

Brockport

Village Code



1. | General Provisions

1.1. Legislative Intent

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Brockport, as codified by General Code, and consisting of Chapters 1 through 36, together with an Appendix, shall be known collectively as the “Code of the Village of Brockport,” hereafter termed the “Code.” Wherever reference is made in any of the local laws, ordinances and resolutions contained in the “Code of the Village of Brockport” 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 has been formally amended to so read.

1.2. Continuation of Existing Provisions

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 Only such provisions of former local laws and ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below.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

- A. Repeal of inconsistent enactments. Except as provided in § 1-4, enactments saved from repeal; matters not affected, below, all local laws and ordinances, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed as of the adoption and filing of this local law as set forth in § 1-13; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Brockport which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Board of Trustees of the Village of Brockport has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - 1. Chapter 2, Adoption of Ordinances, of the 1969 Code.
 - 2. Chapter 3, Amusement Games, of the 1969 Code.
 - 3. Chapter 9, Bingo, of the 1969 Code.
 - 4. Chapter 10, Building Construction Code, of the 1969 Code.

5. Chapter 11, Building Construction Administration, of the 1969 Code.
6. Chapter 14, Demolition of Buildings, of the 1969 Code
7. Chapter 15, Moving of Buildings, of the 1969 Code.
8. Chapter 19, Fire Prevention, of the 1969 Code.
9. Chapter 19A, Fire Alarm Systems, of the 1969 Code
10. Chapter 19B, Fire Lands, of the 1969 Code, adopted by L.L. No. 8-1983.
11. Chapter 19C, Fire Department Elections, of the 1969 Code, adopted by L.L. No. 1-1986
12. Chapter 25, Joint Cable Television Advisory Board, of the 1969 Code, adopted by L.L. No. 3-1985.
13. Chapter 30, Milk, of the 1969 Code, as amended.
14. Chapter 31, Motion Pictures, of the 1969 Code, as amended.
15. Chapter 36, Minimum Housing and Buildings Code, of the 1969 Code.
16. Chapter 41, Plumbing, of the 1969 Code.
17. Chapter 50, Traffic Control Board, of the 1969 Code.
18. Chapter 52, Transient Retail Business, of the 1969 Code.
19. Chapter 53, Carbon Monoxide Detectors, of the 1969 Code, adopted by L.L. No-1-1995.

1.4. Enactments Saved From Repeal; Matters not Affected

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

- A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Brockport prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Brockport or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Brockport.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Brockport.
- E. Any local law or ordinance of the Village of Brockport providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road,

highway, park or other public place within the Village of Brockport or any portion thereof.

- F. Any local law or ordinance of the Village of Brockport appropriating money or transferring funds promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Brockport or other instruments or evidence of the Village's indebtedness.
- G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any local law or ordinance relating to salaries and compensation.
- K. Any local law or ordinance amending the Zoning Map.
- L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.
- M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.
- N. Any local law or ordinance adopted subsequent to XX XX XXXX.

1.5. Severability

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

1.6. Copy of the Code on File

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

1.7. Amendments to Code

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

1.8. Code Book to be Kept Up-To-Date

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

1.9. Sale of Code Book; Supplementation

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

1.10. Penalties for Tampering with the Code

Any person who alters or tampers with the Code of the Village of Brockport in any manner whatsoever which will cause the legislation of the Village of Brockport to be misrepresented thereby, or who violates any other provision of this local law, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than \$250 or imprisonment for a term of not more than 15 days, or both.

1.11. Changes in Previously Adopted Legislation; New Provisions

In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Brockport, no changes in the meaning or intent of such local laws, ordinances and resolutions have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of

legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

1.12. Incorporation of Provisions into Code

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

2. | Alcoholic Beverages

2.1. Sale in Parks

The sale, offering for sale or serving in connection with other commodities sold or offered for sale of beer or other intoxicating beverages in any public parks in the Village of Brockport is hereby prohibited.

2.2. Consumption Restrictions

The following restrictions shall apply to any person consuming alcoholic beverages – including beer, wine and spirits – in any container in the Village of Brockport. It shall be unlawful to consume alcoholic beverages:

- A. While in or on a public street, public lane, public sidewalk, public facility, public park or trail, or in any public conveyance.
- B. In a private motor vehicle while the same is in motion or parked in or upon any public street, lane or public parking lot.
- C. While upon any private property without the express permission of the owner, legal inhabitant or other person having authority to grant such permission.

2.3. Penalties for Offenses

- A. Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject to imprisonment not to exceed 15 days or a fine not to exceed \$250.
- B. In addition to the penalty above prescribed, it is hereby ordained that each and every violation of § 2-1 or § 2-2 shall constitute disorderly conduct, and the person violating the same shall be a disorderly person and shall be liable to a penalty not exceeding \$100 for each and every violation thereof.

2.4. Publication and Effective Date

This chapter shall be entered in the minutes of the proceedings of the Board of Trustees of the Village of Brockport, New York, and published in the Brockport Republic Democrat, the official paper of the Village of Brockport, New York, on September 23, 1937, and a printed copy thereof posted conspicuously in at least three public places in said Village, upon the date of publication thereof in the official paper, and an affidavit of the publication and posting thereof shall be filed with the Village Clerk; and this chapter shall take effect 11 days after such posting and publication.

2.5. Repealer

All ordinances or parts of ordinances in conflict with the foregoing are hereby repealed insofar as such ordinances conflict with the foregoing ordinance.

2.6. Definitions

ALCOHOLIC BEVERAGE

Includes all distilled or rectified spirits, wine, fermented and malt liquors.

BEER

Includes beer, lager, ale, porter and similar fermented malt beverages, the sale of which is not prohibited by a Statute of the United States.

CONTAINER

Any vessel such as a bottle, glass, cup or similar article, regardless of labeling, designated to hold, or capable of holding a liquid.

VEHICLE

Any vehicles or motor vehicles as defined by the New York State Vehicle and Traffic Law.

3. | Animals

3.1. Judicial Jurisdiction

- A. Any Village Justice of the Village of Brockport shall have jurisdiction to hear all actions and proceedings hereunder and of all prosecutions for the violation of this chapter.
- B. The Village reserves the right to pick up unwanted dogs as space is available in the kennel or to discontinue the service by resolution of the Village Board of Trustees, if necessary.
- C. The Village of Brockport reserves the right to pick up those unwanted cats as space is available and to discontinue the service by resolution of the Village Board of Trustees if necessary.

3.2. Keeping of Farm Animals

No person shall keep or permit to be kept farm animals including swine, goats, cows, horses, sheep, poultry excluding chickens, on their premises within the limits of the Village of Brockport.

3.3. Dogs

- A. The purpose of this article shall be to preserve the public peace and good order in the Village of Brockport and to contribute to the public welfare and good order of its people by enforcing certain regulation and restrictions on the activities of dogs that are consistent with the rights and privileges of the other citizens in the Village of Brockport.
- B. The following restrictions apply to the owning of dogs in the Village of Brockport:
 - 1. Any person who witnesses an attack or threatened attack, or in the case of a minor, an adult acting on behalf of such minor, may make a complaint of an attack or threatened attack upon a person, companion animal, farm animal, or a domestic animal as defined under New York State Agriculture and Markets law. Complaints can be made to Village police. Officers shall immediately inform complainants of their right to commence a proceeding as provided in § 123.2 under Article 7 of New York State Agriculture and Markets law.
 - 2. It shall be unlawful to keep or suffer to be kept on the premises occupied by the owner or harbinger of any dog which engages in habitual howling, barking or whining or conducts itself in such a manner as to unreasonably disturb the comfort and repose of any reasonable person or normal sensitivities outside the owner's premises. Specifically, no dog shall be allowed to bark or make other noises for a period in excess of 10 consecutive minutes. The barking or other noises may be intermittent and not continuous.
 - 3. It shall be unlawful for the owner of any female dog to permit the dog off the premises of the owner or leave such dog outdoors and unconfined while such dog is in heat.
 - 4. It shall be unlawful to keep or suffer to be kept a dog in the habit of continually chasing or barking at automobiles, bicycles or other moving vehicles or which, by its

running at large, shall cause disturbances or damages in the neighborhood, impair the safety or disturb the safety and comfort of any persons.

5. It shall be unlawful to keep or suffer to be kept any dog which kills any other dog, cat or domesticated animal without just cause.
6. It shall be unlawful to keep or allow to be kept any dog which destroys the property of a neighbor.
7. It shall be unlawful to keep or allow to be kept any dog which commits a nuisance in a public street, public building, public park or on any private property except with the consent of the owner of the property thereof.
8. It shall be unlawful for the owner of a dog to permit such dog to be at large in the Village of Brockport, Monroe County, New York, unless under leash not exceeding eight feet in length, other than when on the premises of the person owning, keeping, harboring or having custody and control of such dog or upon the premise of another with the knowledge, consent and approval of the owner of such premises or when hunting in the company and under the control of a hunter or hunters.
9. It shall be unlawful for the owner of a dog to permit the premises, structures or enclosures in which such dog is kept to be unclean or unsanitary.
10. It shall be unlawful to own or harbor a dog unless licensed as provided by Article 7 of the Agriculture and Markets Law. Licenses shall not be required for dogs under the age of four months which are not at large. [Amended 6-20-2005 by L.L. No. 2-2005].
11. It shall be unlawful for any person to own, possess, or harbor a dangerous dog, as defined in this section and in accordance with the New York State Agriculture and Markets law. [Added 6-20-2005 by L.L. No. 2-2005].

C. Complaints and Enforcement

1. All complaints concerning alleged violations of this article shall be communicated to the Town of Sweden Building Inspector. All such complaints shall be investigated, and it shall be the duty of the Town of Sweden Building Inspector in the appropriate case to proceed with civil or criminal enforcement of the article or any provision of law pertaining hereto.
2. The Town of Sweden Building Inspector, having reasonable cause to believe that a person has violated this article, shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form prescribed by the Village Board by resolution in accordance with provisions of § 124 of the Agriculture and Markets Law and this article. An answer to such appearance ticket may be made within 5 days of the violation, by registered or certified mail, return receipt requested, in lieu of a personal appearance on the return date at the time and court specified in the appearance ticket, in accordance with the provisions of § 124 of the Agriculture and Market Law and this article.
3. It shall be the duty of the Town of Sweden Building Inspector to enforce the provisions of this article and to seize all dogs found at large in violation of the article or which are ordered seized by a Village Justice.

D. Notification and Redemption Procedures, Fees and Penalties

For any dog seized pursuant to the regulations in this article, the following notification and redemption procedures shall be followed:

1. Unidentified dogs, whether or not licensed, shall be held for a period of 5 days from the day seized, during which time the owner may redeem the dog.
2. For identified dogs, whether or not licensed, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of seizure and the redemption procedures. If notification is made personally, the dog shall be held for 7 days after the day of notice; if notification is made by mail, the dog shall be held for a period of 9 days, during which period the owner may redeem the dog.
3. In either of the above cases, the owner must produce proof of licensing and pay seizure and impoundment fees in order to redeem the dog. The seizure and impoundment fees shall be as set from time to time by the Village Board of Trustees.
4. If not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or destroyed by the Town of Sweden Building Inspector. In the case of sale, the purchaser must pay all accrued charges to the Village Clerk or the Town of Sweden Building Inspector and obtain a license for such dog. The Town of Sweden Building Inspector who destroys a dog shall immediately dispose of the carcass and take a written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof.
5. The Village Board of Trustees, pursuant to § 118 of the Agriculture and Markets Law and § 3-2A of this article, will from time to time set forth fees to be charged the owner of a dog seized and kept at the Town of Sweden kennel, such fees to be paid to the Village Clerk before the dog may be redeemed.
6. Any person who violates or knowingly permits violation of this article shall be subject to a fine of not more than \$75, except that where the person was found to have violated this article or Article 7 of the Agriculture and Markets Law within the preceding 5 years, the fine may not be more than \$150; where the person was found to have committed two or more such violations within the preceding 5 years, it shall be punishable by a fine of not more than \$300 or imprisonment for not more than 15 days, or both.
7. Nothing contained in this section is intended to eliminate, reduce, diminish or replace the provisions set forth in § 121 of the Agriculture and Markets Law with respect to fines, civil penalties or imprisonment with respect to dangerous dog violations.

E. Authorization

The Town of Sweden Building Inspector is hereby authorized to pick up unwanted dogs that are owned by residents who are financially unable to take proper care of their pets, including the cost of rabies vaccination and licensing, when such owner requests the Village to dispose of these animals, in accordance with the following rules:

1. The owner must execute a form relinquishing all claim of ownership to the dog and agreeing to its disposition according to law and absolving the Village and the Town of Sweden Building Inspector of any liability.
2. No fee will be charged for the first call, and any number of dogs may be taken. Any dog or dogs remaining on the premises must be properly licensed. For second or

successive calls, owners will be required to pay the cost of euthanasia charged to the Village.

3.4. Cats

A. Purpose of Community Cat Program

1. The Village of Brockport Board of Trustees recognizes that state law preempts the Village from regulating cats that are lost, strayed, homeless and/or abandoned pursuant to New York Agriculture and Markets Law Chapter 26 regulating said animals. The Board further recognizes that the Agriculture and Markets Law does encourage municipalities to promote humane population control programs for said animals. Therefore, the Board finds and declares that a community cat program is an effective method to both care for and meet the public's desire to see community cats cared for in a humane manner. It improves neighborhood tranquility and public health, while at the same time reducing the number of community cats, "nuisance" complaints, impound and killing, and wasteful expenditures of public and private resources.

B. Implementation of Community Cat Program

1. Trap, Neuter, Vaccinate, and Return shall hereafter be referred to as TNVR.
2. TNVR of community cats shall be legal in the Village of Brockport and interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis. Persons who are actively engaged in TNVR activities may register with the Village Clerk.
3. All persons who attempt to trap community cats for TNVR in the Village of Brockport shall be familiar with the guidelines, supported by regional and national feral and community cat organizations, regarding appropriate methods of TNVR.
4. An ear-tipped cat received by local shelters shall be returned to the location where trapped unless veterinary care is required.
5. A trapped, ear-tipped community cat shall be released on site unless further veterinary care is required, in which case the cat will be returned once the animal no longer needs care.
6. A community cat caretaker may reclaim a community cat if impounded at a local shelter or impoundment facility, without fee, if sterilized or for purposes of placing the cat in a community cat TNR program.
7. Trapping of a community cat is only permitted for purposes of a community cat program, providing needed veterinary care, adoption, transfer to a rescue group, or reunification with his/her owner.
8. Socialized cats and all kittens subject to TNVR shall be eligible to be, but not mandated to be, resocialized and put up for adoption.
9. It shall not be a violation of this section to determine that the best course of action for a particular cat, or cat colony, is to be left alone.

10. Leash laws, stray laws, licensing laws, and limitations on the number of cats owned, kept, held, or harbored, and feeding bans shall not apply to community cat caretakers.
11. All enforcement officers shall use appropriate opportunities to inform stakeholders about TNVR.
12. The Village of Brockport shall implement and administer this article in consultation with community cat welfare experts who make themselves known to the Village Board.

C. Restricted Acts

It shall be unlawful for any owner of or any person harboring any cat to permit or allow such cat in the Village of Brockport to:

1. Be vicious or to spray or to defecate in such a way as to cause annoyance to any person other than the owner or person harboring such cat.
2. Cause damage or destruction to property or to commit a nuisance upon the premises of a person other than the owner or person harboring such cat.
3. Remain in the Village of Brockport unless vaccinated currently against feline rabies.

D. Complaints and Enforcement

1. The Town of Sweden Building Inspector, having reasonable cause to believe that a person has violated this article, shall issue and serve upon such person an appearance ticket for such violation. The appearance ticket shall be in the form as prescribed by resolution of the Village Board in accordance with the provisions of this article.

E. Notification and Redemption Procedures and Penalties

For any cat seized pursuant to § 3-4, the following notification and redemption procedure shall be followed:

1. Unidentified cats shall be held for a period of five days from the day of seizure, during which time the owner may redeem the cat.
2. For identified cats, the owner shall be notified personally or by certified mail, return receipt requested, of the facts of the seizure and the redemption procedure. If notification is made personally, the cat shall be held for seven days after the day of notice; if notification is made by mail, the cat shall be held for a period of nine days, during which period the owner may redeem the cat.
3. In either of the above cases, the owner must produce proof of current vaccination against feline rabies and pay seizure fees and impoundment fees in order to redeem the cat. The seizure and impoundment fees shall be as set, from time to time, by the Village Board of Trustees.
4. If not so redeemed, the owner shall forfeit all title to the cat, and the cat shall be sold or destroyed by the Town of Sweden Building Inspector. In the case of sale, the purchaser must pay all accrued charges and have said cat vaccinated against feline rabies, if proof of vaccination does not already exist. The Building Inspector who

destroys or has destroyed a cat shall make written report of such destruction and disposition to the Village Clerk, who shall keep a record thereof.

5. A violation of this article shall be deemed a violation, which shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

F. Authorization

The Town of Sweden Building Inspector is hereby authorized to pick up unwanted cats that are owned by residents who are financially unable to properly care for their cats, including the cost of vaccination against feline rabies, when such owner requests the Village to dispose of these cats, in accordance with the following rules:

1. The owner of the cat must execute a form relinquishing all claim of ownership to the cat and agreeing to its disposition according to the law and absolving the Village of Brockport and the Village of Brockport Animal Control Officer of any liability.
2. The owner is responsible for paying all costs related to the disposition of the cat.

3.5. Chickens

A. Permit Requirements

1. Upon successful application including payment of the permit fee and proof of adequate shelter and fencing, a triannual permit will be issued to allow a maximum of 6 chicken hens on any lot occupied by one single-family, detached dwelling.
2. The keeping of roosters and other domesticated fowl shall be prohibited.
3. The permit shall be renewed every 3 years for as long as chickens are harbored on the property.

B. Dimensional Regulations for Coops

1. Free-range chickens shall not be permitted. All chickens must be housed within coops or runs as defined in this chapter.
2. A structure to shelter the hens shall be located in the rear yard, a minimum of 10 feet from any lot line and a minimum of 15 feet from any dwelling. The coop shall not exceed 144 square feet in total floor area and shall not exceed 12 feet in height from grade.
3. Fencing/restraint systems shall be installed and maintained to confine chickens to the rear and/or side yards behind the front setback of the home.
4. Loose chickens observed or photographed anywhere other than the rear and/or side yard of the premises shall be considered prima facie evidence of inadequate restraining systems.
5. Chicken coops shall be constructed of ordinary construction materials using ordinary construction techniques. Improvised shelters such as, but not limited to, truck caps, tanks or vessels, truck bodies, et seq., are specifically prohibited.
6. Chicken coops shall be kept in a clean and sanitary condition and shall be adequately ventilated and protected from weather.

C. Sanitation

1. No chicken coop shall be permitted within 50 feet of a well or source of drinking water
2. No person or persons shall harbor, maintain, or possess chickens of any description in such a manner as to create offensive odors or unsanitary conditions.
3. Feed and materials must be maintained in animal-proof containers.

D. Penalties and Fees

1. Any person corporation or other entity who violates a provision of this article shall be guilty of a violation and shall be subject to a fine not to exceed \$250.
2. Permit fees shall be established by the Village Board and published in the Village Fee Schedule.

3.6. Repealer

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudged invalid, such adjudication shall apply only to the article, section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the chapter shall be deemed valid and effective. Any ordinance or part thereof in conflict herewith is hereby repealed.

3.7. Definitions

AT LARGE

An unleashed dog off the property of the owner.

CAT

A member of the species *Felis catus*.

CHICKEN

The common domestic fowl (*Gallus domesticus*) or its young. This definition shall not be construed to include male roosters.

CHICKEN COOP

A building where chickens are maintained, surrounded by a run, usually made with wire fencing to allow the birds to roam while contained. A coop must be completely enclosed to prevent the escape of any birds housed therein.

CHICKEN RUN

An enclosed area, including the top, attached to a coop, in which chickens are allowed to run.

COLONY

A group of one or more community cats.

COMMUNITY CAT

A free-roaming cat.

COMMUNITY CAT CARETAKER

A person who provides care to one or more community cats. However, community cat caregivers are not the owner, harbinger, controller, or keeper of a community cat.

COMMUNITY CAT PROGRAM

The nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and releasing community cats to their habitats.

DANGEROUS DOG

In addition to the definitions set forth in § 108, Subdivision 24, of the Agriculture and Markets Law, a dog shall be considered a "dangerous dog" and subject to the provisions of § 121, Subdivision 3 et seq., of the Agriculture and Markets Law if such dog, without justification, attacks a dog or cat and causes physical injury or death to such dog or cat.

DOG

Both male and female dogs, unless the context requires otherwise.

EAR-TIPPING

The removal of the one-fourth-inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian.

FARM ANIMAL

"Farm animal", as used in this article, means any ungulate, poultry other than chickens, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section §11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes.

LEASHED or RESTRAINED BY A LEASH

The dog is equipped with a collar or, if the dog weighs over 25 pounds, with a choke collar, to which is attached a leash not more than eight feet long, both collar and leash to be of sufficient strength to restrain the dog, which leash shall be held by a person having the ability to control and restrain the dog by means of the collar and leash.

OWNER

Any person who owns, keeps, harbors or has the care, custody or control of a dog. Dogs owned by minors shall be deemed to be in the care, custody and control of the minor's parents and/or the other head of household where the minor resides.

STERILIZE

To spay or neuter a cat to render it incapable of reproduction.

