



# VILLAGE OF BROCKPORT

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Website: [www.brockportny.org](http://www.brockportny.org)

*The Victorian Village on the Erie Canal  
Preserve America Community  
Listed on the State and National Registers of Historic Places  
Certified Local Government  
Tree City USA Community  
Erie Canalway Heritage Award of Excellence  
Climate Smart Community*

## VILLAGE OF BROCKPORT Notice of Public Hearing

Please take notice that the Board of Trustees of the Village of Brockport will hold a **public hearing beginning at 7:00 pm on Monday, August 15, 2016**, in the Village Hall conference room 49 State Street, Brockport, NY 14420 regarding proposed Local Law of 2016 to amend the Village Code as follows:

- Proposed amendments to Chapter 58-23B Historic Preservation  
(as to the makeup of the Historic Preservation Board)
- Inclusion of a chapter on EV Charging Stations
- Inclusion of a chapter on Parks

Text of the proposed amendments to the Village Code is available for public inspection during normal business hours at the Village Clerk's office and is on the Village website at [www.brockportny.org](http://www.brockportny.org). All interested parties will be given the opportunity to be heard.

By Order of the Brockport Village Board

Leslie Ann Morelli  
Village Clerk  
Village of Brockport

Dated: 8/1/16

For publication in Suburban News and posting on Village website and at Village Hall.

Mayor Margaret B. Blackman  
Trustee/Deputy Mayor William G. Andrews  
Trustees Annette M. Crane, Katherine J. Kristansen, John D. LaPierre

§ 58-23 Historic preservation.

[Added 9-10-1990 by L.L. No. 2-1990]

A. Recognizing that the Village of Brockport's rich and varied history and vibrant present are evident in its commercial and residential buildings and surroundings and recognizing that the preservation, protection, enhancement and continued use of these structures and sites serves the best interest of all the people, this section is intended to:

- (1) Preserve, protect and promote the use of historic landmarks which reflect the Village's cultural, social, economic, political and architectural history.
- (2) Safeguard the property rights of owners.
- (3) Stabilize and improve property values.
- (4) Foster civic pride.
- (5) Strengthen the economy.
- (6) Protect and enhance the appeal of the Village for residents, tourists and visitors and for use in educational purposes.
- (7) Encourage the harmonious, orderly and efficient growth and development of the Village.

B. *Historic Preservation Board. The Village Historic Preservation Board will identify historic landmarks and districts and will issue certificates of appropriateness. The Board shall be increased from seven to nine members, all Village residents, including to the extent available in the community, but not limited to as follows: one architect, two members of the Historical Society, one real estate broker, one member from the community at large, one attorney, one historian, one historic archaeologist and one prehistoric archaeologist. All members shall have a known interest in historic preservation and shall serve for terms of three years, provided that two of the initial members be appointed for terms of one year, two for a term of two years, and three for terms of three years, and that subsequent members shall be appointed for terms of three years. [Amended 12-18-1995 by L.L. No. 9-1995, - - 2016 by L.L. No. -2016.]*

C. Designation of landmarks and historic districts.

- (1) For the purpose of effecting and furthering the goals and purpose of this section and the preservation, protection, perpetuation and use of landmarks and historic areas, the Historic Preservation Board shall select: [Amended 12-18-1995 by L.L. No. 9-1995]
  - (a) Landmarks for designation which shall be identified by a description setting forth the general nature, characteristics and location thereof.
  - (b) Historic districts for designation which shall be identified by a description setting forth the general nature, characteristics, location and boundaries thereof.

An Amendment to Chapter 58, Zoning, of the Village of Brockport Code

Add to §58-2 Definitions.

ELECTRIC VEHICLE CHARGING STATION - A system for the charging of an electric vehicle. Components typically include a charging kiosk and transformer.

ELECTRIC VEHICLE CHARGING - The use of an Electric Vehicle Charging Station by which electric vehicles are "fueled" through the transfer of electricity into the vehicle battery.

Change Article III, Section 10 as follows.

### **§58-10 Electric Vehicle Charging Stations**

Electrical Inspections – See Chapter 17

#### **§58-10-1 Permit Required.**

No person shall install an Electric Vehicle Charging Station within the Village without a permit issued from the Building Department. Charging Station permits shall become invalid unless the authorized installation is completed within six months. Upon completion of an installation, the permittee must contact the Building Inspector and arrange an inspection of the charging station with a third party electrical inspector to ensure compliance with all federal, state, and local laws. The application for a permit shall be as determined by the Board of Trustees.

#### **§58-10-2 Requirements.**

The following requirements shall apply to all electric Vehicle Charging Stations.

- (a) All installations must comply with National Electrical Code, NFPA 70, Article 625.
- (b) All installations must comply with the New York State Existing Building Code, New York State Fire Code, New York State Plumbing Code, New York State Mechanical Code, New York State Fuel Gas Code, and the New York State energy Conservation Construction Code.
- (c) Any person installing a Charging Station must, prior to installation, notify the utility providing electric power to the property.
- (d) Each electric vehicle charging station shall include vehicle impact protection (bollards) or a similar structure.
- (e) Components for electric vehicle charging stations may encroach up to 36 inches into a required setback or buffer.

