record of all certificates of occupancy shall be kept in the office of the Town Clerk, and copies shall be furnished upon request to the Planning Board or to any person having a proprietary or tenancy interest in the building or land affected.

### **§ 154-131. Penalties for offenses.**

A. Any person or corporation, whether as owner, lessee, principal, agent, employee or otherwise, which violates any of the provisions of this chapter or permits any such violation or fails to comply with any of the requirements thereof or who erects, constructs, reconstructs, alters, enlarges, converts, moves or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine of not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars not more than one thousand dollars or imprisonment for a period not to exceed six months, or both. For the purpose of conferring jurisdiction upon courts and judicial officers

generally, violations of this chapter or any part thereof or any condition or requirement of subdivision approval shall be deemed misdemeanors. Each week's continued violation shall constitute a separate additional violation.

B. Complaints of violations. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints filed by an individual must be in writing and filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board. This Section shall not relieve the Building Department from investigating or acting upon any violation of which they are made aware.

C. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used or any land is divided into lots, blocks or sites, in violation of this chapter, the proper local authorities of the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or division of land, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such building, structure or land.

D. Upon his becoming aware of any violation of any of the provisions of this chapter, the Code Enforcement Officer shall serve notice of such violation on the person or corporation committing or permitting the same, and if such violation has not ceased within one (1) week and a new certificate of occupancy obtained as provided in §154-126, he shall institute such action as may be necessary to terminate the violation.

E. Accountability. For every violation of the provisions of this chapter, the owner, agent, contractor, lessee, ground lessee, tenant, licensee, or any other person who commits, takes part, or assists in such violation or who maintains any structures or premises in which any such violation exists shall also be punishable according to the provisions of this chapter.

F. Upon the failure or refusal of the Code Enforcement Officer or Town Board to institute an appropriate legal action or proceeding for a period of 10 days after written request by a resident owner of real property of the town to do so, any three owners of real property of the town residing in the district in which such violation exists, who are jointly or severally aggrieved by such violation, may institute such appropriate action or proceeding in the same manner as the Code Enforcement Officer or Town Board.

#### **§ 154-132. Code Enforcement Officer.**

A. The Code Enforcement Officer shall be appointed by the Town Board, who shall prescribe his qualifications and fix his compensation. It shall be his duty to enforce the provisions of this chapter. The Code Enforcement Officer and his duly authorized assistants shall have the right to enter any building under construction, reconstruction or alteration and enter upon any land in the course of their duties. He shall maintain files of all applications for building permits and plans submitted therewith and for certificates of occupancy, and records of all building permits and certificates of occupancy issued by him, which files and records shall be open to public inspection.

B. The Code Enforcement Officer shall keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and the action taken on each such complaint, which records shall be public records. He shall report to the Town Board periodically, at intervals of not greater than one (1) month, summarizing for the period since his last previous report all building permits and certificates of occupancy issued by him and all complaints of violation and the action taken by him consequent thereon. A copy of each such report shall be filed with the Planning Board and Board of Appeals at the same time that it is filed with the Town Board.

C. During the incapacity of a Code Enforcement Officer, the permits and certificates required hereunder shall be obtained from the temporary Code Enforcement Officer appointed by the Town

Board.

### **§ 154-133. Schedule of Building Department Fees.**

For a schedule of fees to be collected in connection with any application to the Patterson Building Department, please refer to Patterson's Schedule of Fees. **[Amended 11-9-05 by L.L. No. 12 of 2005]**

#### **§154-133.1 Outstanding and unresolved violations. [Added 6-27-2012 by L.L. No. 2-2012]**

Application to the Planning Board or Zoning Board of Appeals shall contain a certification signed by the Building Inspector that indicates, as of the application date, that there are no outstanding and unresolved violations with respect to the subject property, of the New York State Building and Fire Code, or of Patterson Zoning Code. In addition, the Town Planner shall certify that for any property in the Town of Patterson in which the Applicant or Property Owner has a controlling share, that there are no outstanding violations of Chapter 87, "Fees", or of any lapse in a performance bond held by the Town of Patterson. The Planning Board or Zoning Board of Appeals shall not review any application for a property which has any outstanding and unresolved violations of the New York State Building and Fire Code, the Patterson Zoning Code or of Chapter 87 unless approval of the application or permit by said Board would cure the violation.