TRAP, NEUTER, VACCINATE, AND RETURN or TNVR or TNR

A program in which community cats are humanely trapped, evaluated, vaccinated, sterilized, and ear tipped by a veterinarian and returned to the trap location with the intent of humanely controlling or reducing feline population and reproduction.

VETERINARIAN

A person licensed to practice veterinary medicine in the State of New York.

4. | Code of Ethics

4.1. Purpose and Legislative Intent

- A. As local government becomes increasingly complex and our democratic processes draw citizens from every walk of life, there is a continuing need for standards of ethical conduct as a guide for public officers and public employees. These standards must rely primarily on personal integrity and on community vigilance; law cannot in itself create moral fiber, nor can law quicken the civic conscience. In support of these basic standards, it is the purpose of this chapter to define conflicts of interest in Village transactions including public officers and public employees.
- B. The purpose of this chapter is to protect the public from municipal contracts influenced by avaricious officers, and to protect public officers and public employees from unwarranted assaults on their integrity.

C. Purpose of Board of Ethics

The establishment by this chapter of a Board of Ethics as an arm of Village government, together with standards of ethical conduct, is intended to provide honest, efficient government to the citizens of the Village of Brockport.

D. Purpose of Code of Ethics

The primary purpose of this Code of Ethics is to provide a formula of conduct which is not only clear but reasonable and which will permit governmental employees to share the normal benefits of the democratic society and economy they serve and to attract and hold competent administrators.

4.2. Rules and Standards

A. Conflicts of Interest

No officer or employee shall have any interest, financial or otherwise, or engage or invest in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest. To this end, no public officer or employee shall:

1. Be or become interested, directly or indirectly, in any manner whatsoever in any business or professional dealings with the Village of Brockport or any agency thereof.
2. Act as attorney, agent, broker, employee or representative in business or professional dealings with the Village of Brockport or any agency thereof for himself or any person, firm or corporation, directly or indirectly.

B. Employment and Other Transactions

No officer or employee shall accept other employment or engage in any business transaction which will impair their independence of judgement in the exercise of their official duties or create a conflict of interest with their official duties.

C. Improper Use of Official Position

No officer or employee shall use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.

D. Conduct

No officer or employee shall by their conduct give a reasonable basis for for the impression that any person can improperly influence them or unduly enjoy their favor in the performances of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

E. Compensation for Services Prohibited

No officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any case, proceeding, application or any other matter before any Village agency, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, franchise, or other benefit.

F. Use of Village-Owned Equipment or Property

No officer or employee shall request or permit the use of Village-owned vehicles, equipment, material or property for personal convenience or profit, except when such services are available to the public or are provided as municipal policy for the use of such officer or employee in the conduct of official business.

G. Exceptions

1. Notwithstanding any provision to the contrary in this chapter, any person serving the Village or any agency thereof without compensation shall not be deemed to be in violation of this chapter unless such interest conflicts with the proper discharge of his official duties.
2. The provisions of this chapter shall not apply to the designation of a bank or trust company as a depository, paying agency, registration agent or other investment in the funds of the Village in which the public officer or employee has an interest by reason of stock holdings when less than 5% of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee, except when the chief fiscal officer or their deputy have an interest in such bank or trust company.
3. The provisions of this chapter shall not apply to the designation of a newspaper, including, but not limited to, an official newspaper, for the publication of any notice,

resolution, ordinance, or other proceeding, where such publication is required or authorized by law.

4. No conflict shall be deemed to arise under this chapter by virtue of stock ownership where such ownership constitutes less than 5% of the outstanding stock of the corporation involved.
5. Where a member of a body, serving without pay, appointed by the Village Board, enters into contract with the Village for the performance of services or sale of goods or equipment, which contract does not appertain to or involve dealings with the body upon which the said member is serving, the Ethics Board may find that said contract creates only a technical conflict and may advise that such a conflict is not a violation of the Code of Ethics. Before the appointment of a member to a body, the Board of Ethics shall have the duty to give an opinion on the facts to be submitted by the appointing officer with respect to possible conflicts and shall have the discretionary power to hold that a technical conflict of interest does not disqualify a particular person from serving.

4.3. Compliance

- A. Compliance with the Code of Ethics shall be deemed a condition of employment for all public officers and employees, and every officer and employee shall, subsequent to the date of enactment of this code, be given a copy of this code, together with all amendments thereto, and a receipt for same shall be signed by such employee or officer. Such receipt shall be filed with the Village Clerk, who shall supply the necessary forms.

4.4. Employment

- A. No officer or employee shall, within a period of 2 years after the termination of such service or employment, appear before any agency of the Village or receive compensation for any service rendered on behalf of any person, firm, corporation or association in relation to any case, proceeding or application with respect to which such person was directly concerned or in which they personally participated during the period of their service or employment, or which was under their active consideration. Nor shall any person who has served as a member of the legislative body of the Village within a period of 2 years after termination of such service receive compensation of any service on behalf of any person, firm, corporation or association to promote or oppose, directly or indirectly, the passage of bills or resolutions by such legislative body of the Village.
- B. No Village official or employee shall accept other employment which will impair their independence of judgment in the exercise of their official duties.
- C. No Village official or employee shall accept employment or engage in any business or professional activity which will require them to disclose confidential information which they have gained by reason of their official position or authority.

4.5. Gifts and Favors

- A. No officer or employee of the Village of Brockport, whether paid or unpaid, shall accept any gift or gratuity having a value of \$25 or more per instance, nor \$100 or more per annum, whether in the form of services, loan or any promise or benefit of any kind, from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in any business or professional transaction or dealing with the Village or any agency thereof.
 - 1. This prohibition shall not apply to gifts or gratuities given by civic/charitable organizations having a value of \$200 or less and given with the purpose of securing official representation from the Village at a function of the organization. No organization, however, shall qualify for this exception where the organization has a Village matter pending, active or resolved within the last 30 days.
 - 2. Any gift in excess of these monetary limits shall be presumed to be improper for purposes of any action under Article 4.8 of this chapter.

4.6. Disclosures

A. Disclosure of Confidential Material

No officer or employee of the Village of Brockport, whether paid or unpaid, shall disclose confidential information concerning the property, government, or affairs of the Village or any other confidential information of an official character except when required by law, nor shall they use such information to advance the financial or other private interests of themselves or others.

B. Persons Participating in Discussion

Any officer or employee of the Village of Brockport, whether paid or unpaid, who has, will have, or intends to acquire an interest, direct or indirect, in any matter being considered by the Village Board or by any other official board, agency, officer, or employee of the Village of Brockport, and who participates in discussion before or gives opinions or advice to any board, agency, or individual considering the same, shall publicly disclose on the official record the nature and extent of such interest.

C. Persons Having Knowledge of Discussions

Any officer or employee of the Village of Brockport, whether paid or unpaid, who has knowledge of any matter being considered by any board, agency, officer, or employee of the Village of Brockport in which he has or will have or intends to acquire any direct or indirect interest, shall be required to disclose in writing his interest to such board, agency, officer, or employee and the nature and extent thereof.

4.7. Penalties for Offenses

A. Forfeiture or Pay; Suspension or Removal

A violation of any of the provisions of this chapter shall constitute cause for forfeiture or pay, suspension or removal from office or employment.

B. Contracts Voided

Any contract knowingly entered into by or with the Village of Brockport or any agency thereof in which there is an interest prohibited by this chapter shall be null, void, and wholly unenforceable.

C. Imprisonment and/or Fine

In addition to any of the foregoing penalties, any officer or employee who willfully and knowingly violates the foregoing provisions of this chapter shall be guilty of an offense punishable by a term of imprisonment not more than 15 days or a fine not in excess of \$250.

D. Other Laws May Apply

Nothing contained in this chapter shall limit any other applicable laws or ordinances which are now or may be hereafter provided.

E. Actions Not Constituting Violations

No action, express or implied, permitted under Article 18 of the General Municipal Law shall constitute a violation of this chapter.

4.8. Severability

A. Amendment

The code may be amended from time to time by the Village Board or its successor legislative body by the adoption of further rules and standards designed to improve the administration of the Village and protect the public or by supplementing the coverage of this chapter to the extent permitted by law.

B. Severability

If any portion of this chapter shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such portion thereof shall be deemed inoperative, and the balance of said chapter shall be deemed to be in full force and effect.

4.9. Board of Ethics

A. Membership

There is hereby established a Board of Ethics consisting of 5 members to be appointed by the Board of Trustees, all of whom shall serve without compensation and at the pleasure of the Board of Trustees of the Village of Brockport. Four (4) of these Board members shall be persons other than Village officers or employees or members of other Village boards. These members must live within the Village and shall have voting rights. One (1) member shall be a Village employee of the Village of Brockport. This Village employee shall be a nonvoting member and need not live within the Village. The members of the Board of Trustees of the Village of Brockport are ineligible to serve as voting members of the Board of Ethics or as observers or advisors to the Board of Ethics. Vacancies on the Board of Ethics shall be filled by the Board of Trustees as soon as practically feasible.

B. Advisory Opinions

The Board of Ethics established hereunder shall render advisory opinions to Village officers or employees on written request and/or upon written request of the Board of Trustees of the Village of Brockport; in addition, the Board of Ethics may make recommendations with respect to drafting and adoption of a code of ethics or amendments thereto upon request of the Board of Trustees. The opinions of the Board of Ethics shall be advisory and confidential and in no event shall the identity of the Village officer or employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board of Ethics or, if none, of the Village Attorney.

C. Rules and Regulations

Such Board of Ethics, upon its formation, shall promulgate its own rules and regulations as to its form and procedures (subject to Village Board approval) and shall maintain appropriate records of its opinions and proceedings.

D. Membership Disqualifications

No person may be appointed as members of such Board who shall be:

1. Political committee members or officials of any political club in the Village
2. Persons closely related by family or business to any Village officer or employee.
3. Persons having business dealing with the Village or any Village agency, directly or indirectly, either personally or through some firm, association, or corporation in which such person has any business interest or in which such person has an official capacity.

E. Election of Chairperson and Secretary

The members of such a Board of Ethics shall elect from their group a Chairperson and Secretary.

F. Coordination

All agencies of the Village shall furnish to such Board, in connection with its investigations, such data, information and statements as may in the opinion of the Board be necessary for the proper exercise of its functions, powers and duties.

G. Confidential Matter

All requests for advisory opinions or interpretations, and all complaints and investigations, shall be deemed confidential. All findings, recommendations, advisory opinions, interpretations and proposed revisions to this chapter shall be matters of public record.

5. | Code Enforcement

5.1. Effective Date

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

5.2. Issuance of Appearance Tickets and/or Summonses by Code Enforcement

- A. Pursuant to Criminal Procedure Law §§ 150.10 and 150.20, the Code Enforcement Officer or Code Enforcement Inspector of the Village of Brockport, as defined in Chapter XX, of the Code of the Village of Brockport, is herewith authorized to issue and serve appearance tickets and/or summonses when they have reasonable cause to believe that a person or persons have committed a misdemeanor or a petty offense in their presence.
- B. This authorization is restricted to the following ordinances or local laws of the Village of Brockport:
 - 1. Chapter 3: Animals
 - 2. Chapter 6: Communication Systems
 - 3. Chapter 9: Driveways
 - 4. Chapter 10: Electrical Inspection
 - 5. Chapter 13: Fire Alarm Systems
 - 6. Chapter 14: Flood Damage Prevention
 - 7. Chapter 15: Garbage, Refuse and Open Burning
 - 8. Chapter 16: Garage Sales
 - 9. Chapter 18: Land Subdivision Regulations
 - 10. Chapter 19: Stormwater Management and Erosion and Sediment Control
 - 11. Chapter 23: Parking
 - 12. Chapter 29: Streets and Sidewalks
 - 13. Chapter 30: Trees and Vegetation
 - 14. Chapter 33: Trailers, Trailer Camps and Camping
 - 15. Chapter 36: Zoning

5.3. Issuance of Appearance Tickets and/or Summonses by Police Department

Members of the Village of Brockport Police Department are authorized to issue and serve appearance and/or summonses, pursuant to the Penal Law and Criminal Procedure Law, relating to any misdemeanor, violation or offense of any ordinances or local laws of the Village of Brockport.

6. | Communication Systems

6.1. Purpose and Goals

- A. The purpose of this article is to establish regulations, guidelines and procedures for the siting of wireless communication towers and related structures. All regulations, guidelines and procedures shall align with the basic goal of the United States Telecommunications Act of 1996, as amended; namely, to encourage telecommunications competition wherever and whenever possible by providing facilities to accommodate the increased demand for personal wireless services via transmitting and receiving facilities and concurrently providing for and protecting the health, safety and welfare of the residents of the Village of Brockport through design and performance standards.
- B. The goals of this chapter are:
 - 1. Encourage users of towers and related structures to configure them in a way that minimizes the adverse aesthetic impact of the towers and related structures through careful design, siting, landscaping and screening, and innovative camouflaging techniques;
 - 2. Avoid potential damage to person and property from tower failure through engineering and careful siting of towers and other communication system structures;
 - 3. Ensure the removal of abandoned communication systems to minimize negative impacts associated therewith; and
 - 4. Ensure that proposed communication systems or related structures will not interfere with existing local telecommunication systems.

6.2. Special Use Permit

No communication system or related structure or facility shall be constructed or maintained within the Village of Brockport without the issuance of a special use permit by the Village Planning Board. The following shall apply to the approval and provision of a special use permit for a communication system:

- A. **Site Plan and Location**
 - 1. The applicant shall prepare a site plan to scale and in sufficient detail and accuracy to show the following:
 - a. The location of property boundary lines and easements, if any;
 - b. The location of the communication system, structure or facility including all towers, antennae, guy wires and anchors, if applicable;
 - c. A side elevation or other sketch of the communication system showing proposed antennae;

- d. The location of all structures on the property and all structures on any adjacent property that are within 10 feet of the property line, together with the distance of these structures to the proposed communication system;
- e. The location, nature and extent of proposed or required fencing, landscaping and/or screening;
- f. The location and nature of proposed utility easements and access road, if applicable; and
- g. A viewshed map or visual simulation showing the view from surrounding properties of the proposed communication system, and/or antennae.

B. Setbacks

1. The Planning Board may require reasonable setbacks with respect to topography, views and vistas, adjacent properties, vegetation, and other site considerations.
2. Setbacks shall apply to all parts of a communication system including but not limited to guy wire anchors, towers, accessory facilities, and antennae.

C. Access, Parking and Circulation

3. A road and parking area will be provided to assure adequate emergency and service access.
4. Road construction shall be consistent with standards for private roads and shall minimize ground disturbance and vegetation cutting to the maximum extent practicable.
5. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
6. Equipment or vehicles, including box trailers and construction trailers shall not be stored on the facility site.

D. Vegetation, Screening and Fencing

7. Existing on-site vegetation shall be preserved to the maximum extent possible and no cutting of trees exceeding 4 inches in diameter shall take place prior to approval of the Planning Board.
8. Clear-cutting of all trees in a single contiguous area shall not be allowed.
9. Deciduous or evergreen tree planting may be required to screen portions of the tower and accessory facilities from nearby residential property as well as from public sites. Where the site abuts residential or public property, including streets, at least one row of native evergreen shrubs or trees capable of forming a continuous hedge at least 10 feet in height within two years of planting shall be provided to effectively screen the tower base and accessory facilities, In the case of poor soil conditions, planting may be required on soil berms to assure plant survival, with the plant height to include the height of the berm.
10. The Planning Board may require appropriate vegetative buffering around the fences of the telecommunications tower base area, accessory structures and the anchor points of guyed towers to buffer their view from neighboring residences, recreation areas, waterways, historic or scenic areas, or public roads.

11. A maintenance plan and replacement plan for all vegetation and screening shall be provided.
12. All communication towers, guy wires and anchors shall be enclosed by a fence not less than 6 feet in height or otherwise sufficiently protected against trespassing or vandalism.
13. There shall be no permanent climbing pegs within 15 feet of the ground on any communication system or other related structure.

6.3. Permitted Districts

- A. All communication systems shall be a specially permitted use in the Industrial District.
- B. Any communication system shall be prohibited in all other zoning districts in the Village of Brockport.

6.4. Definitions

CAMOUFLAGING

The construction of facilities to house or support a telecommunications tower so that the tower blends readily with the landscape, neighborhood and adjacent architectural features. Examples of camouflaging include, but are not limited to, silos, barns, windmills, and simulated trees.

COLLOCATED ANTENNA

The use of existing telecommunications facilities and/or communications towers, buildings or other structures for placement of telecommunications antennae by more than one carrier to avoid construction of a new communications tower or facility.

COMMUNICATION SYSTEM

All telecommunications facilities and/or communications towers, buildings, structures and equipment used in transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC-licensed carrier. These include, but are not limited to, freestanding towers, guyed towers, monopole towers and similar structures, but excludes those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar private residential communications.

FREESTANDING TOWER

Freestanding lattice tower onto which a telecommunications antenna is affixed.

GUYED TOWER

A communications tower consisting of a single pole supported by wires and ground anchors onto which telecommunications antennae and/or similar satellite antennae are affixed.

GUY WIRE

Wires or cables used in tension to provide structural support between a communication or telecommunication tower and the ground.

MONOPOLE TOWER

A communications tower consisting of a single pole constructed without guyed wires and ground anchors.

PERSONAL WIRELESS SERVICE

Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by Section 704 of the Federal Telecommunications Act.

SETBACK

The least required horizontal distance between property line and any structure on the lot measured at the shortest point, including all accessory uses and structures.

7. | Community Choice Aggregation Program

7.1. Legislative Findings; Intent and Purpose

- A. It is the policy of both the Village of Brockport (“Municipality”) and the State of New York to reduce costs and provide price certainty for the purpose of consumer protection and economic development, to expand access and opportunities for consumers in retail energy markets, as well as to promote the sustainability and resilience of energy systems through the proliferation of renewable energy, energy efficiency, and distributed energy resources (DER, as defined below). Among the initiatives that may advance these objectives in New York is community choice aggregation (CCA), a policy that empowers local governments to determine the source of electricity and/or natural gas supply on behalf of its residents and small businesses, reflecting local resources, priorities, and challenges. Energy delivery remains the responsibility of the distribution utility.
- B. This chapter establishes the authority for the Village of Brockport, in connection with the implementation of a CCA program, to acquire utility data, to select, through competitive solicitation, energy supplier(s) on behalf of default consumers within the jurisdictional boundaries of the Village, and to maximize value for participating consumers through enhanced services related to DER. The municipality may choose to collaborate with other local governments to form an intermunicipal program. As a result, consumers will have the opportunity to lower and stabilize their energy costs, to spur local clean energy innovation and investment, and to reduce their environmental impact; thereby fulfilling the purposes of this chapter and fulfilling an important public purpose.

7.2. Authorization

- A. The Village of Brockport is authorized to implement this Community Choice Aggregation Program pursuant to § 10(l)(ii)(a)(l2) of the New York Municipal Home Rule Law; and consistent with State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs (issued April 21, 2016) as may be amended, including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 14-M-0224, to the extent that orders related to Case No. 14-M-0224 enable actions by the municipality.
- B. This chapter shall be known and may be cited as the "Community Choice Aggregation Program Law of the Village of Brockport.
- C. A community choice aggregation program is hereby authorized by the Municipality, whereby the municipality may implement a CCA program to the full extent permitted by the PSC CCA order, as set forth more fully herein.
- D. The municipality may enter into contracts with one or more suppliers for electric and/or natural gas supply and other services on behalf of default consumers.
- E. The municipality may enter into agreements and contracts with other municipalities, nonprofits, consultants, and/or other third parties to:

1. Develop and implement the CCA program;
 2. Act as CCA administrator; and/or
 3. Develop offers of opt-in DER products and services to participating consumers.
- F. The operation and ownership of the utility service shall remain with the distribution utility. The municipality's participation in a CCA program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The municipality shall not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with suppliers on behalf of participating consumers.
- G. The Public Service Commission supervises retail markets and participants in these markets through legislative and regulatory authority and the uniform business practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

7.3. Eligibility

- A. All default consumers shall be enrolled on an opt-out basis. Default consumers will have the right to opt out before the supply contract goes into effect, or disenroll any time thereafter with no penalty. Those that do not opt out before the supply contract goes into effect will be enrolled automatically.
- B. All non-default consumers within the municipality, regardless of service class, shall be eligible to participate in the CCA program on an opt-in basis.
- C. CCA administrator, on behalf of the Village of Brockport, shall issue one or more requests for proposals to suppliers to provide energy to participants and may then award a contract in accordance with the CCA program.

7.4. Opt-Out Process

- A. A program notification letter, printed on municipal letterhead, shall be mailed to default consumers at least 30 days prior to customer enrollment. The letter shall include information on the CCA program and the contract signed with the selected supplier(s) including specific details on rates, services, contract term, cancellation fee, and methods for opting out of the CCA program. The letter shall explain that consumers that do not opt out will be enrolled in the program under the contract terms and that information on those consumers, including energy usage data and APP status, will be provided to the ESCO.
- B. After the thirty-day opt-out period, all consumers shall have the option to disenroll from the CCA program at any time without penalty.