- (f) No more than one charging station may be installed on any parcel except for the Business District, where two charging stations may be installed on each parcel.
- (g) Notwithstanding any district regulation to the contrary, Electric Vehicle Charging shall be a permitted accessory use in all zoning districts.

§58-10-3 Penalties.

Any person who violates this chapter or fails to comply with any of the requirements of this chapter shall, upon conviction thereof, be subject to revocation of the charging station permit ~~and/or~~ the penalties provided in §58-30 of the Code of the Village of Brockport. *in addition to*

Draft Version #9, revised 6/18/14 by R.Duff, 6/23/14 by CRC, 8/21/14, 2/23/15 and 3/25/15 by A.Appleby with Attorney Comments, 6/23/15 by CRC, 11/09/15 by Parks Committee, 11/13/15 by A. Appleby for Public Hearing, 12/21/15 by A. Appleby per Public Hearing comments.  
Submitted to Art Appleby, 12/27/13, by Hanny Heyen/Sandi Henschel, Village Parks Committee

## **Chapter ## PARKS**

[Editing changes in red]

**HISTORY:** Adopted by the Board of Trustees of the Village of Brockport (Date)

### **GENERAL REFERENCES**

Alcoholic Beverages — Ch. 4  
Amusement, Games — Ch. 3  
Animals — Ch. 5  
Berms, fences, hedges, screens, plantings — Ch. 6  
Building construction code — Ch. 10  
Firearms, fireworks and explosives — Ch. 18  
Flood damage prevention — Ch.20  
Garbage and refuse — Ch. 21  
Local law hearings — Ch. 28.  
Noise — Ch. 55  
Parking – Ch. 34  
Peace and good order — Ch. 35  
Peddling and solicitation — Ch. 23  
Signs and billboards — Ch. 43  
Streets and sidewalks — Ch. 45.  
Trailers and trailer camps — Ch. 51  
Trees and vegetation — Ch. 46  
Vehicles and traffic — Ch. 54  
Zoning — Ch. 58.  
Code Enforcement — Ch. 59.

### **ARTICLE I**

[Adopted: Date:]

§. ##.# Title; purpose; definitions.

This code shall be known and may be cited as the “Parks Law of the Village of Brockport.”

#### **Purpose**

This ordinance shall apply to all parks owned, operated, licensed, used or otherwise under the control or supervision of the Village of Brockport at the time of enactment or in the future. These provisions are enacted to:

1. Establish the policies, regulations and standards on public parks within the Village of Brockport

2. Maintain, protect and preserve the parks through safe practices of removal and replacement of equipment.
3. Establish and maintain appropriate parks for various ages and diversified activities.

§ ##.#           **Definitions**

**Park** – An area owned or used by the Village of Brockport devoted to active or passive recreation such as a playfield, playground, tot lot, multipurpose area, ball field, tennis court, basketball area and all other open space area in the Village devoted to active or passive leisure. This includes the grounds, buildings thereon, waters therein and any other property necessary for the operation thereof and constituting a part thereof which is now or may hereafter be maintained, operated and controlled by the Village of Brockport for public recreation purposes.

##.#           **Village Parks**

There are nine (9) parks within the Village:

1. Barry Street Park: between the residences of 56 & 74 Barry Street and Lyman Street
2. Corbett Park: SW corner of Clark and Smith Streets; borders the Erie Canal on the south
3. Evergreen Park: between the residences of 207 & 215 Evergreen Road; the Erie Canal on the south
4. Harvester Park: between Water Street and Park Avenue; the Erie Canal & Market Street
5. Havenwood Park: between the residences of 47 & 51 Havenwood Drive
6. Monika Andrews Children’s Playground: corner of Holley and Utica Streets
7. Remembrance Park: Triangle area near the intersection of Park Avenue & High Street
8. Sagawa Park: Corner of Main and Erie Streets
9. South Avenue Park: between 52 South Avenue & Winston Woods Apartments’ driveway

§ ##-#           **Parks Committee**

A) Membership; The Parks Committee shall consist of not fewer than 5 no more than 9 members appointed by the mayor subject to the approval of the Village Board. All members shall be residents of the village. Members shall serve for staggered terms of 4 years and without compensation. If a vacancy shall occur during the term of a member his or her successor shall be appointed by the mayor subject to the approval of the Village Board to complete the unexpired portion of the term in which the vacancy occurred. The mayor, subject to the approval of the Village Board, shall also have the power to remove any member of the Parks Committee.

B) Organization; Members of the Parks Committee shall annually select a chair, a vice-chair and a recording secretary, each to serve a one-year term. This action will coincide with the Village Board’s organizational meeting in early July. The board shall adopt rules and regulations concerning its governance and operation. A quorum is necessary for conducting business.

C) Meetings & Surveys; The Parks Committee will:

- 1) Meet as needed.
- 2) The parks’ playgrounds and furnishings will be inspected by certified safety personnel and checked by parks members. A summary report will be sent to the Village Board and the Superintendent of Public Works of the findings identifying needs, unsafe conditions including necessary replacements, repairs, and maintenance concerns in our parks.