## **ARTICLE XXIII Amendments**

### **§ 154-134. Amendment procedure.**

A. The Town Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this chapter after public notice and hearing.

B. Every such proposed amendment or change, whether initiated by the Town Board or by petition, shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed amendments and cause notice to be given as follows:

(1) By publishing a notice in the newspaper designated by the Town Board of the Town of Patterson as the official newspaper of said town for publication of such notices, giving at least ten (10) days' notice of the time and place of such hearing if amended by ordinance pursuant to Town Law Article 16, § 265, or giving at least five (5) days notice of the time and place of such hearing if amended by local law pursuant to Municipal Home Rule Law. **[Amended 11-15-06 by L.L. 10 of 2006]**

(2) In addition, if the application affects property within 500 feet of any the areas listed in Subsection B(2) (a) through (d) below, the Board shall, at least ten (10) days before such hearing, send a written notice of the application applied for to each party so affected, which shall be served personally or by mail to the person or persons listed below **[Amended 11-15-06 by L.L. 10 of 2006]**:

(a) The property of the housing authority erecting or owning a housing project authorized under the public housing law; upon the executive director of such housing



authority and the chief executive officer of the municipality providing financial assistance thereto.

(b) The boundary of a city, village or town; upon the clerk thereof;

(c) The boundary of a county; upon the clerk of the Board of Legislature and the Department of Planning and Development;

(d) The boundary of a State Park or parkway; upon the regional state park commission having jurisdiction over such state park or parkway.

(3) A written notice of any proposed change or amendment affecting property within five hundred (500) feet of the boundaries from any municipal boundary, or from any existing or proposed county or state park or recreation area, or from any existing or proposed county or state road or right of way, or from any county or state lands on which there is situated a public building, pursuant to General Municipal Law the application shall be referred to the Putnam County Division of Planning and Development, who shall report its recommendations within thirty (30) days.

(4) If the application is made by petition of a property owner or representative thereto, the Applicant shall by certified mail return receipt requested, at least fourteen (14) days before such hearing, send a written notice of the application applied for to each owner of record of land within five hundred (500) feet of the boundary of the property, as set forth in the application.[Added 11-15-06 by L.L. 10 of 2006]

C. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred (100) feet therefrom or of that directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of at least three-fourths (3/4) of the members of the Town Board.

D. Every petition filed with either the Town Board or the Planning Board asking for amendment shall be accompanied by a filing fee as set forth in Chapter 87 of the Patterson Town Code.

#### **§ 154-135. Effect on Construction.**

Any structure for which construction was lawfully begun prior to the effective date of this chapter, or of any amendment thereto, may be completed and used in accordance with the approved plans and specifications for such structure. Any structure for which construction has not begun pursuant to approved plans shall be subject to the provisions of this chapter and any amendments thereto, even if all preconstruction approvals have been granted. For purposes of this Section, "beginning construction" shall mean excavation and pouring of footings or the installation of any other means of permanently attaching a structure to the ground.

#### **§ 154-136. Effect on Variances, Special Use Permits and Site Plans**

Any variance, special use permit or site plan which was approved five (5) or more years prior to the adoption of this Chapter on June 11, 2003 and which has not been exercised by application for a building permit, or where substantial construction has not begun, or where the use has not otherwise commenced shall be null and void.[Amended 11-15-06 by L.L. 10 of 2006]

#### **§ 154-137. Supersession of State Law.**

To the extent that any provisions of this chapter are inconsistent with the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, §§ 261 through 268 and §§ 274-a through 281, the Town Board of the Town of Patterson hereby declares its intent to supersede those sections of the Town Law, pursuant to its home rule powers under the Municipal Home Rule Law, Article 2, § 10 et seq., of the Consolidated Laws of the State of New York.

## **ZONING MAP AMENDMENTS**

| <u>Tax Map No.</u> | <u>Local Law</u>              | <u>Change</u>                                  |
|--------------------|-------------------------------|--|
| 34.-3-22.          | 8/8/2011 by L.L.No5.-2011     | Added parcel to the multi-family overlay zone. |
| 35.-5-32           | 2/8/2012 by L.L. No.1-2012    | Zoning designation changed from C-1 to R-4     |
| 35.-5-33           | 2/8/2012 by L.L. No.1-2012    | Zoning designation changed from C-1 to R-4     |
| 35.-5-37           | 11/17/10 by L.L. No. 1-2011   | Zoning Designation changed from C-1 to R-4     |
| 36.48-1-14         | 4/24/19 By L.L. No. 1- 2019   | Zoning Designation changed from RPL-10 to GB   |
| 4.-1-8             | 8/11/21 by L.L. No. 2 of 2021 | Zoning Designation changed from GB to C-1      |