7.5. Data Protection Requirements

- A. The municipality, or CCA administrator on its behalf, may request aggregated data and customer-specific data from the distribution utility.
- B. Customer-specific data shall be protected in a manner compliant with, collectively:
 - 1. All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information;
 - 2. The utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify an individual that apply with respect to the municipality or its representative's processing of confidential utility information; and
 - 3. The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.
- C. For the purpose of protecting customer data, the municipality must enter into an agreement with the distribution utility that obligates each party to meet, collectively:
 - 1. All national, state and local laws, regulations or other government standards relating to the protection of information that identifies or can be used to identify an individual default consumer or participating consumer with respect to the CCA administrator or its representative's processing of confidential utility information;
 - 2. The distribution utility's internal requirements and procedures relating to the protection of information that identifies or can be used to identify individual default consumer or participating consumer with respect to the CCA administrator or its representative's processing of confidential utility information; and
 - 3. The PSC CCA order and PSC rules, regulations and guidelines relating to confidential data.

7.6. Administration Fee

The municipality or CCA administrator may collect, or cause to be collected, funds from customer payments to pay for administrative costs associated with running the CCA program.

7.7. Reporting

- A. Annual reports shall be filed with the Board of Trustees of the municipality by March 31 of each year and cover the previous calendar year.
- B. Annual reports shall include, at a minimum: number of consumers served; number of consumers cancelling during the year; number of complaints received; commodity prices paid; value-added services provided during the year (e.g., installation of DER or other clean energy services); and administrative costs collected. The first report shall also

include the number of consumers who opted-out in response to the initial opt-out letter or letters.

- C. If a CCA supply contract will expire less than one year following the filing of the annual report, the report must identify current plans for soliciting a new contract, negotiating an extension, or ending the CCA program.

7.8. Definitions

AGGREGATED DATA

Aggregated and anonymized information including, but not limited to, the number of consumers by service and rate class, the aggregated peak demand (kW) (for electricity) by month for the past 12 months by service and rate class, and the aggregated energy (kWh) for electricity or volumetric consumption for gas by month for the past 12 months by service and rate class.

CCA ADMINISTRATOR

The third party duly authorized to request aggregated and customer-specific data, competitively solicit suppliers for the aggregated demand for electricity and/or natural gas on behalf of default consumers, and to offer participating consumers additional opportunities to participate or enroll in programs or projects related to distributed energy resources. CCA administrator is responsible for program organization, administration, procurement, communications, and for meeting all requirements for program implementation specified in the PSC CCA order, unless otherwise specified.

CUSTOMER-SPECIFIC DATA

Customer-specific information, personal data and utility data for all default consumers including the customer of record's name, mailing address, telephone number, account number, and primary language, if available, and any customer-specific alternate billing name, address, and phone number.

DEFAULT CONSUMERS

Customers of electricity and/or natural gas within opt-out eligible service classes (as delineated in the PSC CCA order), who receive supply service from the distribution utility as of the date the supply contract goes into effect, or consumers within these service classes that subsequently become eligible to participate in the program including those that have terminated a supply contract with an ESCO, removed a freeze or block on their account, have voluntarily suspended service pursuant to a special rate, or are new residents of the municipality. Consumers within opt-out eligible service classes, as of the date the supply contract goes into effect, taking service from an ESCO, those that have placed a freeze or block on their account, and those for whom enrollment in the CCA program would interfere with a choice they have already made to take service pursuant to a special rate are not considered default consumers and will not be enrolled on an opt-out basis. For the avoidance of doubt, all default consumers must reside or be otherwise located at one or more locations within the geographic boundaries of the municipality, as such boundaries exist as of the date the supply contract with the goes into effect.

DISTRIBUTED ENERGY RESOURCES (DER)

Local renewable energy projects, community-distributed generation (e.g., shared solar), peak demand management, energy efficiency, demand response, energy storage, community resilience microgrid projects, and other innovative Reforming the Energy Vision (REV) initiatives that further engage and/or reduce cost of service for participating consumers, optimize system benefits, and/or address infrastructure and demand challenges within geography of the CCA.

DISTRIBUTION UTILITY

Owner or controller of the means of distribution of the natural gas or electricity in the municipality. The distribution utility also serves as the default supplier of electricity and natural gas preceding the establishment of a CCA program.

ESCO or ENERGY SERVICES COMPANY

An entity duly authorized to conduct business in the State of New York as an ESCO.

PARTICIPATING CONSUMERS

Default consumers who have not opted out, and non-default consumers of any service class that have voluntarily enrolled in the program.

PSC CCA ORDER

The PSC's Order Authorizing Framework for Community Choice Aggregation Opt-Out Program, issued on April 21, 2016, in Case 14-M-0224, "Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs."

PUBLIC SERVICE COMMISSION or PSC

New York State Public Service Commission.

SUPPLIER

An ESCO that procures electric power and natural gas for participating consumers in connection with this chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

8. | Comprehensive Plan

8.1. Adoption of Comprehensive Plan

- A. The Board of Trustees of the Village of Brockport adopted a Comprehensive Plan on 11-18-2019 by L.L. No. 2019. Said plan is on file in the Village offices.

9. | Electrical Inspection

9.1. Effective Date

This Chapter shall take effect XX XX XXXX.

9.2. Electrical Inspector

- A. The Chief Inspector and each of the duly appointed Inspectors of any electrical inspection are hereby authorized to make inspections and reinspections of all electrical installations heretofore and hereafter described, and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections or reinspections be a charge against the Village of Brockport. Anyone requiring an electrical inspection shall use the same electrical inspection agency from the point of application for said inspection to the completion of the same.
- B. Any electrical inspection taking place within in the Village of Brockport shall be done in accordance with standards established through section 73 of the National Fire Protection Association.

9.3. Duties of Electrical Inspector

- A. It shall be the duty of the Inspector to report in writing to the Chief Building Inspector, whose duty it shall be to enforce all provisions of this Chapter, all violations or deviations from or omissions of the electrical provisions of both the New York State Uniform Fire Prevention and Building Code and the State Energy Code applicable to the Village of Brockport and of all local laws and ordinances as referred to in this chapter insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Brockport upon the written request of an authorized official of the Village of Brockport or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring, installations, devices, appliances and equipment in or on properties within the Village of Brockport where they deem it necessary for the protection of life and property. In the event of an emergency, it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officer of the Village of Brockport.
- B. It shall be the duty of the Inspector to furnish written reports to the proper officials of the Village of Brockport and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. They shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. They shall direct that a copy of the certificate of compliance be sent to the Village of Brockport to the attention of the Building Inspector.

9.4. Violations

- A. It shall be a violation of this Chapter for any person, firm or corporation to install, or cause to be installed, or to alter electrical wiring for light, heat or power in or on properties of the Village of Brockport until an application for inspection has been filed with the New York Board of Fire Underwriters.
- B. It shall be a violation of this Chapter for a person, firm or corporation to connect or cause to be connected electrical wiring in or on properties for light, heat or power to any source of electrical energy supply prior to the issuance of a temporary certificate or a certificate of compliance by the New York Board of Fire Underwriters.

10. | Environmental Quality Review

10.1. State Law and Word Usage

- A. If the Village determines that an action is a Type I or Unlisted action, then it shall be subject to New York's State Environmental Quality Review process in the New York State Environmental Conservation Law and 6 NYCRR 617.
- B. Unless the context shall otherwise require, the terms and their derivatives used in this Chapter shall have the same meaning as those defined in § 8-0105 of the New York State Environmental Conservation Law and 6 NYCRR 617.

10.2. Types of Actions

- A. The purpose of this section is to simplify the task of determining whether or not a proposed action may have a significant effect on the environment by identifying the types of actions which are likely to have a significant effect and those which will not have a significant effect. Due to the complex and varied nature of actions, the lists in this section are not all-inclusive. Any omission from the Type I or Type II lists of actions as set forth herein shall be considered unlisted actions. Unlisted actions do not meet the Type I thresholds, although they may still require an environmental impact statement (EIS). If an unlisted action does not meet the specific standards set forth under Type I actions, the Planning Board may, at its discretion, require that an environmental impact statement be prepared.
- B. The following is a non-exhaustive list of common Type I actions:
 - 1. The adoption of a municipal land use plan, comprehensive plan, resource management plan, open space plan, or the adoption of a municipality's comprehensive zoning regulations.
 - 2. The adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district.
 - 3. The acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a State or local agency.
 - 4. Construction of new residential units that meet or exceed the following thresholds:
 - a. 50 units not to be connected (at the commencement of habitation) to existing community or public water and sewer systems including sewage treatment works; and
 - b. 200 units to be connected (at the commencement of habitation) to existing community or public water and sewer systems including sewage treatment works.
 - 5. Activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds:
 - a. A project or action that involves the physical alteration of 10 acres;

- b. A project or action that would use ground or surface water in excess of 2,000,000 gallons per day;
 - c. Parking for 100 vehicles; and
 - d. A facility with more than 100,000 square feet of gross floor area.
 - e. Any industrial facility which has a yearly average discharge flow, based on days of discharge, of greater than 0.5 million gallons a day.
 - f. Any publicly or privately owned sewage treatment works which has an average daily design flow of more than 0.5 million gallons a day.
 - g. Any sanitary landfill.
 - h. Any solid waste transfer station.
- C. The following is a non-exhaustive list of common Type II actions that are not subject to an EIS:
1. Maintenance or repair involving no substantial changes in an existing structure or facility.
 2. Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds established in §11.3 B of this Chapter.
 3. Retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.
 4. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming.
 5. Repaving of existing highways not involving the addition of new travel lanes.
 6. Street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities.
 7. Installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles.
 8. Maintenance of landscaping or natural growth.
 9. Construction or alteration of a single- or two-family residence and accessory appurtenant uses or structures, but not if such construction or alteration:
 - a. Is in conjunction with the construction or alteration of two or more residences.
 - b. Is in a critical area as described in this section for Type I actions.
 - c. May cause significant water supply, sewage disposal, drainage, fire protection, traffic or noise problems.
 10. The extension of utility facilities to serve new or altered single- or two-family residential structures or to render service in approved subdivisions.
 11. Construction or alteration of a store, office or restaurant designed for an occupant load of 20 persons or less, if not in conjunction with the construction or alteration of

two or more stores, offices or restaurants and if not in one of the critical areas as for Type I actions, and the construction of utility facilities to serve such establishments.

12. Actions involving individual setback and lot line variances and the like.
13. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming.
14. Operation, repair, maintenance or minor alteration of existing structures, land uses and equipment.
15. Restoration or reconstruction of a structure, in whole or in part, being increased or expanded by less than 50% of its existing size, square footage or usage, unless in a critical area as set forth in this chapter.
16. Repaving of existing highways not involving the addition of new travel lanes.
17. Street openings for the purpose of repair or maintenance of existing utility facilities.
18. Installation of traffic control devices on existing streets, roads and highways other than multiple fixtures on long stretches.
19. Mapping of existing roads, streets, highways, uses, ownership patterns and the like.
20. Regulatory activities not involving construction or changed land use relating to one individual, business, institution or facility, such as inspections, testing, operating certification or licensing and the like.
21. Sales of surplus government property other than land, radioactive material, pesticides, herbicides or other hazardous materials.
22. Collective bargaining activities.
23. Operating, expense or executive budget planning, preparation and adoption not involving new programs or major reordering of priorities.
24. Investments by or on behalf of agencies or pension or retirement systems.
25. Actions which are immediately necessary for the protection or preservation of life, health, property or natural resources.
26. Routine administration and management of agency functions not including new programs or major reordering of priorities.
27. Routine license and permit renewals where there is no significant change in preexisting conditions.
28. Routine activities of education institutions which do not include capital construction.

10.3. Processing of Applications

- A. Immediately upon receipt of an application for a permit or approval, each department, agency, board or commission of the Village shall determine whether or not such type of permit or approval is contained on the list which has heretofore been approved by the Village. In the event that such type of permit or approval is on such list, the department, agency, board or commission may proceed to process same without further regard to this chapter.

- B. If the type of permit or approval being sought hereunder is not contained on the approved list of the Village, such department, agency, board or commission shall be required to determine whether such type of permit or approval should be an exempt action or a Type II action, in accordance with § 11.3 in this Chapter.
- C. If the appropriate department, agency, board or commission determines that the proposed permit or approval is an exempt action or a Type II action as set forth in § 11.3 herein, the department, agency, board or commission may proceed to process same without further regard to this chapter.
- D. If the appropriate department, agency, board or commission determines that the proposed permit or approval is not an exempt action or a Type II action as set forth in § 11.3 herein, the applicant shall be so notified and directed to complete an environmental assessment application, to include the following:
 - 1. A complete environmental assessment form (EAF) as prescribed by the Village Planning Board. A complete EAF shall contain the name of the applicant or the name of the County agency initiating the action, the location of the property affected, a description of the action to be taken and such other information as shall be deemed necessary by the Planning Board.
 - 2. Drawings, sketches, maps and other such explanatory material as may be deemed necessary.
 - 3. In the discretion of the applicant or the agency, a statement of the reason why the proposed action may or may not have a significant effect in the opinion of the applicant or agency.

10.4. Evaluation of Application

- A. Upon receipt of a completed application, the agency having jurisdiction shall cause notice thereof to be posted on a bulletin board maintained by the Village and may also cause such notice to be published in the official newspaper of the Village describing the nature of the proposed action and stating that the written views thereon of any persons shall be received by the agency no later than a date specified in such notice but, in no event, no less than 10 days after the posting of said notice.
- B. The agency having jurisdiction shall render a written determination on such application within 15 days following receipt of a completed application, stating whether such proposed action may or may not have a significant effect on the environment.
- C. If the agency having jurisdiction determines that the proposed action will not have a significant effect on the environment, the agency shall prepare, file and circulate such determination as provided in 6 NYCRR 617.7(b), and thereafter the proposed action may be processed without further regard to this chapter. If the agency having jurisdiction determines that the proposed action may have a significant effect on the environment, it shall inform the applicant or the agency initiating the action of the determination and shall prepare, file and circulate such determination as provided in 6 NYCRR 617.7(b). Thereafter, the proposed action shall be reviewed and processed in accordance with the provisions of this chapter and 6 NYCRR 617.

10.5. Procedure for Environmental Impact Statement

- A. Following a determination that a proposed action may have a significant effect on the environment, the agency shall also direct the applicant or agency initiating the action to prepare and submit an environmental impact report in the form of a draft environmental impact statement.
- B. Upon receipt of a draft environmental impact statement prepared by the applicant or agency initiating the action, a notice of completion will be prepared, filed and circulated by the agency having jurisdiction, as provided in 6 NYCRR 617.7(e) and (f). The agency having jurisdiction may also cause the notice of completion of the draft environmental impact statement to be published in the official newspaper of the Village.
- C. If the agency determines to hold a public hearing on a draft environmental impact statement, notice thereof shall be filed, circulated and sent in the same manner as the notice of completion and shall be published in the Village official newspaper at least 10 days prior to such public hearing. Such notice shall also state the place where substantive written comments on the draft environmental impact statement may be sent and the date before which such comments shall be received. The hearing shall commence within no less than 15 nor more than 60 days of the filing of the draft environmental impact statement, except where the county lead agency determines that additional time is necessary for the public or other agency review of the draft environmental impact statement or where a different hearing date is required under other applicable laws.
- D. Where, on the basis of a draft environmental impact statement or a public hearing, the agency determines that an action will not have a significant effect on the environment, the proposed action may be processed without further regard to this chapter. The determination of significant effect shall be made within 15 days of the submission of a complete draft environmental impact statement or the completion of a public hearing thereon.
- E. The agency having jurisdiction shall cause an environmental impact statement in accordance with the provisions of 6 NYCRR 617 to be prepared by the applicant for any permit or by the agency initiating the action.
- F. Such environmental impact statement shall be prepared within 45 days after the close of any hearing or within 60 days after the filing of the draft environmental impact statement, whichever last occurs; provided, however, that the agency having jurisdiction may extend this time.
- G. Within 10 days of the submission of a complete environmental impact statement, the agency having jurisdiction shall prepare and file a notice of completion in the same manner as provided in § 11.6 A-D of this chapter and shall send notice to all persons to whom the notice of completion of the draft environmental impact statement was sent.
- H. No decision to carry out or approve an action which has been made the subject of an environmental impact statement shall be made until after the filing and consideration of the environmental impact statement. A decision on whether or not to approve the action shall be made by the agency having jurisdiction within 30 days of the filing of the environmental impact statement. If the applicant for a permit shall fail to prepare an environmental impact statement, the processing of the application shall cease and no approval shall be used.

10.6. Maintenance of Files; Severability

- A. The Village shall maintain files open for the public inspection of all notices of completion, draft and final environmental impact statements.
- B. If any section of this chapter or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any person or circumstances, and to this end the provisions of each section of this chapter are hereby declared to be severable.

10.7. Application Fees

- A. Every application for determination under this chapter shall be accompanied by a fee as determined by the Village Planning Board. Such fee will be to cover the costs incurred by the Village Planning Board in making the determination and in publishing notice, if any, of said determination.

10.8. Definitions

AGENCY HAVING JURISDICTION

The Village of Brockport Planning Board.

TYPE 1 ACTION

Actions that meet or exceed thresholds listed in the statewide or agency SEQR regulations. These are likely to require the preparation of an environmental impact statement (EIS).

TYPE II ACTION

Actions that do not require further SEQR review. These actions do not have a significant impact on the environment and are otherwise precluded from environmental review.

UNLISTED ACTION

Actions that do not meet the Type I thresholds. Some of these may still require an environmental impact statement (EIS).

VILLAGE

The Village of Brockport.

11. | Firearms, Fireworks and Explosives

11.1. Selling or Discharging

- A. It shall be unlawful for any person or persons to discharge firearms, crossbows, fireworks or other explosives including the explosion of gunpowder and gun cotton, within the corporate limits of the Village of Brockport.
- B. No person shall manufacture explosives for, nor sell, give or dispose of explosives to any other person unless such other person possesses a valid license issued pursuant to section 458 of the New York State Labor Law to purchase, own, possess, transport or use explosives and such other person displays such license for recording purposes.

11.2. Penalties for Offenses

- A. Any person, corporation or other entity who violates the provisions of this Chapter shall be guilty of a violation and shall be subject to imprisonment not to exceed 15 days or a fine not to exceed \$250 or both such fine and imprisonment.
- B. Exception shall be made for people who are legally engaging in hunting on their privately-owned property. This exception shall be in accordance with New York State regulations through the Department of Environmental Conservation.

11.3. Repeal of Inconsistent Ordinances

All ordinances or parts of ordinances in conflict with the foregoing are hereby repealed.

11.4. Nonapplicability

Nothing herein contained shall be construed to prohibit the commercial sale of firearms, shells and so forth by business concerns in the ordinary course of business.

11.5. Definitions

CROSSBOW

A crossbow consists of a bow, string and either compound or recurve limbs with minimum width of 17 inches (outer tip of limbs excluding wheels and cams, uncocked), mounted on a stock.

FIREARM

Any pistol, rifle, shotgun, or assault rifle with a component that provides housing to hold a fire control component designed to expel a projectile by the action of explosive.

12. | Fire Alarms and Prevention

12.1. Requirements

- A. All existing multi-unit dwellings shall have a fire alarm system which meets the requirements of this section:
 - 1. Smoke detectors shall be installed in all common corridors and stairways.
 - 2. Smoke detectors shall be installed in each dwelling unit with a minimum of one detector for each habitable level of the dwelling unit. Installation shall comply with Standard 72E of the National Fire Protection Association.
 - 3. Smoke detectors shall be installed in all basement levels that are used for storage, laundry facilities, etc., or where furnace equipment is located.
 - 4. Battery power is permitted if the detection device is equipped with an audible alarm to indicate low voltage in the battery.

12.2. Schedule for Compliance

All existing multi-unit dwellings shall be in total compliance with this Chapter within 12 months of its adoption.

12.3. Penalties for Offenses

Any and all persons who shall violate any provisions of this Chapter or fail to comply therewith shall, for each offense, forfeit and pay to and for the use of the Village of Brockport a penalty in the sum of \$250.

12.4. Administration and Enforcement of the Fire Prevention Code

There is hereby designated the Building-Zoning Officer to administer and enforce the State Fire Prevention Code within the Village of Brockport.

13. | Flood Damage Prevention

13.1. General Provisions

A. Introduction

The Board of Trustees of the Village of Brockport finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Brockport 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 chapter is adopted.

B. 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:

1. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, are protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.
4. Control filling, grading, dredging and other development, which may increase erosion or flood damages.
5. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Qualify for and maintain participation in the National Flood Insurance Program.

C. Objectives

The objectives of this Chapter are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood-control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.

5. To 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.
6. To 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.
7. To provide that developers are notified that property is in an area of special flood hazard.
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Applicability, Effect on Other Provisions

1. This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Brockport.
2. Every portion of a building or premises used or equipment shall comply with the provisions of this chapter, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter provided.
3. Application of New York State Uniform Fire Prevention and Building Code. This Chapter shall apply to residential property, one- and two-family dwellings, multiple dwellings, tourist homes, apartment houses and/or any other type of residential property. In addition, it shall apply to any commercial occupancies, such as but not limited to stores and shops for retail purposes, bars and restaurants, private or public business uses, industrial manufacturing and processes, storage and warehousing. Hotels and motels serving transient guests and rest homes, convalescent homes and nursing homes whereby sleeping accommodations are provided, hospitals, religious facilities and private schools, day cares and municipal buildings, equipment therein and critical facilities as defined in § 13.5, as a part of or in respect to any alterations to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this chapter, shall be done in accordance with applicable sections of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and local law(s) of the Village of Brockport.
4. Conflict with other ordinances. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code(s) of this municipality, the County of Monroe, the State of New York or federal regulation(s), 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 chapter is found to be in conflict with a provision of any other ordinance of the Code of the Village of Brockport existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail, and such other ordinances or codes and articles are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.
5. Partial invalidity. If any section of this chapter shall be held unconstitutional, illegal, invalid, or otherwise unenforceable as violative of county, state, federal or local laws,

the remainder of the chapter shall remain in full force and effect and be enforceable as such.