- D) Authorization and Duties; The Parks Committee is an advisory committee to the Village Board and shall be authorized to fulfill the following duties:
- 1) Coordinate, recommend and implement the care, maintenance and oversight of all the village's public parks and playgrounds; regularly communicating with the DPW on all matters regarding village parks, including development of new parks;
  - 2) Inform and educate the public about the village parks.
  - 3) Make budget recommendations to the Village Board for park needs, expenses and purchase of equipment and play structures.
  - 4) Together with the village, apply for grants related to the maintenance, operation, and purchase of equipment.
  - 5) Submit an annual report to the Village Board detailing the parks committee's accomplishments for the year, educational outreach, activities coordinated with other committees and boards, etc.
  - 6) Review village policies, resolutions and Local Laws impacting parks.

### **Park Operating Policy / General Regulations**

- A. Hours- Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year. The hours of operation for parks shall be from sunrise to sunset.
- B. Closed areas- Any section or any part of any park may be declared closed to the public at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses, as the Trustees, the Mayor or the DPW Supervisor shall find reasonably necessary.
- C. Tobacco Use – The Village Board of Trustees has designated all parks to be “Tobacco-Free.”
- D. Fees For Use – There is no charge to residents for use of Village parks, but the Trustees may charge non-residents for the use of special recreational facilities such as tennis courts or pavilions.
- E. Park Signage - Signs should be located where they can easily be seen by park users. The text should be limited to what is necessary and should be supplemented by graphics that are universally understood. Signs should include the name of the park, rules and regulations and be effectively designed in a clear legible manner on material that is durable and resistant to the elements and graffiti.
- F. Parking in Public Parks –
1. No person shall park a motor vehicle or trailer in any public park, including parking lots appurtenant thereto, between sunset and sunrise.
  2. No person shall park any motor vehicle or trailer in a public park unless such person is at that time using the park facilities during permitted times.
  3. Vehicles parked in violation of this section shall be subject to the penalties described in §34-9 & 34-10 of this code.
- G. Prohibited Acts - The following acts are prohibited and no person shall:
1. Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any buildings, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or part

or appurtenances thereto, signs, notices or placards, whether temporary or permanent, monuments, stakes or posts.

2. Damage, transplant or remove any shrub or tree or cause damage to plants or grass areas so as to impair the natural beauty or usefulness of any area except for performance of routine maintenance.
3. Leave or dump any material of any kind in a public park. All items that are carried into a public park, such as food, containers or cooking materials and all refuse, ashes and garbage must be carried out of the park.
4. Cause pollution of any waterway or stream or interfere with the conservation of the natural resources of a park or endanger the health of visitors to any park.
5. Operate any bicycle, skateboard or other kind of personal conveyance on any road, path, parking area, building, or equipment within a park.
6. Park or drive any motor vehicle or motorcycle within a park, except in places designated for such purposes.
  - (a) No motorized vehicles may be operated off the roadway or parking lots in any park.
  - (b) No person shall land any aircraft, including gliders, balloons or engage in stunt flying or parachute landing or fly or land any remote controlled aircraft or drone in any park.
7. Engage in illegal gambling.
8. Bring into or keep in a park any animal that is destructive of wildlife, or bring into a park any animal that is not leashed or otherwise restrained in accordance with local law.
9. No person in custody or control of an animal shall allow said animal to discharge any fecal matter on any park property unless the person in custody or control of said animal immediately and fully removes and disposes of the feces.
10. Possess or carry any firecrackers or fireworks without a permit from the Village Clerk.
11. Except for police officers, possess any firearms, illicit drugs or other dangerous instruments.

### **### Enforcement and Penalties**

Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject to a fine not to exceed \$250 or imprisonment not to exceed fifteen days or both such fine and imprisonment. Any police agency of competent jurisdiction and the Code Enforcement Officer shall have authority to enforce the provisions of this chapter.

### **§ ### Complaints**

The Superintendent of the Department of Public Works shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with this local law or any other local law or ordinance or regulation adopted for administration and enforcement of the Parks' codes. The process for responding to a complaint shall include the following steps as the Superintendent at his discretion may deem to be appropriate:

1. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
2. Utilizing the Village of Brockport Police and/or the Code Enforcement Officer to carry out enforcement proceedings as deemed appropriate in violation of this Local Law or Law(s) of the Village of Brockport

### **§ ### Validity**

A. Conflict with other ordinances. In any case where a provision of this code is found to be in conflict with a provision of any law of this municipality, the County of Monroe or the State of New York, the provision which establishes the higher standard for the promotion and the protection of the safety and health of the people shall prevail. In any case where a provision of this code is found to be in conflict

with a provision of any other ordinance of the code of this municipality existing on the effective date of this article which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this article shall prevail.

- B. Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the parks and playgrounds when existing conditions are deemed to be dangerous, unsafe or unhealthy.
- C. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever such decision shall not affect the remaining portions of this code, which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.
- D. Saving clause. This code shall not affect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**§ ##.# Effective Date**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.