E. Basis for Establishing Areas of Special Flood Hazard

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of the Village of Brockport, Monroe County, State of New York. The areas of special flood hazard for the Village of Brockport, Community Number 360411, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. Flood Insurance Rate Map Panel Numbers: 36055C0130G and 36055C0135G, whose effective date is August 28, 2008, 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, Monroe County, New York, All Jurisdictions," dated August 28, 2008.
3. 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 the Village of Brockport Municipal Offices, 49 State Street, Brockport, New York 14420.

F. Effect on Other Provisions; Interpretation

1. This Chapter 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.
2. 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 higher standards shall govern.

G. Warning and 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 Village of Brockport, 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.

H. Use of Other Flood Data

1. When the Federal Emergency Management Agency (FEMA) 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 local administrator 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 § 13.3 E(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

2. The local administrator shall have the authority to make interpretations when there appears to be a conflict between the limits of the federally identified areas of special flood hazard and actual field conditions.
3. Base flood elevation data established pursuant to § 13.1 E and/or § 13.1 H, when available, shall be used to accurately delineate the areas of special flood hazard.
4. When base flood elevation data is not available, the local administrator 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 Chapter.

I. Alteration of Watercourses

1. The local administrator shall provide notification to 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 Director, Region II, Federal Emergency Management Agency.
2. The local administrator shall 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.

13.2. Administration, Enforcement and Permitting

A. Designation of Local Administrator

The Code Enforcement Officer/Building Inspector is hereby designated the local administrator to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties of Local Administrator

Duties of the local administrator shall include but not be limited to the following:

1. Review all applications for completeness, particularly with the requirements of § 13.2 E, and for compliance with the provisions and standards of this chapter.
2. 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 in § 13.3, Construction, and § 13.3 D, Subdivision proposals.
3. 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 local administrator may require the applicant to submit additional technical analyses and data 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 § 13.3, Construction, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and resubmit the application.

4. Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.

C. Code Enforcement Officer

It shall be the duty and responsibility of the Code Enforcement Officer to enforce the provisions of flood damage prevention as herein provided. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code and this chapter. The Code Enforcement Officer shall have the following powers, duties and qualifications:

1. To receive, review and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary certificates of occupancy/certificates of compliance, floodplain development permits and plans, specifications, construction documents and matters required as submitted with all such applications.
2. Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates of occupancy/certificates of compliance, and floodplain development permits, and to include on building permits, certificates of occupancy/certificates of compliance, temporary certificates of occupancy/certificates of compliance, and floodplain development permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate.
3. To conduct inspections, including, without limitations, for construction, housing, building(s), structures, verification of use, property maintenance, any and all inspections to be made prior to the issuance of building permits, certificates of occupancy/certificates of compliance, temporary certificates of occupancy/certificates of compliance, floodplain development permits and property maintenance inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provisions of any local laws and/or other codes, rules and/or regulations.
4. To issue stop-work orders.
5. To review and investigate complaints.
6. To issue orders pursuant to §13.2 K, of this Chapter.
7. To maintain records.
8. To collect fee(s) as determined by resolution adopted by the Board of Trustees of the Village of Brockport as contained in the Village of Brockport Fee Schedule.
9. To pursue administrative enforcement actions and proceedings.
10. In consultation with the Village of Brockport Attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and local laws or article/articles listed further in Chapter 5, or to abate or correct

conditions not in compliance with the Uniform Code, the Energy Code or this chapter.

11. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.
12. The Code Enforcement Officer shall be employed by the Village of Brockport. The Code Enforcement Officer shall possess background experience related to building construction and 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 Code Enforcement Officer shall obtain certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.
13. One or more inspectors may be employed by the Village of Brockport to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer 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. Floodplain Development Permit

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 13.1 E, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the local administrator and may include but not be limited to plans, in duplicate, drawn to scale 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.

E. Application for Permit; Fees

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

1. 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 is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
2. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit

to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

3. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 13.3 H, Utilities.
4. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 13.3 J, Nonresidential structures.
5. 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 § 13.1 E, when notified by the local administrator, 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.
6. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
7. In Zone A, when no base flood elevation data is 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 five acres.
8. A fee specified in or determined in accordance with the provisions set forth as required by this chapter shall be deposited with the Village of Brockport: application fee(s) as determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule. Payment of fee(s) shall be at the time of issuance of an application for a permit, for an amended permit, or for renewal of a permit, or thereafter. Work shall not be commenced until and unless a permit is issued.

F. Stop-Work Orders

1. The local administrator (Code Enforcement Officer) is authorized to issue stop-work orders pursuant to this chapter. The local administrator (Code Enforcement Officer) shall issue or cause to be issued a stop-work order for any floodplain development found noncompliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop-work order shall subject the violator to the penalties described in § 13.2 K of this chapter.
2. The following conditions shall lead to a stop-work order:
 - a. Any work that is determined by the local administrator (Code Enforcement Officer) to be contrary to any applicable provision of the Uniform Code or this chapter, without regard to whether such work is or is not work for which a permit

or approvals are required and without regard to whether a permit or approval has or has not been issued for such work.

- b. Any work that is being conducted in a dangerous or unsafe manner, in the opinion of the local administrator (Code Enforcement Officer), without regard to whether such work is or is not work for which a permit or approval is required and without regard to whether a permit or approval has or has not been issued for such work.
 - c. Any work for which a permit or approval is required which is being performed without the required permit or approval or under a permit or approval that has become invalid, has expired, or has been suspended or revoked.
3. Stop-work orders shall:
 - a. Be in writing.
 - b. Be dated and signed by the local administrator (Code Enforcement Officer).
 - c. State the reason or reasons for issuance.
 - d. If applicable, state the conditions which must be satisfied before work will be permitted to resume.
 4. The local administrator (Code Enforcement Officer) 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 applicant holder, on the permit holder) personally or by registered mail/certified mail. The Code Enforcement Officer 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 registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.
 5. 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.
 6. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection 1 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 § 14.2 K of this Chapter or under any other applicable local law 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.

G. Complaints

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code or this chapter or any ordinance or regulation adopted for administration and enforcement of the Uniform Code and this chapter. The process for responding to a complaint shall include the following steps, as the Code Enforcement Officer, 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. If a violation is found to exist, providing the owner of the affected property and any other person(s) 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 § 13.3 K of the Chapter.
3. If appropriate, issuing a stop-work order.
4. 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.

H. Certificates of Compliance

1. In areas of special flood hazard, as determined by documents enumerated in § 13.1 E, it shall be unlawful to 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 local administrator stating that the building or land conforms to the requirements of this Chapter.
2. A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
3. Issuance of the certificate shall be based upon the inspections conducted as prescribed in § 13.3 B, regarding inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

I. Information to be Retained

The local administrator shall retain and make available for inspection copies of the following:

1. Floodplain development applications, plans and specifications, permit inspection(s), all statements and reports issued and certificates of compliance.
2. Certifications of as-built lowest floor elevations of structures required pursuant to § 13.3 B, and whether the structures contain a basement.
3. Floodproofing certificates required pursuant to § 13.3 B and whether the structures contain a basement.
4. Variances issued pursuant to § 13.4 regarding variance procedures.
5. Notices required under § 13.1 I, Alteration of Watercourses.

J. Enforcement; Penalties for Offenses; Other Remedies; Notification of Noncompliance

1. No structure shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this

chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § 13.4 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.

2. The Code Enforcement Officer of the Village of Brockport and such assistant CEOs (assistant code enforcement officers), collectively, the "code enforcement officers" hereunder, is/are the official(s) authorized to enforce the provisions of this chapter by notice, ticketing, etc., or such other enforcement procedure means and methods set forth in the Code or otherwise permitted by law.
3. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under § 14.4 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.
4. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days, or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of Brockport from taking such other lawful action as necessary to prevent or remedy an infraction.

K. Notice of Violations; Compliance Orders; Appearance Tickets; Civil Penalties

1. When the Village of Brockport determines that activity is not being carried out in accordance with the requirements of this chapter, the Code Enforcement Officer shall issue a written notice of violation/violations to the owner, owner's agent and/or resident, e.g., tenant/tenants.
2. The Code Enforcement Officer 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(s) of this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer can issue an informal (voluntary compliance) order, either in writing or verbally.
3. The Code Enforcement Officer 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 this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. The compliance order shall:
 - a. Be in writing.
 - b. Be dated and signed by the Code Enforcement Officer.
 - c. Specify the condition or activity that violates this Chapter.

- d. 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.
 - e. Specify the period of time which the Code Enforcement Officer deems to be reasonably necessary for achieving compliance.
 - f. Direct that compliance be achieved within the specified period of time.
 - g. State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.
4. The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof, to be served on any property manager or agent, builder, architect, tenant(s), contractor, subcontractor, construction superintendent, or their agents, or any other person(s) taking part or assisting in work or use being performed or occurring at the affected property, personally or by registered mail/certified mail; provided, however, that failure to serve any person(s) mentioned in this sentence shall not affect the efficacy of the compliance order.
 5. The Code Enforcement Officer and each inspector under the provisions of the Codes Office are authorized to issue appearance tickets for any violation of this chapter when, in the opinion of the Code Enforcement Officer and/or each inspector, there have been aggressive ongoing violation/violations of this chapter that materially affect either life-safety or person/persons and/or the public, or the property is unsanitary and/or made a hazardous/unsafe structure or equipment condition. The Code Enforcement Officer and/or each inspector can issue appearance tickets for the forgoing pursuant to Chapter XX, as per the authorization of Chapter 5. **[Amended 6-2-2014 by L.L. No. 2-2014]**
 6. In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, floodplain development permit, stop-work order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter shall be liable to a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. Each day on which any violation of any of the provisions of this chapter occurs shall constitute one offense and each successive day of violation shall constitute a separate and distinct offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than \$250 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of such compliance. Any person who violates the provisions of this chapter shall be subject to a fine not exceeding \$250 or imprisonment for a period not to exceed 6 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 \$250 nor more than \$500 or imprisonment for a period not to exceed 6 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 \$500 nor more than

\$1,000 or imprisonment for a period not to exceed 6 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. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village of Brockport.

7. An action or proceeding may be instituted in the name of this Village of Brockport 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, this chapter or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, floodplain development permit, compliance order, or other notice or order issued by the Code Enforcement Officer 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 or this chapter or any stop-work order, compliance order or other order obtained under the Uniform Code or this chapter an action or proceeding may be commenced in the name of the Village of Brockport, 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(s) of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Board of Trustees of this Village of Brockport.
 8. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 § 14.2 F (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 § 14.2 F (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 § 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 § 382 of the Executive Law.
- L. Severability; Effect on Other Provisions**
1. If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.
 2. This chapter 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.

13.3. Construction

A. Construction Stage

1. In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, the local administrator shall 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).
2. Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.

B. Inspections

1. The local administrator 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, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions. The Code Enforcement Officer shall make or cause to be made inspections in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Code Enforcement Officer is authorized to enter any dwelling, building, premises and lands at any reasonable time for the purpose of performing his duties under this chapter. The owner, operator, occupant, permit holder or the person in charge thereof shall give the Code Enforcement Officer free access thereto and to all parts thereof at reasonable times for the purpose of such inspection(s), examination(s) and survey(s).
2. The Code Enforcement Officer shall make or cause to be made inspections to determine the conditions of dwellings, buildings, structures, multiple dwellings, premises and lands in order to safeguard the safety, health and welfare of the public under the provisions of this chapter. The Code Enforcement Officer is authorized to enter any dwelling, building, structure, multiple dwelling, premises and lands at any reasonable time for the purpose of performing his duties under this chapter. The owner, operator or occupant of every dwelling, building, structure, multiple dwelling, premises and lands or the person in charge thereof shall give the Code Enforcement Officer free access thereto and to all parts thereof on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

3. It shall be unlawful for any person to refuse entrance or impede an inspector or officer authorized under this chapter in the performance of his duties, and every such inspector or officer shall have the right to enter, examine and survey all lands, structures, dwellings, buildings and multiple dwellings, premises and every part thereof at all reasonable times upon display of proper identification.
4. Access by owner or operator. Every occupant of a premises, lands, structures, dwellings, buildings and multiple dwellings shall give the owner or operator thereof or his agent or employee access to any part of such dwelling unit, rooming unit or its premises at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this chapter.
5. Application for search warrant. If in the opinion of the Code Enforcement Officer he or she has been unreasonably and unlawfully refused entry into the premises for purposes of inspection, he/she shall apply forthwith for an administrative search warrant, said application to be brought before a Village Justice of the Village of Brockport or other court of competent jurisdiction. Upon the issuance of said warrant, the Code Enforcement Officer shall conduct the inspection as per the conduct and procedures provided for in this chapter [**Amended 12-15-2014 by L.L. No. 4-2014**]
6. Coordination of enforcement. Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the Codes Office of the municipality. Wherever, in the opinion of the codes official, it is necessary or desirable to have inspections of any condition by any other departments, he/she shall arrange for this to be done in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. No order for correction of any violation under this chapter shall be issued without the approval of the Code Enforcement Officer, and it shall be the responsibility of the inspector, before issuing any such order, to determine that he or she has the concurrence of any other department or official of the government concerned with any matter involved in the case in question.
7. Administrative liability. Except as may otherwise be provided by statute, local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of this chapter shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes or assists in the prosecution of a criminal proceeding under this chapter shall be liable to damage hereunder unless he acted with actual malice and without reasonable grounds for believing that the person accused or prosecuted was guilty of an unlawful act or omission. Any suit brought against any Mayor, Trustee(s) of the Village of Brockport, officer, agent or employee of the municipality as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the municipality at no cost to the Mayor, Trustee(s) of the Village of Brockport, officer, agent or employee of the municipality, until the final determination of the proceedings therein.

8. Construction work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work is ready for inspection(s). Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop-work order for the project unless immediately corrected.
9. Construction inspection results. Either after inspection(s) or after review of submitted certification document(s), the work or a portion thereof or document(s) shall be noted as satisfactory as completed, or the permit/applicant holder shall be notified as to where the work fails to comply with the permit requirements. Work not in compliance with any applicable provision of this chapter shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the chapter, reinspected, and found satisfactory as completed.

C. General Standards for Flood Hazard Reduction

The construction standards in this sub-section 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 § 14.1 E.

D. 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):

1. Proposals shall be consistent with the need to minimize flood damage.
2. Public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed so as to minimize flood damage.
3. Adequate drainage shall be provided to reduce exposure to flood damage.

E. Encroachments

1. 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:
 - a. 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.
 - b. The Village of Brockport 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 Village of Brockport for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Brockport for all costs related to the final map revision.
2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 14.1 E, no new

construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

- a. 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.
 - b. The Village of Brockport 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 Village of Brockport for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Brockport for all costs related to the final map revisions.
3. 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 excavation 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.

F. Standards for All Structures

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.

G. Construction Materials and Methods

1. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
2. New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
3. 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 is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable 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 floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - a. 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 shall be provided.
 - b. The bottom of all such openings shall be no higher than one foot above the lowest adjacent finished grade.

4. 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 subgrade on all sides are considered basements and are not permitted.

H. Utilities

1. New and replacement electrical equipment, heating, ventilating, air-conditioning, plumbing connections, and other service equipment shall be located at or 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 be elevated to or above the base flood elevation 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.
2. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. 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.
4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

I. Residential Structures

1. The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in §§ 14.3 D, Subdivision proposals, 14.3 E, Encroachments, and 14.3 F, Standards for all structures.
2. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
3. Within Zone A, when no base flood elevation data is available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
4. Within Zone AO, new and substantially improved structures 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 § 14.1 E (at least two feet if no depth number is specified).
5. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes

J. Nonresidential Structures

1. The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures located in areas of special flood hazard,

in addition to the requirements in §§ 14.3 D, Subdivision proposals, 14.3 E, Encroachments, and 14.3 F, Standards for all structures.

2. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation or be floodproofed so that the structure is watertight below two feet above the base flood elevation 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.
3. Within Zone AO, new construction and substantial improvements of nonresidential structures 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 FIRM (at least two feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 14.3 J-2.
4. 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 § 14.3 J-2, including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
5. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.
6. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

K. Manufactured Homes and Recreational Vehicles

1. The following standards, in addition to the standards in § 14.3 C, General standards for flood hazard reduction, and § 14.3 F, Standards for all structures, 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.
2. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either be on site fewer than 180 consecutive days, be fully licensed and ready for highway use, or meet the requirements for manufactured homes in § 14.3 K-3, K-4 and K-5. A recreational vehicle pursuant to Chapter 33 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.
3. 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.

4. Within Zone A, when no base flood elevation data is 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.
5. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 14.1 E (at least two feet if no depth number is specified).

L. Critical Facilities

In order to prevent potential flood damage to certain critical facilities that would result in serious damage to life and health or widespread social or economic dislocation, no new critical facilities shall be located within any area of special flood hazard or within any five-hundred-year flood zone shown as a B Zone or a shaded X Zone on the Community's Flood Insurance Rate Map.

13.4. Variance Procedure

A. Variance Procedure; Appeals Board

1. The Zoning Board of Appeals as established by the Village of Brockport shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this chapter.
3. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
4. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others.
 - b. The danger to life and property due to flooding or erosion damage.
 - c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner.
 - d. The importance of the services provided by the proposed facility to the community.
 - e. The necessity to the facility of a waterfront location, where applicable.
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
 - g. The compatibility of the proposed use with existing and anticipated development.
 - h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.

- i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - j. The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.
 - k. 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.
 - l. 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.
5. Upon consideration of the factors of § 14.4 A-4 and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 6. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency upon request.
- B. Conditions for Variances**
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 14.4 A-4 have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
 2. Variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 3. 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:
 - a. The criteria of § 14.4 B-1, B-4, B-5 and B-6 are met.
 - b. 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.
 4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 6. Variances shall only be issued upon receiving written justification of:
 - a. A showing of good sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

- c. 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.
7. 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.
 - b. Such construction below the base flood level increases risks to life and property.
8. Such notification shall be maintained with the record of all variance actions as required in § 14.2 I of this chapter.

13.5. Definitions

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

APPEAL

A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM), with base flood depths from 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 "one-hundred-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

Any area of the building having its floor subgrade (below ground level) on all sides. The lowest floor of a residential building including its basement must be above the Base

Flood Elevation (BFE). Basements below the BFE are only permitted in communities which have obtained a basement exception from FEMA.

BREAKAWAY WALL

A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDING

See "structure."

CELLAR

The same meaning as "basement."

CODE ENFORCEMENT OFFICER

An officer employed by the Village of Brockport as certified by the State of New York either in the capacity of the code enforcement officer, building inspector, fire marshal, planning/zoning officer, peace officer, stormwater manager, floodplain administrator, or any combination thereof.

CODE ENFORCEMENT PERSONNEL

Includes the Code Enforcement Officer and all inspectors employed by the Village of Brockport, as certified by the State of New York, either in the capacity of code enforcement officer, building inspector and fire marshal, and/or titled as the assistant code enforcement officer, building inspector and fire marshal, or any combination thereof.

CRAWL SPACE

An enclosed area beneath the lowest elevated floor, 18 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 material, 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

- A. Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- B. Hospitals, nursing homes and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood;

- C. Police stations, fire stations, public works vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during and after a flood; and
- D. 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% 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 or material located within the areas of special flood hazard.

ELEVATED BUILDING

- A. A nonbasement building:
 - (1) 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
 - (2) 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.
- B. 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 floodwaters.
- C. 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 BOUNDARY AND 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 data 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."

FLOOD or FLOODING

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters; or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- B. "Flood" or "flooding" also means 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 Subsection **A(1)** above.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see definition of "flood or flooding").

FLOODPROOFING

Any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY

Has the same meaning as "regulatory floodway."

FLOOR

The top surface of an enclosed area in a building, including the basement, i.e., the top of slab in concrete slab construction or the top of wood flooring in wood frame construction.

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 surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually on 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;
- B. 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;
- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOCAL ADMINISTRATOR

An officer employed by the Village of Brockport to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the building inspector, code enforcement officer, and/or the municipal engineer.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement or cellar, 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 nonelevation design requirements of this chapter.

MANUFACTURED HOME

A structure, transportable in one 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, 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

Has 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 Village of Brockport, and includes any subsequent improvements to such structure.

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD

Has the same meaning as "base flood."

PRINCIPALLY ABOVE GROUND

At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty vehicle; and
- D. 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 land 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 § 20-6 and/or 20-13 of this chapter.

START OF CONSTRUCTION

The date of permit issuance for new construction and substantial improvements to existing structures, provided that the 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, footings, 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.

STOP-WORK ORDER

A public notice placed on a building, structure, premises, dwelling unit, equipment and/or land pursuant to § 20-18.

STRUCTURE

A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.

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 ten-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25% 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:

- A. 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 Code Enforcement Officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended.

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.

VILLAGE

The Village of Brockport.

14. | Garbage, Refuse and Open Burning

14.1. Title

- A. This Chapter shall be known as the "Garbage, Refuse and Open Burning Ordinance of the Village of Brockport."

14.2. Purpose

- A. The purpose of this Chapter shall be to protect and promote the health, safety and welfare of the people of the Village of Brockport by controlling the storage, collection and disposal of garbage and refuse and the hazards and environmental, health and fire issues associated with outdoor fires within the Village of Brockport.
- B. The owner of each property is the party deemed responsible for compliance with the legal requirements of this Chapter.

14.3. Administration and Enforcement

A. Violations and Penalties

Any person who violates this chapter shall be subject to a penalty as indicated in § 15.3 B-7. In addition, any property owner shall be assessed a fee and any cost to the Village of Brockport in expending money on account of the property owner's failure to comply with this chapter. The fees for picking up garbage or other compliance needs with the chapter shall be established from time to time by the Village Board of Trustees as contained in the Village of Brockport Fee Schedule.

B. Notice of Violations; Penalties for Offenses

1. The Code Enforcement Officer of the Village of Brockport (and such assistant code enforcement officers, collectively, the "code enforcement officers" hereunder) is/are the official(s) authorized to enforce the provisions of these articles by notice, ticketing, etc., or such other enforcement procedure means and methods set forth in the Code, or otherwise permitted by law.
2. When the Village of Brockport determines that activity is not being carried out in accordance with the requirements of this chapter, the Code Enforcement Officer is authorized, in his or her discretion, to issue a written notice of violation/violations to the owner, owner's agent and/or resident or occupants, e.g., tenant/tenants.
3. The Code Enforcement Officer (or his authorized inspector) is authorized, in his or her discretion, 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(s) of the Uniform Code, or of this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer may, in his or her discretion, issue an informal (voluntary) compliance order either in writing or verbally.
4. The Code Enforcement Officer (or his authorized inspector) is authorized, in his or her discretion, 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 this chapter or local law(s).

5. The Code Enforcement Officer (or his authorized inspector) under the provisions of the Codes Office is authorized to issue appearance tickets for any violation(s) of the Uniform Code, or this chapter or local law(s). The Code Enforcement Officer (or his authorized Inspector) can issue appearance tickets foregoing § 15.3 B-1 and 2, as per the authorization of Chapter 5. In no event shall the issuance of a compliance order or an informal compliance order be a prerequisite to issuance of an appearance ticket or to prosecution for a violation of this chapter.
6. Each day on which any violation of this chapter occurs shall constitute one offense, and each successive day of violation shall constitute a separate and distinct offense.
7. Any person, corporation or other entity who violates the provisions of this chapter shall be guilty of a violation and shall be subject a fine not to exceed \$250. **[Amended 11-16-2015 by L.L. No. 1-2015]**
8. An action or proceeding may be instituted in the name of the Village of Brockport in a court of competent jurisdiction to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this chapter.

14.4. Storage

A. Accumulation on Premises

No household waste, institutional waste, commercial waste or building waste shall be stored or accumulated on any premises within the Village of Brockport, except as permitted by this Chapter.

B. Receptacles; Specifications.

1. Every owner, lessee or occupant of any building, premises or place of business within the Village shall provide or cause to be provided and at all times keep suitable and sufficient receptacles for receiving and containing offal, garbage, ashes, refuse, rubbish or noxious substances that may accumulate from or be used upon said premises. No such receptacles shall be kept near any public place longer than may be necessary for the removal of the contents thereof. All receptacles used for the reception of garbage and/or refuse or noxious substances shall be provided with proper covers, and such receptacles shall at all times be securely closed and watertight. Receptacles (including recycling bins) and garbage of any type must be kept from public view, either inside of structures or behind screening, from neighboring property or public view until the day of trash pickup.
2. Within exclusively used residential property, no dumpsters shall be used for the collection or storage of garbage or rubbish. However, any proposed and/or existing trash dumpsters within residential neighborhoods or residentially used property which are in existence prior to the adoption of this chapter are permitted so long as the property owner obtains a special residential dumpster use permit granted by the Zoning Board of Appeals.
3. Temporary use dumpsters or roll-off trash containers, which are intended only for use during any construction, building or remodeling project and/or property cleanup,

are permitted to remain on a property up to 14 consecutive days. Any temporary dumpsters or roll-off trash containers in use longer than 14 days shall require a temporary use permit, which is granted by the Building Inspector. Temporary use permits shall be for no longer than 90 consecutive days.

4. At no time shall a temporary use dumpster or roll-off trash container be permitted to store or hold any putrescent waste. Dumpsters or roll-off trash containers are additionally required to be covered with tarpaulin when said containers are not being actively loaded.
5. No dumpsters or roll off trash containers within any districts which are intended for trash or temporary use during any construction, building or remodeling project and/or property cleanup, shall be located or placed any closer than five feet from any combustible buildings or structures, under the provisions of the New York State Uniform Fire Prevention and Building Code ("Fire Code").
6. No dumpster or roll-off trash container shall be placed on any street, highway, road or public place without prior approval by the Superintendent of Public Works.

C. Collection Restrictions

No person shall allow accumulation of garbage, refuse, rubbish, ashes or noxious substances upon the premises owned or occupied by him or her, except for the purpose of being prepared for collection. The storage of or accumulation of garbage, refuse, rubbish, ashes or noxious substances upon the premises shall not amass either indoors or outside any longer than one week or as accretion requires more frequent collection needs.

D. Depositing Waste Material within Village Limits

1. No person shall deposit ashes, garbage, brush, leaves, rubbish, refuse, filth or waste or recycling materials upon the streets or in public places within the Village of Brockport, except during such periods of time as may be designated by the Board of Trustees or the Superintendent of Public Works during Village of Brockport special bulk trash removal event/events, and further excepting the deposit of such materials for immediate hauling away.
2. At no time shall any deposited ashes, garbage, brush, leaves, rubbish, refuse, filth or waste or recycling materials, be placed curbside which causes a hazard to passing motorists and/or pedestrian traffic. When such a hazard has been declared by an official of the Village of Brockport, the Superintendent of Public Works is authorized to abate such hazard as deemed necessary at the expense of the property owner and/or the person(s) who created such hazard.
3. No freezers, refrigerators or air conditioners will be removed curbside by the Village of Brockport except as part of a Village of Brockport specially conducted bulk trash removal event. A fee as determined by the Board of Trustees shall be required for any appliance containing coolant and its removal unless the appropriate Village official has received and approved the appropriate appliance coolant removal certification before curbside removal of such appliances.
4. On any Village of Brockport special bulk trash removal event, the Village of Brockport will remove up to two passenger car or light duty truck tires per property. Such tires may be placed curbside for removal by the Village of Brockport during a

special bulk trash removal event. Such tires shall be removed from their rims, and no heavy-duty truck or tractor tires will be accepted. The waste management and recycling of tires shall be in accordance with New York State Law, specifically § Chapter 43-B, Article 27, Title 19.

5. No hazardous and/or environmentally detrimental substances shall be deposited at any time for trash collection, including but not limited to electronic devices, fuel tanks, propane and/or gas cylinders, paints and oils, batteries, fluorescent bulbs, liquid or infectious waste, and/or any other materials determined as toxic, hazardous and/or environmentally detrimental substances by the Superintendent of Public Works.
6. Residential properties receiving commercial waste hauler curbside trash and recycling material pickups shall be performed on Tuesday and Wednesday only, between the hours of 7:00 a.m. and 5:00 p.m., unless such days fall on a designated holiday, and/or during such periods of time as may be designated by the Superintendent of Public Works.
7. The property owner, lessee or occupant shall transport his or her refuse and refuse receptacles to his property line, but said trash and trash receptacles and recycling bins shall not be placed curbside any earlier than 24 hours before collection day, with said empty receptacles being removed from curbside no later than 12 hours after trash collection.
8. Commercial/industrial properties receiving commercial waste hauler trash and recycling materials picked up may be on any day except Sundays and designated holidays, between the hours of 6:00 a.m. and 5:00 p.m., except during such periods of time as may be designated by the Superintendent of Public Works.

E. Burning Within Village Limits

1. No person shall burn garbage, brush, leaves, rubbish, refuse, filth, waste, wood, paper or any other material outdoors within the Village of Brockport,
2. Open burning is permitted in manufactured appliances, such as grills, which contain and use gas, charcoal or burnable wood materials, as permitted only between the hours of 6:00 a.m. and 11:00 p.m.
3. The location and use of food cooking grills and appliances burning solid fuel materials shall be conducted in a manner acceptable under the provisions of the New York State Uniform Fire Prevention and Building Code ("Fire Code").

F. Hazardous, Offensive or Objectionable Fire

1. Recreational fires shall be supervised by a responsible adult, which is defined herein as an individual 18 years or older.
2. Any responsible adult enacting a recreational fire in the Village shall have a garden hose connected to the water supply or other fire-extinguishing equipment or materials readily available for use.
3. The Fire Chief or Chief of Police or their designee shall be authorized to order the extinguishing of a recreational fire which creates or adds to a hazardous, offensive or objectionable condition.

14.5. Licenses

A. License required for collectors; fee

No person shall engage in the business of collecting garbage, offal, ashes, refuse, rubbish or noxious substances and recycling materials within the Village of Brockport without first obtaining a license from the Village Clerk. An annual fee as established by the Board of Trustees shall be charged for any such license. Any license that is renewed prior to the effective date of any change in the fee shall pay the increased fee on a pro rata basis for the balance of the license year for which it is issued.

B. Subject to Conditions

1. Every license issued by the Village Clerk pursuant to this Chapter shall be subject to the following conditions and to such other reasonable conditions as may be imposed by the Village Board of Trustees.
2. Vehicles used by licensed waste collectors in the collection and transportation of garbage, mixed refuse or any other kind of waste within the area of the Village of Brockport shall have watertight enclosed bodies equipped with a compaction or loading unit.
3. Any firm having two or more such vehicles shall be allowed to use an open-service truck, limited to the carrying of refuse of such size and nature as cannot be carried in the enclosed trucks.
4. All vehicles used by the licensed waste collectors shall be available for inspection by the Village Clerk or any other person or persons he/she may designate as his/her agent prior to the issuance of any license pursuant to the provisions of this article.
5. All vehicles used by licensed waste collectors shall carry a copy of their license to collect waste in the Village.
6. Renewal licenses shall be issued in the same manner and subject to the same conditions as original licenses and also subject to any additional requirements for renewal of the license applied for. All renewal of licenses or issuance of new licenses to engage in the business of collecting garbage, offal, ashes, refuse, rubbish or noxious substances shall be paid no later than 30 days after the date renewal is required.
7. No license or permit issued under the provisions of this chapter shall be transferable.
8. The Village Board shall have the power to suspend or revoke a license granted or renewed pursuant to this chapter for any of the reasons as may be hereinafter set out in this chapter.
9. All waste collection vehicles must have a minimum of \$1,000,000 coverage for automobile insurance and a minimum of \$1,000,000 coverage for general liability. On the certificates of insurance, the Village of Brockport shall be included as an additional insured.
10. Any regulated waste hauler shall be in compliance with any other required New York State or federal licenses or permits in the conduct of regulated waste hauling requirements.

14.6. Further Regulations Regarding Vehicles

A. On private property

No vehicle used by the licensed waste collector shall travel into private property for the purpose of collection of garbage or refuse without the consent of the owner.

B. Standing of Collection Vehicles

No vehicle used in the collection or transportation of garbage, refuse or waste matter shall stand longer than 24 hours with said matter in or on it within the Village of Brockport.

C. Parking in Residential Districts

No vehicle used in the collection or transportation of garbage, refuse or waste matter shall be parked or stored in a residential district when not being used in the actual collection or transportation of said matter.

D. Vehicles Equipped to Prevent Leakage and Spillage

Vehicles used in the transportation of garbage, mixed refuse or any kind of waste within the area of the Village of Brockport, regardless of place of origin, shall be so equipped as to prevent the leakage or spillage of their contents.

E. Watertight Requirement

All vehicles and conveyances used by residents and property owners in the transportation of garbage, refuse and any other waste matter shall be watertight and so covered so that no part of the load shall blow, leak or spill.

F. Waste Collector Duties

Licensed waste collectors shall by all reasonable means return emptied trash dumpsters or containers to their proper and prior locations, including into any dumpster enclosure compound areas. Gates and/or screening that are part of a dumpster enclosure shall be closed or shut.

14.7. Definitions

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

CODE ENFORCEMENT OFFICER

An officer employed by the Village of Brockport, as certified by the State of New York, either in the capacity of the code enforcement officer, building inspector, fire marshal, planning/zoning officer, peace officer, stormwater manager, floodplain administrator, or any combination thereof.

CODE ENFORCEMENT INSPECTOR

Shall be deemed to include the Code Enforcement Officer and all Inspectors employed by the Village of Brockport, as certified by the State of New York State, either in the capacity of code enforcement officer, building inspector or fire marshal, and/or titled as

the assistant code enforcement officer, assistant building inspector and deputy fire marshal, or any combination thereof.

COMPLIANCE ORDER

A written order for the remedying of found violation(s) of the code(s) pursuant to § 14.3 B-4.

DUMPSTER

A larger receptacle that is transportable only by machinery. For such receptacles, waste haulers drive directly to the dumpster for emptying or for removing from the premises. Dumpsters are used in the normal course of demolition or construction and for the purpose of storing, containing and/or carrying large amounts of debris.

GARBAGE

Includes all putrescent animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, and animal feces from household pets.

MOBILE REFUSE DISPOSAL CONTAINER

A mobile refuse disposal container, bagster, temporary garbage container, or any kind of similar type of temporary refuse storage container. These are typically made of highly durable, woven materials that do not tear if punctured.

OPEN BURNING

The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber (New York State Fire Code, 2007, Section 302).

OWNER

The person or entity in whose name the premises affected by an order issued in accordance with this chapter is recorded as the owner in the Town of Sweden Assessor's office and/or the Monroe County Clerk.

PUBLIC PLACE

Any public street, road or highway, alley, lane, sidewalk, crosswalk or other public way or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, public parking lot or any vacant lot, either owned by and/or in care of the Village of Brockport and/or not limited to the State of New York or United States federal entities.

RECREATIONAL FIRE

An outdoor fire burning materials other than garbage or rubbish where the fuel being burned is contained in a container designed for burning and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, bonfire, cooking, warmth, or similar purposes.

RECEPTACLE

A container in which to temporarily hold garbage and rubbish until picked up by a waste collector. Households and smaller organizations typically have transportable receptacles, which occupants move from an appropriate storage area to the curb for pickup.

Properties generating more garbage and rubbish may have dumpsters to hold their waste.

RECYCLING BINS/BOXES

A container in which to temporarily hold recycling materials until picked up by a waste collector.

REFUSE/RUBBISH

Includes all discarded or worthless nonputrescent solid wastes consisting of both combustible and noncombustible wastes, including but not limited to paper and paper products, rags, wrappings, cardboard, metal cans and jars, yard waste, wood, glass, metals, plastics, bedding, cloth, crockery, furniture, appliances and similar items as defined.

ROLL-OFF

Same as "dumpster."

UNIFORM CODE

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended.

VILLAGE

The Village of Brockport.

15. | Garage Sales

15.1. Intent

- A. It shall be unlawful for any person or persons to conduct a garage sale, moving sale, yard sale, household sale or auction in the Village of Brockport without first complying with the regulations as set forth in § 16.2 of this Chapter.

15.2. Regulations; Fees

- A. Any household sales or auctions conducted by persons under contract by the resident of the property shall be exempt from the requirements of this chapter, except as follows:
 - 1. No more than four professional signs shall be allowed outside the property, and such signs shall be removed upon the close of each sale day.
 - 2. There shall be no more than one two-day sale at any one property per calendar year.
 - 3. Sales shall be held between the hours of 10:00 a.m. and 8:00 p.m
- B. Garage sales may be subject to New York State sales tax registration requirements under § 1115 (a) (18) of the New York State Tax Law.
- C. Garage sales, yard sales, moving sales, household sales and auctions shall be regulated in accordance with the definitions of this Chapter.

15.3. Definitions

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

GARAGE SALE, YARD SALE AND HOUSEHOLD SALE

Any public sale of personal property in a residential area of the Village by the resident of the property at which the sale is taking place.

HOURS OF SALE

Sales shall not begin before 10:00 a.m. and must terminate by 8:00 p.m.

NUMBER OF SALES

No person shall conduct more than two sales on his or her premises in any one calendar year. A person may have two three-day sales or one six-day sale.

MERCHANDISE

Sales shall offer only used, unwanted items of personal property owned by the resident of the property where the sale is held. No new merchandise shall be offered for sale, nor may new or used merchandise from other sources be brought in and offered for sale.

SIGNS

Garage sales may be advertised through the newspaper or other news media. A sign no larger in size than three feet by three feet may be displayed on the property where the

sale is being conducted. No signs shall be attached to any public signs, light posts or utility poles, except that signs attached to sticks or posts driven into the ground are permissible. Only signs advertising those sales within the limits of the Village of Brockport are permissible. No lighted signs may be used. The signs shall be displayed only during the sale and shall be immediately removed after the sale.

ZONING

It is not the intention of this chapter to change or amend the zoning regulations of the Village of Brockport.

16. | Peddling and Soliciting

16.1. Purpose

The purpose of this chapter is to require the licensing of hawkers, peddlers and solicitors operating within the Village in order to protect the residents of the Village from the fraudulent and criminal practices of unscrupulous persons posing as hawkers, peddlers or solicitors engaged in lawful business.

16.2. General Requirements; License

- A. No person shall act as a hawker, peddler or solicitor as herein defined within the Village limits without first having obtained a license from the Village Clerk or his or her designated representative. Any exempt organization under § 17.4 still must obtain a yearly license.
- B. Each licensee under this chapter, when acting as a hawker, peddler or solicitor, shall display his license provided by the Village.
- C. Any licensee shall not conduct activities in such a manner as will interfere with pedestrian or vehicular use of the public street and places.
- D. The Mayor or his or her designated representative shall file and retain each application for a hawker's, peddler's or solicitor's license for a period of 10 days following the date of the application. He or she shall also keep a record of all licenses issued under this chapter and shall note thereon all revocations of licenses.

16.3. License Application

- A. No license shall be issued by the Mayor or his or her designated representative unless the following information is furnished by the applicant for the license:
 - 1. The name of the applicant, his permanent address and temporary address.
 - 2. The applicant's phone number and social security number.
 - 3. The applicant's age and a brief physical description, including height, weight and color of eyes and hair.
 - 4. The applicant's driver's license number and car license number.
 - 5. The company represented and the address of the company.
 - 6. A description of the items hawked, peddled or for which orders are being solicited.
- B. The applicant shall provide:
 - 1. A BCI background check. This background check can be either an original or a certified copy of the original background check.

2. A signed copy of a waiver whereby the applicant agrees to allow the Village to obtain a name/date of birth BCI background check on applicant for purposes of enforcing this Chapter.
- C. The applicant shall also furnish the names of two persons as character references and a passport-sized photograph taken within 2 months preceding the application.

16.4. Fees; Exemptions; Entry on Private Premises

- A. The fees for licenses issued pursuant to this Chapter shall be as set forth from time to time by resolution of the Board of Trustees.
- B. No charge shall be made for the licensing of a veteran, provided that such veteran or his widow shall be residents of Monroe County and shall have in effect and shall exhibit to the Mayor or his or her designated representative a Monroe County license issued pursuant to § 32 of the General Business Law of the state.
- C. No person shall be required to pay a license fee under this chapter who has a valid license issued by the New York State Department of Social Welfare or soliciting or collecting for any bona fide charitable organization or on behalf of any class of any Brockport school.
- D. No person who calls at business places exclusively or at only those places where he has been requested by telephone or by letter to call shall be required to pay a license fee under this chapter.
- E. No person who deals exclusively in milk, milk products, newspapers or farm products produced by him or his employer shall be required to pay a license fee under this chapter.
- F. No one shall enter onto private residential premises for the purpose of selling or offering to sell any goods, wares, merchandise or other things or services, nor solicit information for the purpose of selling or making offers to sell in the future such aforesaid goods, wares, merchandise or other things or services, to persons residing therein without the prior consent of the owner or person in possession of said private residential premises.

16.5. Revocation of License

The Mayor or his or her designated representative shall revoke the license of any person who has made a false statement on his license application or who has been convicted of a crime while having in effect a license issued under this chapter. Notice of revocation shall be sent immediately to such person at the permanent address listed on the license application.

16.6. Penalties for Offenses

- A. Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed \$250.
- B. Obedience to the provisions set forth herein may be enforced by criminal information for the penalties herein prescribed, as well as by prosecution of the offender as provided in Subsection **A** of this section, or by civil action for a penalty, or by civil remedy at law or

equity by way of injunction or otherwise to abate or prevent a violation of the provisions of this chapter. Any violation shall automatically result in the revocation of the permit.

- C. Neither a judgment in nor the pendency of a criminal prosecution for an alleged violation of the provisions of this chapter nor a judgment in or the pendency of a civil action of law or in equity shall be a bar to the other form of proceeding.
- D. The imposition of a penalty for a violation of this chapter shall not excuse the violation or permit it to continue, and the remedies herein provided for penalties and civil action to enjoin or abate a violation shall be cumulative.

16.7. Definitions

As used in this Chapter, the following words, terms and phrases shall have the meanings herein ascribed to them:

BCI

An original or copy, dated no older than 180 days prior to the date of the application, of either:

- a. A New York State Bureau of Criminal Identification verified criminal history report personal to the applicant; or
- b. Verification by the New York State Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

HAWKER or PEDDLER

One who goes from place to place or from house to house or from street to street or who stands in a street or upon a sidewalk selling, bartering or offering for sale or barter any items whatsoever, including but not limited to the following: goods, wares, merchandise, magazines, food products and farm products.

SOLICITOR

One who goes from place to place or from house to house or from street to street or who stands in a street or upon a sidewalk taking orders for any items whatsoever, including but not limited to the following: goods, wares, merchandise, magazines, food products and farm produce, which items are to be delivered in the future, or for services to be performed in the future, or for making, manufacturing or repairing any article or thing to be delivered in the future.

WAIVER

The written form provided to the applicant by the Village wherein the applicant agrees that the Village may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains the applicant's notarized signature.

17. | Land Subdivision Regulations

17.1. Policy

By authority of resolution adopted by the Village of Brockport, pursuant to the provisions of Article 6-A of the Village Law, the Planning Board has the power and authority to approve plats for subdivisions within the Village of Brockport.

It is hereby declared to be the policy of the Village of Brockport Planning Board to consider land subdivisions as part of a plan for the orderly, efficient and economical development of the Village. Land to be subdivided shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other menace. Proper provision shall be made for drainage, water, sewage and other needed improvements. The proposed streets and development shall compose a convenient street system and shall be properly related to the Official Map and/or the Master Plan of the Village of Brockport, as either may be adopted or accepted as guides for the future development of the Village. Should any of this chapter conflict or be inconsistent with any provision of the Village Law, such provision of the Village Law shall apply. In order that land may be subdivided in accordance with this policy, the regulations in this Chapter are hereby adopted.

Streets shall be of such widths, grade and location as to accommodate the prospective traffic, to afford adequate light and air, and to facilitate fire protection. In proper cases, park areas of suitable location, size and character for playground or other recreational purposes shall be shown on the subdivision plat.

17.2. Applicability

- A. This Chapter applies to all development within the Village of Brockport.
- B. No construction shall commence until all required layouts, plans, profiles and specifications have been reviewed and approved by the Village of other governmental approving agency.

17.3. Subdivision Procedures

Whenever any subdivision of land is proposed, before any contract for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for the secure approval of such proposed subdivision in accordance with the following procedures, which may include up to three steps:

- A. **Conceptual review.**
- B. **Preliminary layout.**

C. **Subdivision plat.**

17.4. Preliminary Layout

A. **Discussion or requirements.**

Before preparing the preliminary layout, the applicant may discuss with the Planning Board or its representative the requirements for reservations of land, street improvements, drainage, sewerage, water, fire protection and similar aspects, as well as the availability of existing services. The applicant should also discuss the preliminary layout with the State Health Department or other pertinent health agencies whose approval is required by this Chapter, and which must eventually approve any subdivision plat coming within its jurisdiction.

B. **Application Procedure**

Prior to filing an application for the approval of a subdivision plat, the applicant shall file an application for the approval of a preliminary layout and shall retain competent engineering and legal counsel for technical matters and provide the necessary detailed information. The application shall:

1. Be made on forms available at the office of the Village Administrator.
2. Include all land which the applicant proposes to subdivide.
3. Be accompanied by 3 copies of the preliminary layout, as described in §18.XX of this Chapter.
4. Comply in all respects with this Chapter and with the provisions of §§ 7-728 7-730 and 7-732 of New York State Village Law.
5. Be presented to the Chairperson of the Planning Board.

C. **Application Fees**

1. A fee of \$100 shall be charged for each application, plus \$50 for each additional lot.
2. Applicants shall be charged \$50 for any unscheduled Planning Board meeting made by a special request.
3. For subdivision plat housing developments of more than 70 units in size, the fee structure is calculated as in § 18.4 C(1) but may be paid in three installments, each consisting of 1/3 of the total amount due on the application. The schedule of payments shall coincide with the three phases of plan development, and each payment shall be due prior to the meeting that begins each phase of the Planning Board plan approval process as listed in § 18.3.

D. **Planning Board Meeting**

1. After the preliminary layout has been submitted, the applicant should be prepared to attend the next regular meeting of the Planning Board.
2. The Planning Board shall carefully study the practicability of the preliminary layout, taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided.
3. The Planning Board shall ensure any subdivision application is consistent with the Village of Brockport Comprehensive Plan and the Village of Brockport Zoning Map.
4. After discussion of the preliminary layout, the Planning Board will advise the applicant, in writing, of the specific changes it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. This shall constitute tentative approval of the preliminary layout.
5. Where an application has been received for a new one-lot subdivision on existing public services, or for a lot resubdivision, the Planning Board authorizes the Building Inspector for the Village of Brockport to take such application and, if he is satisfied that appropriate zoning regulations are met and that all public services, i.e., water, sewer and road, do service this property, he may grant tentative approval of the preliminary layout on behalf of the Planning Board. With such approval, the applicant may then file directly with the Planning Board for final approval after the mandatory public hearing.
6. The purpose of the above new subsection is to simplify the subdivision process when the property has already been subdivided or when the property exists in an improved section of the Village.

17.5. Subdivision Plat

A. Application Procedure

Within 6 months of the tentative approval of the preliminary layout, the applicant may file with the Planning Board an application for approval of a subdivision plat. The application shall:

1. Be made on forms provided by the Planning Board at the time of tentative approval of the preliminary layout.
2. Include the entire subdivision, or a section thereof, which derives access from a street on the Official Map (as it may be adopted), which street is improved to Village standards or for which street a bond covering such improvements is held by the Village.

3. Be accompanied by 3 copies of the subdivision plat and the construction detail sheets.
4. Comply in all respects with the preliminary layout as tentatively approved.
5. Be presented to the Chairperson of the Planning Board at least 2 weeks prior to a regular meeting of the Board in order that a public hearing may be scheduled and the required 5 days' notice given.

B. Official Submittal Date

The subdivision plat shall be considered officially submitted only at the regular meeting of the Planning Board following completion of the application procedure outlined above.

C. Endorsement of the State Health Department

The proposed subdivision plat shall be properly endorsed by the State Health Department, or other pertinent health agency, as meeting the standards of the State Sanitary Code or other applicable health code before any public hearing is scheduled. The plat should be in final form before State Health Department or other health agency approval.

D. County Official Map Notification

The Planning Board shall also, ~~when and if Monroe County establishes a County Official Map,~~ notify the County Planning Board or Commission, if any, and the County Superintendent of Highways if the subdivision plat proposes structures or new streets having frontage on, access to or is otherwise directly related to any county road, existing or proposed, as shown on the County Official Map, when and if established. The County Planning Board or Commission shall report to the Village Planning Board within 30 days on its approval or disapproval, or on its approval subject to stated conditions, of the subdivision plat. The plat may be approved by the Village Planning Board subject to stated conditions, notwithstanding such report, when the application of such report will act so as to deprive the owner of the reasonable use of his land

E. Public Hearing

Before the Planning Board acts on any subdivision plat, they shall hold a public hearing thereon, in accordance with Village Law § 7-728.

F. Action on Proposed Subdivision Plat

After careful study, the Planning Board shall, within 45 days from the official submittal date of the subdivision plat, approve, modify or disapprove such plat. The grounds for disapproval of any plat shall be stated on the records of the Planning Board. A subdivision plat shall not be signed by the authorized officers of the Planning Board until the applicant has met all the conditions of the action granting approval of such plat

G. Plat Void if Revised After Approval

No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Board and endorsed, in writing, on the plat. In the event that any subdivision plat when recorded contains any such changes, the plat shall be considered null and void, and the Board shall institute proceedings to have said plat stricken from the records of the County Clerk.

H. Signing of plat.

1. Every subdivision plat submitted to the Board for its approval shall carry the following endorsement:

Approved by resolution of the Planning Board of the Village of Brockport, New York, on the _____ day of _____, _____, subject to all requirements and conditions of said Resolution. Any change, erasure modification or revision of this plat, as approved, shall void this approval.

Signed this ____ day of _____, _____, by

Chairman

Secretary

Monroe County Health Department

Superintendent of Public Works

Village Engineer

(water mains, sanitary sewers and roads)

2. In the absence of the Chairperson or Secretary, the Acting Chairperson or Secretary, respectively may sign in their place.

17.6. Required Improvements and Agreements

A. Performance Bond

Prior to any action by the Planning Board approving a subdivision plat, the applicant shall be required to post a performance bond (backed up with a letter of credit or surety bond or certified check) which is available to the Village in sufficient amount to assure such completion of all required improvements. This bond shall be for a period of one year, to be renewed at the end of that time if improvements are not completed. After the improvements are in and approved by the Village, the applicant shall be required to post a maintenance bond for two years in the amount of 10% of the cost of such improvements. Such performance bond shall comply with the requirements of Village Law § 7-730, and shall be satisfactory to the Village Board as to form, sufficiency and manner of execution. All required improvements shall be made by the applicant at his expense without reimbursement by the Village.

B. Inspection of Improvements

The Village shall employ an inspector to act as agent of the Planning Board for the purpose of assuring the satisfactory completion of improvements required by the Planning Board and shall determine an amount sufficient to defray costs of inspection. The applicant shall pay the Village costs of inspection before the subdivision plat is signed for filing. If the Planning Board or its agent finds, upon inspection, that any of

the required improvements have not been constructed in accordance with the approved construction detail sheets, the applicant and the bonding company will be severally and jointly liable for the costs of completing said improvements according to specifications.

C. Utilities

As to utilities required by the Planning Board, the Board may accept assurance from each public utility company whose facilities are proposed to be installed. Such assurance shall be in writing, addressed to the Board, stating that such public utility company will make the installation necessary for the furnishing of its services within a specified time, in accordance with the approved construction detail sheets.

D. Cessions and Releases

The plat shall be endorsed with the necessary agreements in connection with required easements or releases. Offers of cession to the Village shall be presented prior to plat approval. Formal offers of cession to the Village of all streets and parks not marked on the plat, with a notation to the effect that such cession will not be offered, shall be filed with the Planning Board prior to plat approval.

17.7. Filing of Approved Subdivision Plat

Upon completion of all requirements set forth in the action approving the subdivision plat, the plat shall be properly signed by the appropriate officers of the Planning Board and shall be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed within 90 days of the date of Planning Board signature shall become null and void.

17.8. Resubdivision

For a resubdivision, the same procedure, rules and regulations apply as for a subdivision.

17.9. Public Streets, Parks and Playground Areas

The approval by the Planning Board of a subdivision plat shall not be deemed to constitute or imply the acceptance by the Village 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 Village Board covering future title, dedication and provision for the cost of grading, development, equipment and maintenance of any park or playground area.

17.10. General Requirements for Subdivision of Land

A. Considerations and Standards

The Planning Board, in considering an application for the subdivision of land, shall be guided by the considerations and standards in §§ 18.10, 18.11, 18.12 and 18.13.

B. 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.

C. Conformity to Official Map and Village Plan

Subdivisions shall conform to the streets and parks shown on the Official Map of the Village as it is developed and adopted by the Village Board, and they shall be properly related to the Village Master Plan as it is developed and accepted as a guide or adopted by the Planning Board.

D. Provisions for Application Under § 7-738 of the Village Law of the State of New York and/or any successor or amendment thereto.

E. The Planning Board is empowered to modify applicable provisions of the Zoning Ordinance in accordance with the provisions of § 7-738 of the Village Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands.

F. A subdivider or the Planning Board may request the use of § 7-738, in which case the subdivider shall present along with the proposal, in accordance with the provisions of § 7-738, a conventional sketch plat which is consistent with all the criteria established by this chapter.

G. Upon determination of the Planning Board that such proposal is suitable for application under § 7-738 of the Village Law, the applicant may proceed with his application for subdivision review.

H. Permitted use.

The permitted uses within a cluster development shall be the same as those otherwise permitted in the zoning district in which it is located.

17.11. Streets and Street Design

A. Location, Width and Improvement of Streets.

Streets shall be suitably located, of sufficient width, and adequately improved to accommodate the prospective traffic and to afford satisfactory access to police, firefighting, snow-removal or other road-maintenance equipment, and shall be coordinated so as to compose a convenient system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.

B. Standards for Street Design

The following standards shall apply to all streets within the Village of Brockport, unless otherwise indicated on the Village Master Plan:

STANDARDS FOR STREET DESIGN			
Street Classification	Local	Collector	Business
Minimum width of right-of-way	60 feet	60 feet	68 feet
Minimum width of pavement	21 feet	36 feet	40 feet
Minimum radius of horizontal curves	150 feet ¹	176 feet	200 feet
Minimum length of vertical curves	100 feet ²	200 feet ³	200 feet
Minimum length of tangents between reverse curves	100 feet ⁴	200 feet	200 feet
Maximum grade	9%	9%	8%
Minimum grade	1%	1%	1%
Minimum stopping sight distance	150 feet	175 feet	175 feet
Minimum curb radii	10 feet	10 feet	15 feet

1 Except for street corners.
 2 But not less than 20 feet for each 1% algebraic difference of grade
 3 But not less than 30 feet for each 1% algebraic difference of grade
 4 Except where excessive grades may be reduced to reasonable grades by shortening tangent

C. Relation to Topography

Streets shall be logically related to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided.

D. Block Standards

1. Residential blocks must have sufficient width to provide for 2 tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions or when adjacent to the outer perimeter of a subdivision.

- The following table establishes standards for block design. In the event that a single block contains more than 1 zoning district, the least restrictive requirement shall apply.

STANDARDS FOR BLOCK DESIGN

Zoning District	Block Perimeter (max)	Dead-End Street (max)	Sidewalk
N and MN	2,500'	Not permitted ¹	Required for front-facing street
MS	2,000'	Not permitted ¹	Required for front-facing street

1. Dead end streets shall not be permitted in either the N, MN, or MS Districts.

E. Block Measurement

- A block is bounded by a public right-of-way (not including an alley). All public rights-of-way proposed as part of a development must be improved with a street.
- Block perimeter is measured along the edge of the property adjoining the public right-of-way. Dead-end streets are measured from intersecting centerlines.
- If a block leg is greater than 400 feet in length, a pedestrian passage must be provided to connect the two streets on opposing block faces.
- A block shall be permitted to be broken by a civic building or open lot, provided the lot is at least 50 feet wide and deep and provides a pedestrian passage that directly connects the two streets on each block face.
- Within a single phase of any subdivision or development, individual block perimeters shall be permitted to exceed the maximum by 25% provided that the average of all block perimeters in the phase does not exceed the maximum.
- Where the block pattern is interrupted by public parkland that is open and accessible to the public, pedestrian access points shall be provided with a minimum spacing equal to ½ of the maximum block perimeter.

F. Continuation of Streets

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way and improvements shall be extended to the property line. A temporary circular turnaround of a minimum of 60 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 abutters whenever the street is continued.

G. Street Names

All streets shall be named, and such names shall be subject to the approval of the Planning Board. Names shall be sufficiently different in sound and in spelling from other street names in the Village so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.

17.12. Improvements

- A. Streets shall be graded and improved with pavement, street signs, streetlighting standards, curbs, gutters, street trees, water mains, sanitary sewers, storm drains, fire hydrants and sidewalks, except that waivers may be requested and 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. If placed in the street right-of-way, underground utilities required by the Planning Board shall be placed between the paved roadway and the street line to simplify the location and repair of the lines. The subdivider shall install underground service connections to the property line of each lot before the street is paved. Such grading and improvements shall conform to the Village minimum road specifications and shall be approved as to design and specifications by the Village Engineer. The developer, before the approval of the final subdivision plat, shall complete all improvements to the satisfaction of the Village Engineer and post a performance bond sufficient to insure the satisfactory completion of such improvements

17.13. Lots

A. Lot Frontage

1. Every lot shall have frontage on a public street, with the following exceptions:
 - a. Lots as part of a development which was approved for private streets prior to the effective date of this Chapter.
 - b. A townhouse lot or townhouse building/structure may front on parking lots or drive aisles provided that the entrance to each townhouse unit is located within 300 feet of the intersection of an access point and a dedicated public street.

2. Except as otherwise stated in this Chapter, all newly subdivided lots must front on a street that has a pavement width of at least 20 feet.

B. Lot Arrangement

1. Lots shall be subdivided to permit conformance with all laws and ordinances and to ensure for orderly urban growth, proper building arrangement and to provide Village services.
2. Lot dimensions shall provide for the potential development of all lots and future compliance with the development standards within this Chapter.
3. Lot dimensions shall conform with all development requirements for the underlying zoning district, as outlined in Chapter 37 of the Brockport Municipal Code.
4. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance, and in providing access to buildings on such lots from an approved street.
5. Side lot lines may be at right angles to street lines or at an angle no smaller than 55° as measured from the street line.
6. Lots shall not, in general, derive access exclusively 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 hazards on such street.

17.14. Reservations and Easements

- A. Parks and playgrounds. The Planning Board may require adequate, convenient and suitable areas for parks and playgrounds, or other recreational purposes, to be reserved on the plat, but in no case more than 10% of the gross area of any subdivision. The area shall be shown and marked on the plat "Reserved for Park or Playground Purposes."
- B. Widening or realignment of existing streets. Where the subdivision borders an existing street, and the Official Map or Master Plan indicates plans for realignment or widening of the street 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 Realignment (or Widening) Purposes."
- C. Utility and drainage easements. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width for such utilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat.
- D. Easements for pedestrian access. The Planning Board, where it deems necessary, may require, in order to facilitate pedestrian access from streets to schools, parks,

playgrounds or other nearby streets, perpetual unobstructed easements at least 20 feet in width. Easements shall be indicated on the plat.

- E. Responsibility for ownership of reservations. Ownership shall be clearly indicated on all reservations for parks and playground purposes.

17.15. Miscellaneous

A. Preservation of Existing Features

Existing features which would add value to residential development such as large trees, watercourses and falls, beaches, historic spots and similar irreplaceable assets, should be preserved, insofar as possible, through the harmonious design of the subdivision.

B. Self-imposed Restrictions

The owner may place restrictions on the development greater than those required by the Zoning Chapter. Such restrictions, if any, shall be indicated on the final plat.

C. Modification of Standards

The Planning Board may modify the specified requirements in any individual case where, in the Board's judgment, such modification is in the public interest or will avoid the imposition of unnecessary individual hardship.

- D. All development of property is further controlled by the Design Criteria and Construction Specifications for Land Development adopted by the Board of Trustees of the Village of Brockport June 10, 1985.

17.16. Specifications for Preliminary Layouts and Subdivision Plats

- A. Preliminary layouts submitted to the Planning Board shall be drawn to a convenient scale, not less than one inch equals 50 feet, and shall show the following information:
 - B. The location of the property with respect to surrounding property and streets. There shall also be included an area map at a scale of one inch equals 400 feet, showing all streets and property within 1,000 feet of the applicant's property. All property held by the applicant in the area should be identified.
 - C. The location and approximate dimensions of all existing property lines, including the entire area proposed to be subdivided and remainder of the tract owned by the subdividing owner.
 - D. All pertinent features, such as existing structures, streets, railroads, water bodies, streams, swamps, large trees and all existing utilities, that may influence the design of the subdivision and topography at a contour interval of not more than five feet for both actual and proposed contours, unless waived by the Planning Board.

- E. The location, width and approximate grade of all proposed streets. Approximate elevations shall be shown at the beginning and end of each street, at street intersections and at all points where there is a decided change in the slope or direction.
- F. The approximate location, dimensions and area of all proposed or existing lots.
- G. The approximate location, dimensions and area of all property proposed to be set aside for playground or park use.
- H. The names of all adjoining property owners of record or the names of adjoining developments.
- I. The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider, if other than the owner, and the name of the landscape architect and/or licensed professional engineer and licensed land surveyor responsible for the preparation of the sketch layout and preliminary information.
- J. The date, approximate true North point and scale.
- K. Proposed provision of water supply, fire protection, disposal of sanitary waste, stormwater drainage, street trees, streetlighting fixtures, street signs and sidewalks, data on which must be available for consideration at this stage.

17.17. Subdivision Plat

Subdivision plats shall be accompanied by separate construction detail sheets, and both shall be submitted to the Planning Board for approval, as follows:

- A. Drawing, scale and size of plat and construction detail sheets. The subdivision plat and construction detail sheets shall be clearly and legibly drawn on transparent linen tracing cloth with black waterproof ink. The plans and profiles shall be drawn at a scale not smaller than one inch equals 60 feet. Maps shall be on uniform-size sheets, not larger than 36 by 48 inches. Whenever any project is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets.
- B. Information to be shown on plat. Plat shall show the following information:
 1. Proposed subdivision name or identifying title, which shall not duplicate or too closely approximate that of any other development in the Village.
 2. Date, approximate true North point and scale.
 3. Name, address and signature of owner, subdivider, licensed professional engineer and a licensed land surveyor.
 4. Names of owners of record of abutting properties or developments.
 5. Locations, names and widths of existing streets, highways and easements, building lines, parks and other public properties.
 6. Locations and widths of all streets and sidewalks, together with names of streets and location, dimensions and status of all easements proposed by the subdivider.
 7. Lot areas in square feet.
 8. Lot lines with accurate dimensions and bearings of angles.

9. Sufficient data to determine readily the location, bearing and length of all lines, and to reproduce such lines upon the ground.
 10. Radii of all curves and lengths of arcs.
 11. Location, material and approximate size of all monuments.
 12. The accurate outline of all property which is offered or to be offered for dedication for public use, with the purpose indicated thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.
- C. Construction detail sheets. Construction detail sheets shall show the following information, except that, where requirements have been waived, applicable specifications may be omitted.
1. Profiles showing existing and proposed elevations along the center lines of all streets, where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection shall be shown. All elevations must be referred to established United States government or approved local bench marks, where they exist within 1/2 mile of the boundary of the subdivision.
 2. The Planning Board may require, where steep slopes exist, that present elevation of all proposed streets shall be shown every 100 feet at five points on a line at right angles to the center line of the street, and said elevation points shall be at (a) the center line of the street; (b) each property line; and (c) points 30 feet inside each property line.
 3. Plans and profiles showing the location and a typical section of street pavements, including curbs and gutters, manholes and catch basins; the location of street trees, streetlighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains, and fire hydrants; and the exact location and size of all water, gas or other underground utilities or structures.

17.18. Definitions

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

APPLICANT

The owner of the property, the contract vendee or his authorized representative.

BUSINESS STREET

A street which serves or is designed to serve as an access to abutting business properties.

COLLECTOR STREET

A street which serves or is designed to serve as a route connecting different parts of the Village.

DEAD-END STREET

A street or a portion of a street with only one vehicular outlet.

EASEMENT

Authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his property.

LOCAL STREET

A street intended to serve primarily as an access to abutting residential properties.

MAJOR STREET

A local thoroughfare which carries crosstown traffic from several neighborhoods, thereby servicing several residential collector streets.

MASTER PLAN

See "Village Development Plan."

OFFICIAL MAP

The map established by the Village Board under § 179, Article 6-A, of the Village Law showing the streets, highways and parks heretofore laid out, adopted and established by law, and any amendments thereto adopted by the Village Board, or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats. (Such be the case when and if adopted.)

PRELIMINARY LAYOUT

The preliminary drawing or drawings indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for its consideration.

PLANNING BOARD

The Village of Brockport Planning Board.

STREET

Includes streets, roads, avenues, lanes or other ways.

STREET PAVEMENT

The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH

The distance between property lines.

SUBDIVIDER

Any person, firm, corporation, partnership or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof, as defined herein, either for himself or others.

SUBDIVISION

The division of any parcel of land into two or more lots, plots, sites or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include resubdivision.

SUBDIVISION PLAT

The final map or drawing on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, will be submitted to the County Clerk for recording.

VILLAGE DEVELOPMENT PLAN or VILLAGE PLAN or MASTER PLAN

A comprehensive plan for development of the Village prepared by the Planning Board, pursuant to § 179, Article 6-A, of the Village Law, which indicates the general locations recommended for various public works and reservations, and for the general physical development of the Village, and includes any part of such plan separately accepted as a guide or adopted, and any amendment to such plan or parts thereof.

VILLAGE ENGINEER

A licensed professional engineer employed by the Village or a licensed consulting engineer hired by the Village.

ZONING ORDINANCE

The officially adopted Zoning Ordinance of the Village of Brockport, together with any and all amendments thereto.

18. | Stormwater Management and Erosion and Sediment Control

18.1. Purpose

- A. Land-disturbance activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of waterborne pollutants. Stormwater runoff, soil erosion and non-point-source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
- B. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitats for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitats and to provide a healthy living environment for citizens of the Village of Brockport. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff, thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow. Regulation of land-disturbance activities by means of performance standards governing stormwater management 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 erosion and sedimentation from development.
- C. As a result, the purpose of this local regulation is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in the Village of Brockport. It seeks to meet those purposes by achieving the following objectives:
 - 1. 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.
 - 2. Require land-disturbance activities to conform to the substantive requirements of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities, or as amended or revised.

3. Minimize increases in stormwater runoff from land-disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion, and maintain the integrity of stream channels.
4. Minimize increases in pollution caused by stormwater runoff from land-disturbance activities which would otherwise degrade local water quality.
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable.
6. Reduce stormwater runoff rates and volumes, soil erosion and non-point-source pollution, wherever possible, through stormwater management practices, and ensure that these management practices are properly maintained and eliminate threats to public safety.

18.2. Applicability

This article shall be applicable to all land-disturbance activities that will disturb greater than or equal to 2,000 square feet of land, unless exempted under § 19-10C of this article. This article also applies to land-disturbance activities that are less than 25,000 square feet of disturbance if such activities are part of a larger common plan of development or sale that will disturb greater than or equal to 25,000 square feet, even though multiple separate and distinct land-disturbance activities may take place at different times on different schedules.

18.3. Compatibility with Other Permits and Requirements

- A. Compliance with this article does not relieve the applicant of the obligation and responsibility to obtain separate coverage under the NYSNYSDEC SPDES General Permit for Construction Activities, if required. For projects also applying for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the applicant shall submit a copy of the stormwater pollution prevention plan (SWPPP), a notice of intent (NOI) with a certification statement, including the date, demonstrating submission to the NYSDEC, a letter of permission from the NYSDEC granting approval to disturb five acres or greater of land at one time (if applicable) and any related documents to the Village of Brockport for review and approval.
- B. The requirements of this article should be considered minimum requirements; and where any provision of this article imposes restrictions different from those imposed by any other federal, state, or local ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose more-stringent requirements shall take precedence.
- C. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or ordinances, such as Article II

of this chapter, Design and Management of Post-Construction Stormwater Pollution Prevention Measures.

18.4. Legislative Authority

- A. In accordance with Article 21 of the Village Law of the State of New York, Article 3 of the Municipal Home Rule Law of the State of New York

18.5. Responsibility for Administration

The Board of Trustees, pursuant to Chapter 28, § 28-14, shall designate a Stormwater Management Officer, who shall accept and review all SWPPPs and forward such plans to the applicable municipal board. A consultant cannot be appointed as Stormwater Management Officer. The Stormwater Management Officer may review the plans; upon approval by the Board of Trustees, engage the services of a New York State licensed professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board; or accept the certification of a licensed/certified professional that the plans conform to the requirements of this article. The Stormwater Management Officer (SMO) shall administer, implement and enforce the provisions of this article. Any powers granted or duties imposed upon the Village of Brockport may be delegated, in writing, by the Village of Brockport to persons or entities acting in the beneficial interest of or in the employ of the agency.

18.6. Ultimate Responsibility

- A. The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will not be contamination, pollution or unauthorized discharge of pollutants.

18.7. Standards for Construction Activities

- A. The Village of Brockport requires the use of technical standards for erosion and sediment control. These are detailed in the Village of Brockport Design Criteria and the New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the New York State Stormwater Management Design Manual.
- B. Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards, and the SWPPP shall be prepared by a licensed/certified professional.

18.8. Land-Disturbance Activity Approval Process

A. Application Requirements

1. Any applicant requesting site plan approval or a permit for land-disturbance activity which would require the disturbance of greater than or equal to 25,000 square feet of land shall also include with the submission a SWPPP that shall be reviewed and approved by the Village of Brockport prior to issuance of the final site plan approval or a permit.
2. No applicant shall be granted site plan approval or a permit which would require the disturbance of greater than or equal to 25,000 square feet of land without the review and approval of a SWPPP by the Village of Brockport.
3. Furthermore, prior to the issuance of a permit or site plan approval, all projects that would result in the disturbance of greater than or equal to 25,000 square feet of land will be required to comply with all applicable provisions in §§ 19.19-19.30, Design and Management of Post-Construction Stormwater Pollution Prevention Measures. As part of the SWPPP, the applicant shall include a signed statement that all applicable requirements of Article II of this chapter, Design and Management of Post-Construction Stormwater Pollution Prevention Measures, have been met to the satisfaction of the Village of Brockport.
4. Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in this Chapter.
5. Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with § 19.12 of this article.
6. Each application shall include a statement that any land clearing, construction or development involving the movement of land shall be in accordance with the submitted SWPPP.
7. All land-disturbance activities, as defined in § 19.4 of this article, which are not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer designated by the Village of Brockport, who shall approve the SWPPP if it complies with the requirements of this article.

B. Review and Approval of Application

1. Upon receipt of a construction application, the Stormwater Management Officer shall determine if the provisions of this article are applicable to the proposal.
2. If the provisions of this article are not applicable, the Stormwater Management Officer shall file a written memorandum in the file stating the reason(s) why this article is not applicable.

3. If the provisions of this article are applicable, the Stormwater Management Officer shall transmit the application to the Planning Board.
4. The Planning Board shall review said application in conjunction with any subdivision and site plan review pursuant to Chapter 19, Land Subdivision Regulations.
5. In situations where application is made after approval (for example an approved site plan or subdivision approved prior to the enactment of this article), the application shall be reviewed by the Planning Board as a change or modification to the approved plan.

C. Exemptions

1. Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
2. Agricultural activity, as defined in this article.
3. Silvicultural activity, except that landing areas and log haul roads are subject to this article.
4. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
5. Repairs to any stormwater treatment practice deemed necessary by the Village of Brockport.

18.9. Financial Guaranties

- A. The Village of Brockport may, at its discretion, require the applicant to submit a financial guaranty in a form acceptable to the Board of Trustees prior to issuance of site plan approval or a permit in order to insure that the stormwater pollution prevention and erosion and sediment control practices are implemented and maintained by the applicant as required by the approved SWPPP. The amount of the financial guaranty shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices approved, plus a contingency. The financial guaranty shall contain forfeiture provisions for failure to complete work specified in the SWPPP. The financial guaranty shall be released in full only upon satisfaction of the requirements listed in § 19.14 of this article. At its discretion, the Board of Trustees may allow for a partial release of the financial guaranty based on the completion of various development stages.

18.10. Stormwater Pollution Prevention Plan Requirements

- A. Prior to final approval of a land-disturbance activity, a SWPPP shall be prepared by the applicant, in accordance with the specifications outlined by the Village of Brockport, and submitted to the Stormwater Management Officer designated by the Village of Brockport for review by the appropriate board. This plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in § 19.9 of this article. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the Village of Brockport Design Criteria and the New York Standards and Specifications for Erosion and Sediment Control and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Village of Brockport.
- B. The requirements to have a SWPPP prepared by a qualified professional and to have the final plan signed and certified by a New York State licensed professional engineer (PE) are not applicable to land-disturbance activities that meet technical standards and are five acres or less, occurring on a single-family residence which is not part of a larger common plan of development or an agricultural property. In addition, these land-disturbance activities must not discharge directly to a 303(d) impaired water body or must not be located in a total maximum daily load (TMDL) watershed.
- C. Minimum requirements. All SWPPPs shall provide the following background information and erosion and sediment controls:
 - 1. Background information about the scope of the project, including location, type and size of the project, and contact information that includes the name, address and telephone number of all persons having a legal interest in the property, and the tax reference number and parcel number of the subject property or properties.
 - 2. A site map/construction drawing(s) for the project, including a general location map and a one-inch-equals-fifty-feet topographic base map of the site which extends a minimum of 200 feet beyond the limits of the proposed development. 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), including receiving waters (name of the water), streams, ponds, culverts, ditches and wetlands, as well as drainage patterns that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soil types, forest cover, and significant natural and man-made features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharge(s); and resources protected under other chapters of this Code or by easements.
 - 3. A description of the soil(s) present at the site.
 - 4. A construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas.

Consistent with the New York State Standards and Specifications for Erosion and Sediment Control, not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.

5. A description of the pollution-prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on site, with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
6. A description of the 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 disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
7. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
8. Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins, and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
9. Identification of all temporary practices that will be converted to permanent control measures.
10. An 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.
11. An 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.
12. A 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 attainable.
13. Any existing data that describes the stormwater runoff at the site.

14. Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the Village of Brockport.
15. Assurance that the applicant or his/her "responsible individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
16. Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land-disturbance activity at the site. The certification must include the name and title of the person providing the signature, address and contact number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The certification statement must be included in the SWPPP.

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

D. Modifications to the plan after approval.

1. Major amendments of the SWPPP shall be submitted to the Village of Brockport and shall be approved or disapproved.
2. The applicant shall amend the SWPPP whenever:
 - a. There is a significant change in design, construction, operation or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States, and which has not otherwise been addressed in the SWPPP.
 - b. The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this article.
 - c. Amendments to the SWPPP may be reviewed by the Village of Brockport. A copy of the newly amended SWPPP must be provided to the Village of Brockport within five business days.
 - d. Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The Village of Brockport may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.
 - e. Field modifications of a minor nature may be authorized by the Village of Brockport by written authorization to the applicant.

18.11. Inspections

- A. The Village of Brockport or its designated agent, as defined in § 19.3 shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant that the work fails to comply with the SWPPP. In addition, the Village of Brockport reserves the right to enter the work site at any reasonable time for purposes or inspection per Chapter 28. The SWPPP and the records of any inspections completed by the owner or his/her agent shall be maintained at the site in the site logbook from the date of initiation of construction activities to the date of final stabilization. To obtain inspections, the applicant shall notify the Village of Brockport at least 48 hours before the following activities occur:
1. Start of construction.
 2. Erosion and sediment control measures have been installed and stabilized.
 3. Site clearing has been completed.
 4. Rough grading has been completed.
 5. Final grading has been completed.
 6. Close of the construction season.
 7. Final landscaping.
 8. Closeout inspection.
- B. The above inspection timetable does not relieve the owner of the obligation under this or any other permit or regulation to conduct regular inspections as set forth in said permit and/or regulation. If any violations are found, the applicant and developer shall be notified, in writing, of the nature of the violation and the required corrective actions. No further earthwork shall be conducted on the site, except for site stabilization, until the violations are corrected and approved by the Village of Brockport. Should a permit applicant or owner (and/or agent, employee, authorized representative or operator) decline consent to an inspection(s) believed to be necessary by the Code Enforcement Officer (or his authorized inspector) or to proper enforcement of this provision, the Code Enforcement Officer (or his authorized inspector) shall be authorized to apply for an administrative search warrant pursuant and such other legal requirements as may apply to permit such inspection(s).
- C. The applicant shall employ a "responsible individual," as defined in this Chapter, who will oversee the implementation of the SWPPP on a daily basis. The responsible individual 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. The applicant shall also employ the services of a qualified professional in erosion and sediment control, who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every seven days and within 24 hours of

any storm event producing 0.5 inch of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the Village of Brockport within five days after the month's end.

- D. The requirement to employ a qualified professional to inspect and document the effectiveness of all erosion and sediment control practices is not applicable to land-disturbance activities of five acres or less occurring on a single-family residence which is not part of a larger common plan of development or on an agricultural property. In addition, these land-disturbance activities must not discharge directly to a 303(d) impaired water body or must not be located in a total maximum daily load (TMDL) watershed.

18.12. Duration, Maintenance and Closeout

- A. For a project that requires a NYSDEC SPDES permit, the SWPPP approved by the Village of Brockport shall be in effect until the site has been finally stabilized, a notice of termination (N.O.T.) is submitted to the NYSDEC in accordance with the general permit, and a final inspection has been completed by the Village of Brockport.
- B. For projects that do not require a NYSDEC N.O.T., the SWPPP is in effect until a final inspection is conducted and the Village of Brockport has issued the applicant written approval.
- C. **Maintenance**
 - 1. The applicant shall at all times properly operate and maintain all stormwater management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this article. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by 50%. The land-disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.
 - 2. At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the New York State Standards and Specifications for Erosion and Sediment Control.
- D. **Closeout**
 - 1. The applicant must satisfy the following project closeout requirements:
 - a. Re-establish the grade of all permanent stormwater facilities.
 - b. Inspect grading of all drainage structures and provide elevation as-builts to the Village of Brockport.
 - c. Establish perennial vegetative cover to a density of 80% over 100% of the site.
 - d. Remove all debris and temporary erosion and sediment control practices.

- e. Provide a written certification by a New York State licensed/certified professional that the site has undergone final stabilization and that all temporary erosion and sediment controls not needed for long-term erosion control have been removed.
- f. Complete any other measure deemed appropriate and necessary by the Village of Brockport to stabilize the project site.

18.13. Enforcement and Penalties

- A. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this article and/or any local law. Violations of any provision or requirement of this article and/or local law or violation of any statement, plan, application, permit or certification approved under the provisions of this article and/or local law shall be considered an offense, punishable by a fine and/or imprisonment, as provided by the Village of Brockport.
- B. The Village of Brockport may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land-disturbance activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Brockport confirms that the land-disturbance activity complies and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this article.
- C. An action or proceeding may be instituted in the name of the Village of Brockport in a court of competent jurisdiction to prevent, restrain, enjoin, correct or abate any violation of, or to enforce, any provision of this article, or any term or condition of any building permit, site plan, stop-work order or compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. In particular, but not by way of limitation, where the construction or use of a building or land is in violation of any provision of this article, or any stop-work order, compliance order or other order obtained under of this article, an action or proceeding may be commenced in the name of this Village of Brockport 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 subsection shall be commenced without the appropriate authorization from the Board of Trustees of this Village of Brockport.
- D. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 of this article, in any other section of this article, 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 of this article, in any other section of this article, 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 § 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 § 382 of the Executive Law.

18.14. Fees

- A. An applicant for a site plan and/or permit requiring construction site stormwater pollution prevention and erosion and sediment control as required by this article shall deposit with the Village of Brockport an application fee(s) as determined by resolution adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule. The application fee is to be utilized by the Village of Brockport, as needed, to pay for all fees, costs and disbursements incurred by the Village of Brockport in processing the application, including but not limited to independent legal, engineering and technical consultant fees, stenographic charges, post-construction site inspections and any other fees, costs and disbursements incurred by the Village of Brockport in the application process, including SEQRA review and post-construction site inspections. In the event that the application fee is insufficient to cover the fees, costs and disbursements incurred by the Village of Brockport in processing the application, the Village of Brockport shall provide the applicant with an invoice of the fees, costs and disbursements, and the applicant shall be obligated to pay the Village of Brockport such additional costs and disbursements within 30 days from receipt of that invoice from the Village of Brockport.
- B. Fees applicable for on-site compliance inspections of construction site stormwater pollution prevention and erosion and sediment control as provided by the Village of Brockport Stormwater Management Officer during the course of site land work(s) shall be borne upon the applicant based on a fee per approved site plan lot or land area. The per-inspection fee(s) shall be determined by resolution and adopted by the Board of Trustees as contained in the Village of Brockport Fee Schedule, as needed, to pay for all inspection(s), costs and disbursements incurred by the Village of Brockport for construction site stormwater pollution prevention and erosion and sediment control compliance. The site inspection fee shall be maintained in a separate Village of Brockport fund, which funds may be appropriated by the Village of Brockport in accordance with the terms of this article. In the event that the application fee is insufficient to cover the costs and disbursements incurred by the Village of Brockport for compliance inspections as needed, the Village of Brockport shall provide the applicant with an invoice of the costs and disbursements, and the applicant shall be obligated to pay the Village of Brockport such additional costs and disbursements within 30 days from receipt of that invoice from the Village of Brockport.
- C. In the event that the applicant fails or refuses to pay such additional fees, costs and disbursements for any reason within 30 days of the receipt of an invoice, the Village of Brockport may suspend either review of an application or construction activity. Failure or refusal to reimburse the Village of Brockport for expenses incurred may be a basis for refusal of a pending application or a revocation of an existing approval or permit. The applicant shall be responsible for all additional fees, costs and disbursements, including reasonable Village of Brockport Attorney's fees, incurred in the collection of any invoice item.

- D. The Village of Brockport may, at its discretion, require the submittal of a performance security or bond prior to approval in order to insure that the stormwater practices are installed as required by the approved stormwater pollution prevention plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the Village of Brockport, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater pollution prevention plan. The installation performance security shall be released in full only upon submission of as-built plans and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The Village of Brockport will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial pro rata release of the performance security based on the completion of various development stages can be done at the discretion of the Village of Brockport.

18.15. Design and Management of Post-Construction Stormwater Pollution Prevention Measures

A. Purpose

1. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of waterborne pollutants. Stormwater runoff, soil erosion and non-point-source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
2. The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing in the watersheds within the Village of Brockport. Therefore, the Village of Brockport establishes this set of water quality and quantity policies to provide reasonable guidance for the regulation of stormwater runoff and to, in addition to the above, safeguard persons, protect property, prevent damage to the environment in the Village of Brockport, and comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer systems (MS4s), for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point-source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

B. Applicability

1. This article shall be applicable to land-disturbance activities as defined in § 19.18 of this Chapter, and those activities meeting Condition A, B, C or D below.

2. Conditions A, B, C and D shall include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in § 19.15 G as applicable, unless eligible for an exemption or granted a waiver by the Village of Brockport in accordance with § 19.15 F of this section.

3. **Condition A**

Stormwater runoff from land-disturbance activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a total maximum daily load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

4. **Condition B**

Stormwater runoff from land-disturbance activities disturbing five or more acres.

5. **Condition C**

Stormwater runoff from land-disturbance activity disturbing between greater than or equal to 2,000 square feet and 5 acres of land during the course of the project, exclusive of the construction of single-family residences and construction activities at agricultural properties.

6. **Condition D**

Stormwater runoff from land-disturbance activity that is smaller than 25,000 square feet of disturbance if such activities are part of a larger common plan of development, even though multiple separate and distinct land-disturbance activities may take place at different times on different schedules.

7. The following activities may be exempt from the requirements of this article:

- a. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
- b. Agricultural activity, as defined in this article.
- c. Silvicultural activity, except that landing areas and log haul roads are subject to this article.
- d. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- e. Repairs to any stormwater treatment practice deemed necessary by the Village of Brockport.

C. Compatibility with Other Permits and Requirements

1. This article is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health and/or the environment shall be considered to take precedence.

2. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or local laws, including but not limited to Chapter 18 and 37. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the New York State Stormwater Management Design Manual.

D. Legislative Authority

In accordance with Article 21 of the Village Law of the State of New York, Article 3 of the Municipal Home Rule Law of the State of New York and Chapter 20 of the Code of the Village of Brockport, the Board of Trustees has the authority to enact laws for the purpose of promoting the health, safety or general welfare of the Village of Brockport, including the protection and preservation of the property of its inhabitants. By the same authority, the Board of Trustees may include in any such law provisions for the authorizing of any municipal employees and/or agent of the Village of Brockport to effectuate and administer such law.

E. Compliance and Required Submissions

1. No person or persons shall receive any building, grading or or other land-disturbance approvals or permits required for land-disturbance activities without first meeting the requirements of this article to the satisfaction of the Village of Brockport. Unless specifically excluded by this article, any landowner or operator desiring approval or a permit for a land-disturbance activity shall comply with all applicable provisions of this article and shall submit all required plans, documentation and information as required under this article to the Village of Brockport for review and approval.
2. Unless otherwise accepted by this article, the following items shall be submitted prior to the issuance of a permit or site plan approval:
 - a. Stormwater pollution prevention plan (SWPPP).
 - b. Maintenance easement(s)
 - c. Maintenance agreement(s).
3. The SWPPP shall be prepared to meet all relevant requirements of this article. The maintenance agreement shall be prepared to meet the requirements detailed under § 19.15 H.
4. The SWPPP and all other documents required by this article must be reviewed by the Village of Brockport to ensure that established water quality standards will be maintained after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans. Information shall be submitted as a single, logical package, with all information bound together.
5. The Planning Board shall review said application in conjunction with any subdivision and site plan review pursuant to Chapter 18, Land Subdivision Regulations.
6. In situations where application is made after approval (for example an approved site plan or subdivision approved prior to the enactment of this article), the application shall be reviewed by the Planning Board as a change or modification to the approved plan.

F. Waivers and Mitigation Requirements

1. All person(s) shall comply with the requirements of this article, unless a written request is filed to waive the requirements in part or whole for land-disturbance activities that disturb less than one acre of land. Requests to waive any requirements of this article shall be submitted to the Village of Brockport for approval.
2. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article.
 - b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater pollution prevention plan that has been approved by the Village of Brockport, and the implementation of the plan is required by local law. These practices are encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of nonstructural practices that reduce the generation of stormwater from the site. These nonstructural practices are explained in detail in the manual *Better Site Design: A Handbook for Changing Development Rules in Your Community*. Applicants wishing to obtain credit for use of nonstructural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
 - c. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices, and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
 - d. The Village of Brockport finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
 - e. Nonstructural practices will be used on the site that reduce the generation of stormwater from the site, the size and cost of stormwater storage, and the pollutants generated at the site.
3. In instances where one of the conditions above applies, the Village of Brockport may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the Village of Brockport that the waiver will not result in the following impacts to downstream waterways:
 - a. Deterioration of existing culverts, bridges, dams and other structures.
 - b. Degradation of biological functions or habitats.
 - c. Accelerated stream bank or streambed erosion or siltation.
 - d. Increased threat of flood damage to public health, life, property.

4. No waivers or mitigation plans will be considered for land-disturbance activity that disturbs one acre or greater of land.

G. General Design and Performance Criteria for Stormwater Management

1. Unless judged by the Village of Brockport to be exempted or granted a waiver per § 19-15 F, the following performance criteria shall be addressed for stormwater management at all sites. The applicant shall consult the Design Criteria, New York State Stormwater Management Design Manual and the New York Standards and Specifications for Erosion and Sediment Control for standards and specifications related to stormwater management design criteria. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article. If there is a conflict between any of the standards, the more stringent standard shall apply. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this §§ 19-15 G and 19-15 H of this article, and the SWPPP shall be prepared by a licensed/certified professional.
2. The following design and performance criteria shall be addressed for stormwater management sites:
 - a. All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
 - b. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Village of Brockport. In no case shall the impact on functional values be any greater than that allowed by the Army Corps of Engineers (A.C.E.) or the NYSDEC responsible for natural resources.
 - c. An attempt shall be made to maintain annual groundwater recharge rates by promoting infiltration using structural and nonstructural methods. At a minimum, an attempt shall be made for annual recharge from the post-development site to mimic the annual recharge from predevelopment site conditions.
 - d. To protect stream channels from degradation, a specific channel protection criterion shall be provided as prescribed in the Design Criteria and/or the New York State Stormwater Management Design Manual.
 - e. Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria or may need to utilize or restrict certain stormwater management practices.
 - f. Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hot spots," may require the use of specific structural stormwater treatment practices and pollution prevention practices.

- g. Prior to design, applicants are required to consult with the Village of Brockport to determine if they are subject to additional stormwater design requirements.
- h. The calculations for determining peak flows (WQv) as found in the New York State Stormwater Management Design Manual, shall be used for sizing all stormwater management practices.

H. Stormwater Pollution Prevention Plan

1. A SWPPP is required as part of compliance with this article. This plan must be prepared by a qualified professional and must indicate whether stormwater will be managed on site or off site, and if on site, the general location and type of practices, and shall also include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The plan must be signed by a New York State licensed professional engineer (PE), who will verify that the design of all stormwater management practices meets the submittal requirements outlined in the New York State Stormwater Management Design Manual. No building or grading permit or site plan approval shall be issued until a satisfactory stormwater pollution prevention plan, or a waiver thereof, has undergone a review and been approved by the Village of Brockport after determining that the plan or waiver is consistent with the requirements of this article.
2. The applicant shall employ a "responsible individual," as defined in § 19-18 of this article, who will oversee the implementation of the SWPPP on a daily basis. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every seven days and within 24 hours of any storm event producing 0.5 inch of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the Village of Brockport within five days after the month's end.
3. All SWPPPs shall provide the following information:
 - a. All information listed in § 19-15 G of this article for construction site stormwater pollution prevention and erosion and sediment control.
 - b. A description of each post-construction stormwater management practice.
 - c. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
 - d. Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms, including calculations such as a description of the design storm frequency, intensity and duration; time of concentration; soil curve numbers or runoff coefficients; peak runoff rates and total runoff volumes for each watershed area; infiltration rates, where applicable; culvert capacities; flow velocities; data on the increase in rate and volume of

runoff for the design storms referenced in the New York State Stormwater Management Design Manual; and documentation of sources for all computation methods and field test results.

- e. Comparison of post-development stormwater runoff conditions with predevelopment conditions.
- f. Dimensions, material specifications and installation details for each post-construction stormwater management practice.
- g. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures, including a schedule to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- h. The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See § 19-15 I of this article for additional information.
- i. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management measure(s) in accordance with the specifications of this article. See § 19-15 I of this article for additional information.
- j. The SWPPP shall be prepared by a qualified professional, and the final plan must be signed by a New York State licensed professional engineer, who shall certify that the design of all stormwater management practices meet the requirements in this article.
- k. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide opportunities or constraints for development.
- l. The Village of Brockport may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- m. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified professional and in compliance with landscaping specifications outlined in the New York State Stormwater Management Design Manual.

- n. The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

I. Maintenance of Stormwater Management Facilities

1. Maintenance easement. The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Brockport, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article and to, if necessary, implement emergency repairs to protect the health, safety and welfare of the public. The easement dimensions shall be as directed by the Village of Brockport, and the easement agreement shall be recorded in the office of the County Clerk, with a copy provided to the Village of Brockport.
2. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this article shall ensure they are operated and maintained to achieve the goals of this article. Proper operation and maintenance also includes, as a minimum, the following:
 - a. 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 article.
 - b. Written procedures for operation and maintenance and training new maintenance personnel.
 - c. Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with § 19-18 of this article.
3. Maintenance agreements. The maintenance and proper operation of all privately owned stormwater management facilities, including nonstructural practices, shall be ensured through the creation of a formal and enforceable maintenance agreement that must be approved by the Village of Brockport and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices and will outline the procedures and schedule to be followed to perform routine maintenance as necessary to ensure proper functioning of the stormwater management practice. In addition, the legally binding agreement shall identify the parties responsible for the proper maintenance of all stormwater treatment practices and include plans for periodic inspections by the owners, or their designated agent, to ensure proper performance of the facility. The maintenance agreement shall be consistent with the terms and conditions of the stormwater control facility maintenance agreement. The Village of Brockport, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided that such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

4. Requirements of maintenance agreements. All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs to ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be identified in writing, along with the schedule and methods to be employed to complete the maintenance. The maintenance repairs and restoration schedule are to be approved by the Village of Brockport prior to commencing the work, and the Village of Brockport shall inspect the facility upon completion of the work. The inspection and maintenance requirement may be increased by the Village of Brockport, as deemed necessary, to ensure proper functioning of the stormwater management facility.
5. Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs and shall retain the records for at least five years. These records shall be made available to the Village of Brockport during inspection of the facility and at other reasonable times upon request.
6. Maintenance guaranties for privately owned stormwater facilities. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the applicant or by a corporation that owns or manages a commercial or industrial facility, the applicant, prior to construction, may be required to provide the Village of Brockport with an irrevocable letter of credit from an approved financial institution or surety to insure proper operation and maintenance of all stormwater management and erosion control facilities, both during and after construction, and until the Village of Brockport acknowledges compliance with all details of approved site plan. If the applicant or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Brockport may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs, until the Village of Brockport acknowledges compliance with all details of the approved site plan.

J. Inspection and Right of Entry

1. The Village of Brockport or its designated agent shall make inspections at any reasonable time for purposes of inspecting the construction of the stormwater management facilities. Inspections may include but are not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher-than-typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage-control facilities and other stormwater management practices. The applicant must notify the Village of Brockport in advance before the

commencement of construction. If any violations are found, the property owner shall be notified of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the Village of Brockport.

2. Furthermore, when any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system or combined sewer, the property owner shall grant to the Village of Brockport the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

K. As-Built Plans and Project Closeout

1. All applicants are required to submit actual as-built plans for any stormwater management practices located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer. A final inspection by the Village of Brockport is required before the release of any performance securities can occur.
2. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified professional and must be approved by the Village of Brockport.

L. Landscape Alterations

1. All applicants are responsible for maintaining the grading of the site so that it is consistent with the certified as-built plans. Any post-construction alterations to the landscape shall receive prior approval from the Village of Brockport. Temporary landscape alterations, such as those associated with utility excavations and landscaping activities, must be restored to conditions that are consistent with the certified as-built plans.

M. Enforcement and Penalties

1. Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the Village of Brockport, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Village of Brockport shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall immediately effect maintenance and repair of the facility in an approved manner. After proper notice, the Village of Brockport may assess the owner(s) of the facility for the cost of repair work and any penalties, and the cost of the work shall be a lien on the property, or prorated against

the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

2. Violation. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this article and/or any local law. Violations of any provision or requirement of this article and/or local law or violation of any statement, plan, application, permit or certification approved under the provisions of this article and/or local law shall be considered an offense, punishable by a fine and/or imprisonment, as provided by the Village of Brockport.
3. Notice of violation. When the Village of Brockport determines that an activity is not being carried out in accordance with the requirements of this article, the Code Enforcement Officer (or his authorized inspector) shall issue a written notice of violation/violations to the owner of the property. The notice of violation shall contain:
 - a. Informal compliance orders. The Code Enforcement Officer (or their authorized inspector) is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, premises or land in violation/violations of this article or local law. Upon finding that any such condition or activity exists, the Code Enforcement Officer can issue informal (voluntary compliance) orders either in writing or verbally.
 - b. Compliance orders. The Code Enforcement Officer (or his authorized inspector) is authorized to order, in writing, the remedying of any condition or activity found to exist in, on or about any building, structure, premises or land in violation of this article. Upon finding that any such condition or activity exists, the Code Enforcement Officer (or his authorized inspector) shall issue a compliance order.
4. The compliance order shall:
 - a. Be in writing;
 - b. Be dated and signed by the Code Enforcement Officer (or their authorized inspector);
 - c. Specify the condition or activity that violates this article;
 - d. Specify the provision or provisions of this article which is/are violated by the specified condition or activity;
 - e. Specify the period of time which the Code Enforcement Officer (or their authorized inspector) deems to be reasonably necessary for achieving compliance;
 - f. Direct that compliance be achieved within the specified period of time; and
 - g. State that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

5. The Code Enforcement Officer (or their authorized inspector), under the provisions of the Codes Office, are authorized to issue appearance tickets for any violation(s) of this article. The Code Enforcement Officer (or their authorized inspector) can issue appearance tickets foregoing § 19-13 of this Chapter.
6. Civil penalties. In addition to those penalties prescribed by state law, any person who violates any provision of this article, or any term or condition of any building permit, site plans, stop-work order, or other notice or order issued by the Code Enforcement Officer (or his authorized inspector), pursuant to any provision of this article, shall be liable to a civil penalty. Each day on which any violation of any of the provisions of this article occurs shall constitute one offense, and each successive day of violation shall constitute a separate and distinct offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than \$350 for each offense. In addition to any other penalty authorized by this section, any person, partnership or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration. Any person who violates the provisions of the article shall be subject to a fine not exceeding \$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 \$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 not less than \$700 nor more than \$1,000 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 article 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. The civil penalties provided by this subsection shall be recoverable in an action instituted in the name of the Village of Brockport.
7. Injunctive relief. An action or proceeding may be instituted in the name of the Village of Brockport in a court of competent jurisdiction to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this article, or any term or condition of any building permit, site plan, stop-work order or compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this article. In particular, but not by way of limitation, where the construction or use of a building or land is in violation of any provision of this article, or any stop-work order, compliance order or other order obtained under this article, an action or proceeding may be commenced in the name of this Village of Brockport 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 subsection shall be commenced without the appropriate authorization from the Board of Trustees of this Village of Brockport.
8. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty 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 of this article, in any other section of this article, 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 of this article, in any other section of this article, 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 § 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 § 382 of the Executive Law.

9. Stop-work order. The Village of Brockport may issue a stop-work order for violations of this article. Persons receiving a stop-work order shall be required to halt all land-disturbance activities, except those activities that address the violations leading to the stop-work order. The stop-work order shall be in effect until the Village of Brockport confirms that the land-disturbance activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop-work order in a timely manner may result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this article.
10. Occupation permits may not be granted until corrections to all stormwater management practices have been made and accepted by the Village of Brockport.

18.16. Performance Bond/Security

- A. The Village of Brockport may, at its discretion, require the submittal of a performance security or bond prior to approval to ensure that the stormwater practices are installed as required by the approved stormwater pollution prevention plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the Village of Brockport, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater pollution prevention plan. The installation performance security shall be released in full only upon submission of as-built plans and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The Village of Brockport will make a final inspection of the stormwater practice to ensure that it follows the approved plan and the provisions of this article. Provisions for a partial pro rata release of the performance security based on the completion of various development stages can be done at the discretion of the Village of Brockport.

18.17. Severability

- A. If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall continue in full force and effect, and to this end the provisions of this article are hereby declared to be severable.

- B. Saving clause. This article 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.

18.18. Definitions

AGRICULTURAL ACTIVITY

The activity of an active farm, including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation or the construction of new structures associated with agricultural activities.

APPLICANT

A property owner or agent of a property owner who has filed an application for a land-disturbance activity.

BUILDING

Any roofed walled structure, either temporary, permanent and/or vacant, as per the definitions stated in Chapter 58, § 58-2, of the Code of the Village of Brockport.

CHANNEL

A natural or artificial watercourse, with a definite bed and banks, that conducts continuously or periodically flowing water.

CLEAN WATER ACT

The Federal Water Protection Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereof.

CLEARING

Any activity which removes the vegetative surface cover.

CODE ENFORCEMENT INSPECTOR

Includes the Code Enforcement Officer and all inspectors employed by the Village of Brockport, as certified by the State of New York either in the capacity of code enforcement officer, building inspector and fire marshal, and/or titled as the assistant code enforcement officer, assistant building inspector and deputy fire marshal, or any combination thereof.

CODE ENFORCEMENT OFFICER

An officer employed by the Village of Brockport as certified by the State of New York either in the capacity of the code enforcement officer, building inspector, fire marshal, planning/zoning officer, peace officer, stormwater manager, floodplain administrator or any combination thereof.

COMPLIANCE ORDER

A written order for the remedying of found violation(s) of the code(s), pursuant to Article I, § 27-15B.

CONSTRUCTION ACTIVITY

Activity requiring authorization under the SPDES permit Stormwater Discharge from Construction Activity, GP-02-02, as amended or revised. Currently, these activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

DEC

The New York State Department of Environmental Conservation.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DESIGNATED AGENT

Individual(s) directed by the Village of Brockport to conduct site inspections and/or perform other municipal duties.

DWELLING

Includes one-family and two-family dwellings, multiple-family dwellings, boardinghouses, rooming houses, and apartment houses, as per the definitions stated in Chapter 58, § 58-2, of the Code of the Village of Brockport. The actual use and occupancy of a dwelling at the time of any application for certificates or permits hereunder, registrations, their renewal, or any compliance or complaint inspection(s) required to be made by the Code Enforcement Officer, regardless of any other classification of the property (whether for tax purposes or otherwise), shall determine whether and to what extent the dwelling is subject to the provisions of this article.

DWELLING UNIT

One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with living, sanitary and sleeping facilities.

EARTHWORK

Construction activities, including clearing, grading, excavating, soil disturbance or placement of fill, that result in land disturbance.

EROSION AND SEDIMENT CONTROL PLAN

A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site before, during and after construction.

EROSION CONTROL

Measures that minimize erosion.

FEE-IN-LIEU

A payment of money in place of meeting all or part of the stormwater performance standards required by this article.

FINAL STABILIZATION

All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with density of 80% has been established or equivalent measures,

such as the use of mulches or geotextiles, have been employed on all unpaved areas and areas not covered by permanent structures.

FOIL (FREEDOM OF INFORMATION LAW)

A legislative act to assist persons seeking public records to identify records sought.

GRADING

Excavation or fill of material, including the resulting conditions thereof.

HOT SPOT

An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

IMPERVIOUS COVER

Surface improvements and structures that cannot effectively be infiltrated by rainfall, snowmelt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

INFILTRATION

The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

LAND-DISTURBANCE ACTIVITY

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land-disturbance activities may take place at different times on different schedules.

LANDOWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LETTER OF CREDIT

A document, issued by a bank, which guarantees the payment of a customer's drafts for a specified period and up to a specified amount

LICENSED/CERTIFIED PROFESSIONAL

A person currently licensed to practice engineering in New York State, a registered landscape architect or a certified professional in erosion and sediment control (CPESC).

MAINTENANCE AGREEMENT

A document which provides for the long-term maintenance of stormwater management practices. It is anticipated that this document will be recorded in the

Monroe County Clerk's office and will act as a property deed restriction or encumbrance.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL

The most recent version of this publication, which is commonly known as the "Blue Book."

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL

The New York State Stormwater Management Design Manual, most recent version, including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

NON-POINT-SOURCE POLLUTION

Pollution from any source other than from any discernible, confined and discrete conveyances, and shall include but not be limited to pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

NYSDEC

The New York State Department of Environmental Conservation.

OFF-SITE FACILITY

A stormwater management measure located outside the subject property boundary.

OWNER

The person or entity in whose name the premises affected by an order issued in accordance with this article is recorded as the owner in the office of the Monroe County Clerk.

PERFORMANCE BOND

A bond underwritten by a surety in the contract amount to guarantee that the contractor will perform the required work according to the contract specifications.

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.

PHASING

Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

POLLUTANT

Anything which causes or contributes to pollution. Pollutants may include but not be limited to paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid waste and yard waste; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordnances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction of a building or structure; and noxious or offensive matter of any kind.

POLLUTANT OF CONCERN

Sediment or a water quality measurement that addresses sediments (such as total suspended solids, turbidity or silt) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

PREMISES

Any building, lot, parcel or land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

PROJECT

Any construction, removal of building and/or surface materials, or development activity upon real property.

QUALIFIED PROFESSIONAL

A person knowledgeable in the principles and practices of erosion and sediment control, such as a licensed professional engineer, registered landscape architect, certified professional in erosion and sediment control (CPESC), or soil scientist.

RECHARGE

The replenishment of underground water reserves

RESPONSIBLE INDIVIDUAL

As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

SEDIMENT CONTROL

Measures that prevent eroded sediment from leaving the site.

SILVICULTURAL ACTIVITY

Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SITE

A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE PLAN APPROVAL

The examination and subsequent authorization to proceed with a project based upon a drawing, prepared to specifications and containing necessary elements, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA-established water quality standards and/or to specify stormwater control standards.

STABILIZATION

The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION

The first land-disturbance activity associated with a development, including land preparation, such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

STOP-WORK ORDER

A public notice placed on a building, structure, premises, dwelling unit, equipment and/or land pursuant to Article I, § 27-15B, that work and/or a use is in noncompliance and shall cease.

STORMWATER

Any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER MANAGEMENT

The use of structural or nonstructural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT OFFICER (SMO)

The Code Enforcement Officer, the Municipal Engineer or other public official(s) designated by the Trustees of the Village of Brockport to enforce this article. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to applicable municipal boards and the Municipal Engineer as well, or designate the inspection of stormwater management practices.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF

The flow on the surface of the ground, resulting from precipitation.

STORMWATER TREATMENT PRACTICES

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point-source or non-point-source pollution inputs to stormwater runoff and water bodies.

SURFACE WATERS OF THE STATE OF NEW YORK

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface waters or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

VILLAGE

The Village of Brockport.

WATER QUALITY STANDARD VIOLATION

An increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

WATERCOURSE

Any body of water, including but not limited to lakes, ponds, rivers, streams, canals, wetlands or drainage ditches, which have been delineated by the Village of Brockport or any other local, state or federal regulatory authority.

WATERWAY

A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation.