

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

FILED

Text of law should be given as amended. Do not include matter being eliminated or amended. Use italics or underlining to indicate new matter.

STATE RECORDS

County City Town Village
(Select one.)

OCT 11 2024

of SENECA FALLS

DEPARTMENT OF STATE

Local Law No. 2 of the year 2024

A local law ADD CHAPTER 124 AND AMEND CHAPETER 300 OF THE SENECA FALLS

(Insert Title)

TOWN CODE

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of SENECA FALLS as follows:

SEE ATTACHED

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the ~~(County)(City)(Town)(Village)~~ of SENECAFALLS was duly passed by the TOWN BOARD on SEPTEMBER 3, 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Melissa A. Brown
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *September 25, 2027*

(Seal)

CHAPTER 124
PROPERTY MAINTENANCE

- § 124-1. **Title**
- § 124-2. **Purpose**
- § 124-3. **Definitions**
- § 124-4. **Standards for Property Maintenance**
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- § 124-6. **Responsibilities for Owners and Occupants**
- § 124-7. **Complaints**
- § 124-8. **Inspection and Enforcement**
- § 124-9. **Penalties for Offenses**
- § 124-10. **Conflicts with Other Provisions**

§ 124-1. Title.

This chapter shall be known as the "Property Maintenance Code" of the Town of Seneca Falls.

§ 124-2. Purpose.

A clean, wholesome, attractive environment is declared to be of importance to the enjoyment and quality of life in the Town of Seneca Falls and to the health, safety, and general welfare of Town inhabitants. In furtherance of these objectives, it is the purpose of this chapter to:

- A. Promote regular maintenance, upkeep, and improvement of all properties in the Town.
- B. Safeguard against blight and preserve property values and community standards.
- C. Establish minimum maintenance standards for all residential and commercial properties as a means of safeguarding the health, safety and general welfare for all residents and businesses within the Town of Seneca Falls.
- D. An attractive, clean and safe environment is the catalyst in achieving the goals and objectives outlined in the Town of Seneca Falls Comprehensive Plan.

§ 124-3. Definitions.

The following terms shall have the meanings indicated:

ABANDONED, NON-RESIDENTIAL

As applied to any building other than residential building shall mean any building or structure which is not legally occupied or has been wholly vacant for 60 consecutive days, and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Code Enforcement Officer or designee. Abandoned does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while undergoing repairs due to fire or other casualty or that is temporarily vacant due to seasonal absences.

ABANDONED, RESIDENTIAL

As applied to residential buildings means a building or structure which is not being used or occupied as intended and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by the Code Enforcement Officer or designee. Abandoned does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while undergoing repairs due to fire or other casualty or that is temporarily vacant due to seasonal absences.

ABANDONED MOTOR VEHICLE

As defined by the NYS Department of Motor Vehicles, an abandoned vehicle is a motor vehicle that has been left unattended on the property of another for more than 96 hours if it was left without permission of the owner.

ACCESSORY STRUCTURE

A use, occupancy, or tenancy customarily incidental to the principal use or occupancy of the premises.

AGRICULTURAL EQUIPMENT

Every agricultural tractor, self-propelled implement of husbandry, and towed, mounted or semi-mounted implement of husbandry. "Implement of husbandry" shall mean a vehicle designed or adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry.

BRUSH AND WEEDS

Any untended or uncultivated grasses, bushes, deleterious or unhealthful vegetation or other growing matter in excess of 12 inches in height, except trees, lawns, ornamental shrubbery, flowers or vegetables properly tended, pastureland, woodland or land under cultivation.

BUILDING

A structure, wholly or partially enclosed within exterior walls or within exterior or party walls, and a roof affording shelter to persons, animals, or property.

CODE ENFORCEMENT OFFICER

The enforcement officer employed by the Town for the purpose of enforcing the terms of this chapter.

COMMERCIAL USE

Any building or lot that is, has been or will be used for any purpose that is not residential, agricultural or public in nature.

DANGEROUS BUILDINGS

All buildings or structures which have any or all of the following defects:

- A. Those which, exclusive of the foundation, show 50% or more of damage or deterioration of the supporting member or members or 75% or more of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- B. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- C. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town of Seneca Falls or which are determined to be a health nuisance.
- D. Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- E. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- F. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

DETERIORATION

The condition or appearance of a building or structure characterized by holes, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect or lack of maintenance.

DWELLING, TWO-FAMILY

A building containing not more than two dwelling units occupied or designed exclusively for residential purposes by not more than two families, each with separate household arrangements.

EMERGENCY NOTICE OF VIOLATION

A notice of violation containing each of the elements set forth in the definition of notice of violation (except notice of a right to a hearing), and in addition thereto, a statement that an emergency condition requiring immediate correction has been found to exist and setting forth the date and time by which the violation is to be cured.

EXPOSED TO PUBLIC VIEW

Any premises or open space or any part thereof, or any building or structure that may be lawfully viewed by any member of the public from a sidewalk, street, road, alleyway or from any adjoining or neighboring premises.

FORECLOSED

Means a property, placed as security for a real estate loan, as to which all rights of the mortgagor or his/her grantee is the property have been terminated as a result of a default on the loan.

GARBAGE

Includes but is not limited to all perishable animal, vegetable, and solid waste resulting from growing, processing, marketing and preparation of food items, ashes, cinders, and animal feces.

GOOD WORKING CONDITION

Fully operable for the use intended.

GOOD WORKING REPAIR

A standard of maintenance that renders a building safe, habitable, neat, and orderly.

JUNK

Any manufactured goods, appliance, fixture, furniture, machinery, motor vehicle, recreational vehicle, boat, trailer, or similar object that is abandoned, demolished, discarded, dismantled, deteriorated or in such condition as to be generally unusable in its existing state.

JUNK YARD

- A. A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: automobile or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term "junkyard" shall not include pawn shops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded, or salvaged materials as part of manufacturing operations.
- B. Exceptions:
- (1) New, and/or motor vehicles which are operable qualify for a current New York State Motor vehicle inspection sticker under Article 5 of the New York State Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of Town Zoning Code.
 - (2) The storage of vehicles subject to seasonal use such as recreational vehicles and snowmobiles even though such vehicles may be unlicensed during part of the year they are not in use.
 - (3) The storage of agricultural equipment, machinery and vehicles in an Agricultural District which are being used in farm operation.

KNOWINGLY

Aware that such circumstances exist.

LAWN

The grassed area around a building or structure for aesthetic enhancement or used for a purpose associated with said building or structure.

LEGALLY OCCUPIED

Occupied in accordance with the provisions of the New York State Building Code.

MORTGAGEE

Means the creditor, including but not limited to service companies, lenders in a mortgage agreement, or any successor in interest of the mortgagee's rights, interests, or obligations under the mortgage agreement.

NOTICE OF VIOLATION

A statement in writing above the signature of the Code Enforcement Officer or designee, setting forth the name and address of the person/owner, mortgagee, mortgagor, occupant, or tenant to be served, the date, time and location of the violation, a description of the violation, the date by which the violation must be cured, notice of a right to a hearing, the penalties which may accrue and the right of the Code Enforcement Officer or designee to correct the violation if not corrected in a timely manner.

NONOPERATION MOTOR VEHICLE

A motor vehicle, which is left unattended on private property for more than three (3) days, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current motor vehicle safety inspection certificate and the condition of which is wrecked, dismantled or inoperative.

OPERATOR or MANAGER

Any person who has charge, care or control of a building or part thereof.

OWNER

Any person or entity that owns real property.

PERSON

Includes the owner, occupant, mortgagee or vendee in possession, operator, assignee or rents receiver, executor, trustee, lessee, agent or any other person, firm, or corporation directly or indirectly in control of a building or parcel or part thereof.

PORTABLE STORAGE CONTAINER

Means a portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet.

PREMISES

A lot, parcel, tract, or plot of land together with the buildings and structures thereon.

PROPERTY

Land and whatever is erected on, growing on, placed on, or affixed thereto.

PUBLIC NUISANACE

A nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which intrudes, annoys, injures or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or which interferes with or disrupts a neighbor's or citizen's ability to freely use or enjoy their properties or public property adjacent to where the nuisance occurs. Such nuisances include, but are not limited to, the following:

- A. Unsecured attractive nuisances.
- B. Conditions or acts which annoy, injure, or endanger the comfort, repose, health, or safety of others.
- C. Conditions or acts which interfere with, obstruct, or tend to obstruct or render dangerous for passage any stream, public park, parkway, square, sidewalk, street, or highway and other rights-of-way in the Town.
- D. Illicit discharges into the municipal storm drainage system.
- E. Unauthorized interference with, damage to, or polluting of designated habitat areas, publicly owned restoration sites, streams, creeks, lakes, wetlands, or tributaries and similar areas thereto.
- F. Conditions or acts which obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.
- G. Conditions or acts which lead to blight and contribute to the deterioration of the neighborhood or adjoining property. Or
- H. The improper parking or storage of vehicles on any residential lots which impedes the use of yard areas for light, air circulation, recreation, and landscaping.

RECREATIONAL VEHICLE

Motor vehicle or trailer equipped with living space or amenities found at home. Recreation vehicles may also include watercraft, snowmobiles, golf carts, dirt bikes, four-wheelers, all-terrain vehicles and the like.

REFUSE

Unwanted or discarded material, including but not limited to the following: garbage, scrap metal, scrap material, waste bottles, cans, paper, rubble, boxes, crates, rags, used construction materials, motor vehicle parts, tires, cardboard, plastic material or glass containers, sweepings, pieces of wood, excelsior, rubber and like material.

STRUCTURE

Anything constructed or erected which requires temporary or permanent support, placement or attachment to the ground, beneath the ground or to something having permanent location on the ground, including, but not limited to, gasoline and oil tanks, buildings, sheds, pools, decks, docks, manufactured homes, fences, signs, billboards, towers, antennas, satellite TV dishes, patios, sidewalks, driveways, and impervious or substantially impervious surfaces.

TOWN

The Town of Seneca Falls.

UNLICENSED VEHICLE

Any vehicle which may be licensed or registered with the State of New York and is currently not registered. The fact that a vehicle which may be licensed or registered with the State of New York does not display a current license plate or displays an expired license plate shall be presumptive evidence of the fact that such motor vehicle is not currently licensed or registered. Seasonal motor vehicles which have a license plate that expired less than six months previously shall not be considered "unlicensed." The fact that a vehicle does not display a current motor vehicle registration, license plate or inspection sticker, excluding agricultural equipment used in conjunction with a bona fide farm operation, shall be presumptive evidence that such vehicle is not in any condition for legal use upon the highways.

UNINSPECTED VEHICLE

A motor vehicle which has not been inspected for the State of New York and approved for safe and regular operation on roads and highways in the State of New York or does not bear an appropriate and valid inspection by regulating agencies of any state or other governmental entity.

UNREGISTERED VEHICLE

A motor vehicle which has not been currently registered with the New York State Department of Motor Vehicles or any similar regulating agency of any state or country and which is incapable of passing the required inspection for motor vehicles within 30 days.

WRECK

A motor vehicle in such condition that it cannot be moved under its own power.

YARD

An open space that lies between the principal or accessory building(s) on a lot and the nearest lot line. If there is no building on a lot, yard shall mean the area within 50 feet of any road right-of-way and within 25 feet of any other lot line, except as may otherwise be provided in a Town zoning ordinance.

§ 124-4. Standards for property maintenance.

All property and the buildings and structures thereon shall reflect a level of maintenance in keeping with the intent and purposes of this chapter, in addition to the provisions set-forth in §300-57 of the Zoning Code. Every dwelling and every structure shall be kept in good condition and repair and fit for human habitation if a dwelling and, if some other structure, in such a condition that it will not likely injure or damage persons or property of others. Such maintenance shall be the responsibility of the property owner and, for the purposes of this chapter, shall include the following:

A. General provisions for all properties.

- (1) Porches, decks, steps, stairs, railings, foundations, roofs, and exterior walls, including doors, windows, chimneys, and balconies, shall be maintained and kept in safe working repair.

- (2) Roof drains, overflow pipes, air-conditioning drains and similar devices used to channel water off or out of a building shall not drain onto a public walkway or adjoining property.
- (3) The roof and sides, doors and windows of dwellings and structures shall be maintained so as not to leak, and all rainwater shall be collected so as not to cause dampness, decay and deterioration in the walls and ceilings.
- (4) All exposed exterior surfaces shall be kept free of broken glass, loose shingles, loose or crumbling bricks, loose shutters and railings, excessive peeling paint, dry rot, or other conditions reflective of serious deterioration or inadequate maintenance.
- (5) Exterior surfaces shall be protected from the elements and decay by painting or other approved protective finish.
- (6) Awnings, marquees, and overhangs shall be kept in good working repair so as to prevent injury to the public.
- (7) Vacant buildings shall be secured to prevent unauthorized entry. Such vacant buildings and adjoining yards shall be maintained so that hazards to adjacent property and the general public can be prevented.
- (8) Permanent signs and billboards that have become excessively weathered or deteriorated shall be repaired or removed.
- (9) Grounds, buildings, and structures shall be kept free of excessive insect, vermin and rodent harborage and infestation.
- (10) Adequate facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse.
- (11) Dumpsters and similar large receptacles used for the storage of garbage, litter, junk, and similar waste shall, when feasible, be screened from public view by means of appropriate landscaping, hedges, fences, or similar screening.
- (12) Wrecks, as defined herein, shall not be stored in the driveway or yard of any dwelling if, by so doing, such wrecks would be exposed to all public views.
- (13) No more than one unregistered vehicle may be stored in the driveway or yard of any dwelling unless such additional vehicles are not exposed to public view for no more than a three (3) month period.
- (14) Refuse or junk shall not be stored or kept in any front yard space. Any refuse or junk stored or kept in other areas of the lot shall be enclosed behind a fence or hedge that will keep such refuse or junk from being exposed to public view.
- (15) No outside accumulation of garbage, rubbish or debris shall be permitted unless it is kept in acceptable containers or enclosures and regularly collected and removed from the premises.
- (16) Furniture, unless specifically manufactured and intended for exterior use, shall be prohibited on porches, decks or elsewhere on the exterior of the property. This includes, but is not limited to tables, chairs, equipment, and upholstered furniture.
- (17) Whenever a building is removed or destroyed by fire beyond repair, the rubble and debris shall be removed.
- (18) Brush, grass and weeds.
 - (a) Purpose. The purpose of this section is to control the unattended growth of brush, long grass, noxious weeds and other rank growth on private properties within the Town of Seneca Falls, to prevent the unsightly appearance such growth presents to the public, to prevent the blight such uncared-for properties inflict upon otherwise maintained neighborhoods and to forestall the havens such unattended properties afford for vermin and other undesirable animal and insect life and to reduce the danger of fire associated therewith.
 - (b) Prohibitions. The owner of any property who permits brush, grass, noxious weeds or other rank growth to proliferate on his or her property to a height greater than five inches shall be deemed to be in violation of this chapter.
 - (c) Procedure upon report of violation.
 - (i) Upon a report of such a violation to the Zoning Officer, the Zoning Officer, in the cases of a report

made for the first time respecting such property, shall issue a notice to such property owner of record, advising him or her that, if such violation is not corrected within five days, the Town will cause such corrections to be made and that the actual costs of making such corrections will be billed to the property owner and that, upon his or her failure to pay such billing, the same shall be added to the next real property tax bill of such property owner.

- (ii) The notice provided for in Subsection (c)(i) above shall be by ordinary, first-class mail and, in the case of a property owner having an out-of-Town address, the Zoning Officer shall add three days to the notice's five-day period before enforcing the within provisions.
- (iii) In the case of a property owner who has once received the notice provided for in Subsection (c)(i) above, subsequent written notice need not be given by the Zoning Officer for subsequently reported violations of this section.
- (iv) Upon the expiration of the notice period provided for in Subsection (c) (ii) and (c) (iii) above or upon notification of a subsequent violation, pursuant to Subsection (c) (iii) above, if the property owner has failed to take remedial action and the violation continues, the Zoning Officer shall assign Town workers or contract with private individuals to correct the violation, and, upon the completion of such corrective work, he or she shall promptly bill the property owner at his or her address as shown on the tax rolls. Any charges remaining unpaid at the time Town tax notices are prepared are to be added as charges on such Town tax notices.

B. Commercial uses.

- (1) All fences and planting areas installed on the premises of a commercial use shall be maintained. Such maintenance shall include such things as replacement of dead or diseased trees and shrubs, cutting grass and the repair or replacement of damaged or deteriorating fences.
- (2) Shopping centers, supermarkets and similar commercial uses shall provide and maintain appropriate litter receptacles on the premises.
- (3) Articles for sale that are stored or kept outside shall be maintained in a neat and orderly fashion and shall not interfere with walkways or parking areas that are used by the public.

C. Open areas and parking space.

- (1) Steps, walks, driveways, parking space and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Holes and other hazards that may exist shall be filled and repaired.
- (2) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to reduce the potential for stagnant pools.
- (3) Open wells, cesspools or cisterns shall be securely closed or barricaded so as to protect the general public from injury.
- (4) Vacant lots, parking spaces and undeveloped areas shall be kept clean and free of physical hazards, garbage, refuse or debris.
- (5) Fences and similar constructions shall be maintained in a safe condition.

D. Property under construction.

- (1) For purposes of enforcement of this chapter, when work is being done on property, the owner of said property shall be held responsible for compliance.
- (2) All excavations in or near a public or private walkway or street must be properly guarded and protected at all times by warnings sufficient to protect the public from potential danger.
- (3) Materials may be stored on any area of the property upon which construction is occurring, provided that the method of storage and the materials stored are in compliance with the provisions of this chapter.
- (4) Drainage crossing the property under construction must be maintained, and no materials may be stored, land disturbed or other work done to interfere with drainage or divert or cause runoff of groundwater in an

unnatural fashion.

- (5) Construction roads and equipment must be maintained as necessary to minimize the spread of dust and the deposit of mud, stones, and similar materials on adjacent public roads.
- (6) A temporary cover, such as rye grass or mulch, must be applied on land that has been stripped of its protective vegetation during the course of construction.

E. Exceptions.

- (1) Except to the extent that a health, safety or fire hazard is found to exist, or if the storage of such items would constitute a nuisance, it shall not be a violation of this chapter to maintain on real property items of the kind and nature set forth in Subsections A through D above if such items are stored inside a building or if they are stored in such a manner that they are not visible to neighboring properties or from a highway.
- (2) In an Agricultural District, the storage of agricultural equipment which are being used in farm operation are not subject to these standards.
- (3) A private vehicle that is offered for sale may be kept outside of a building for no longer than a ninety-day period, provided that no more than one private vehicle may be offered for sale on any parcel within any twelve-month period.

§ 124-5. Storage or accumulation of licensed, unlicensed, and inoperable vehicles.

- A. Restricted. Except as otherwise provided for in statute, no more than one unlicensed, inoperable, junked, or wrecked motor vehicle, truck body, tractor body, tractor or trailer or watercraft shall be enclosed within a structure on any public or private property within the Town for a period exceeding 72 hours. No person shall accumulate, store, or allow any unregistered motor vehicle, truck body, tractor or trailer or watercraft in the open upon any public or private property within the Town for a period exceeding 72 hours.
- B. The presence of an abandoned or nonoperational vehicle or parts thereof on private or public property is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this chapter and those provisions of the General Laws of the State of New York relative to abandoned motor vehicles.
- C. Exceptions. Any business lawfully engaged in automotive sales or repair may retain no more than three disassembled, inoperable, junked, or wrecked vehicles in the open, whether covered or uncovered, for a period not to exceed 30 days, after which such vehicles shall be removed. This section shall not apply to properly zoned, permitted, and licensed junkyards established pursuant to § 136 of the General Municipal Law.

§ 124-6. Responsibilities of owners and occupants.

- A. Owners of a premises shall be responsible for compliance with the provisions of this chapter regardless of any agreement between owners and operators or occupants as to which party shall assume such responsibility.
- B. Whenever any person or persons shall have legal charge, care or control of any property in the Town as executor, administrator, trustee, guardian, operator, agent, etc., such person shall be deemed to be the owner within the intent and meaning of this chapter and shall be bound to comply with the provisions of this chapter to the same extent as the record owner.
- C. Owners and operators shall be responsible for the maintenance of yards, lawns, and courts in a clean, sanitary, and safe condition and free from infestation.
- D. Disposal of garbage and refuse into provided facilities in a clean and sanitary manner in accordance with the provisions of the Town.

§ 124-7. Complaints.

Complaints concerning any violation of this chapter shall be made to the Code Enforcement Officer or any duly authorized representative for the Town of Seneca Falls, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Code Enforcement Office.

§ 124-8. Inspection and enforcement.

- A. The Code Enforcement Officer is hereby authorized to make inspections to determine compliance with the provisions of this chapter.
- B. When the Code Enforcement Officer determines that there is a violation, he shall serve, by regular, first-class mail, written notice upon the owner, occupant or any person having control of any such lot or land in violation. Such notice shall include a statement of the conditions that violate the provision of this chapter and specify the allowable time, nature of work, and action required to correct such violations.
- C. Upon failure to comply with said notice, the Code Enforcement Officer shall prepare an appearance ticket returnable to the Town of Seneca Falls Court. The Town Court shall conduct a hearing, the date, time, and place of which must be included in the appearance ticket. The purpose of the hearing shall be to determine the existence of the violations and whether there was a failure to remedy or repair same.
- D. Whenever such notice has been legally served upon the owner of a noncompliant premises, and such owner shall neglect or fail to comply with the requirements of such notice within the time period provided therein, the Town Court, or its duly authorized agents or employees, shall cause such notice to be filed in the office of the County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the New York Civil Practice Law and Rules. Whenever such notice is issued, the Town Court shall also authorize an inspection and report of the subject premises by an official duly appointed by the Town Court. Said official shall prepare a written report and appear at any hearing authorized in this section to offer verbal testimony regarding the same. After said hearing, if the Code Enforcement Officer determines that such owner or occupant neglected or failed to comply with the requirements of such notice within the time provided therein, the Town Board may authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes.
- E. The Town shall be reimbursed by the owner for the cost of work performed or services rendered by assessment and levy upon the lots or parcels of land wherein such work was performed, or such services rendered. The expenses so assessed shall constitute a lien and charge on the real property on which they are levied, until paid or otherwise satisfied or discharged, and shall be collected in the same manner and at the same time as other Town charges.

§ 124-9. Penalties for offenses.

- A. Any person who violates or knowingly permits the violation of this chapter shall be deemed to have committed an offense against this chapter and shall be subject to the penalties provided in Chapter 1, General Provisions. Each separate violation shall constitute a separate additional offense. Every day of such violation shall be deemed to constitute a separate additional offense. Notwithstanding the foregoing, any person violating any provision of this chapter or any article, section or subdivision thereof shall be subject to a civil penalty in the sum of \$350 for the first such violation, \$700 for the second such violation and \$1,000 for any subsequent violation, said penalties to be recoverable in a civil action in the name of the Town of Seneca Falls.
- B. Any person who violates this chapter may be enjoined from a continuing violation hereof in an action in any court of competent jurisdiction, and in the event that an injunction is granted enjoining said violation, the party seeking said injunction shall be entitled to recover the costs, disbursements and reasonable attorney fees incurred in connection with bringing and prosecuting said action.

§ 124-10. Conflicts with other provisions.

- A. This chapter establishes certain minimum standards for the initial and continued occupancy and use of all structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the structure, the premises or the equipment or facilities contained therein, as are required by the New York State Uniform Fire Prevention and Building Code.
- B. In any case where a provision is found to be in conflict with any applicable zoning, building, plumbing, electrical, heating, ventilation, fire or safety code of the Town of Seneca Falls, County of Seneca, State of New York or the United States of America, the provision that establishes the high standard, as determined by the

Code Enforcement Officer, shall prevail. Upon appeal, the Town Board may affirm or modify any determination by the Code Enforcement Officer.

- C. Any person feeling aggrieved by any such action or notice may, within three (3) days after the receipt of such notice, demand the matter be inquired into by the Town Board. Such demand must be in writing, signed by the person seeking such inquiry, and filed with the Town Clerk. Within a reasonable time, the Town Board shall schedule a date, time, and place for a hearing before the Town Board in which the aggrieved person may address the Town Board. Such hearing shall be scheduled not less than five (5) business days from the date of service of the notice.

Chapter 300. Zoning

Article V. Supplementary Regulations

§ 300-25. Wetlands.

Notwithstanding any provisions of this chapter, and particularly Article **IV**, to the contrary, use of all wetlands in the Town of Seneca Falls, as delineated on any wetlands map that may be adopted and duly filed by the Town Board or Seneca County or the New York State Department of Environmental Conservation pursuant to Article 24 of the State Environmental Conservation Law, shall be subject to all relevant requirements of state and/or federal wetlands regulations and the provisions of this § **300-25**.

- A. Purpose. The purpose of these wetland regulations is to preserve, protect and conserve designated wetland areas in the Town of Seneca Falls in order to protect downstream water resources from siltation and pollution; ensure the continuation of the natural flow pattern of watercourses; reduce the potential for flooding; retain essential breeding, nesting and feeding grounds as well as predator escape cover for wildlife; and protect the public health, safety and general welfare by ensuring that wetland resources will be maintained in their naturally functioning state.
- B. Wetland areas. Wetland areas are those areas so designated on any wetlands map for the Town of Seneca Falls and determined by data developed by the Town, by Seneca County or by the State Department of Environmental Conservation. Where there is uncertainty as to whether a specific area is located within a designated wetland, a final determination shall be made by the Town Board.
- C. Permitted uses. Within a designated wetland, the following uses are permitted, subject to the provisions of Subsection **E** of this section:
- (1) Depositing or removal of natural products of the wetland by recreational or sport fishing, aquaculture, hunting and trapping, where these activities are otherwise legally permitted and regulated.
 - (2) Grazing and watering of livestock.
 - (3) Growing agricultural products.
 - (4) Harvesting natural products of the wetland.
 - (5) Selectively cutting timber and draining the wetland for the purpose of growing agricultural products, except that any structures which are not directly related to enhancement of agricultural productivity or which involve filling the wetland shall be considered a special use. (See Subsection **D**.)
 - (6) Activities related to public health and orders and regulations of the Department of Health.
 - (7) Development in accordance with planned unit development provisions, where wetlands are to be maintained as open space and where the Town Board determines that such development will not despoil said wetlands.
- D. Special uses. Within a designated wetland, the following special uses are permitted, subject to the provisions of § **300-46** of this chapter:

- (1) Any form of draining, dredging or excavation of the wetland except as may be provided for in Subsection **C(5)**.
 - (2) Construction or reconstruction of any structures or roads that might otherwise be permitted in the zoning district in which the wetland is located.
 - (3) The driving of piles or placement of any obstructions for any purposes.
- E. Procedure. Each landowner or farmer who intends to conduct a permitted use in a wetland as set forth in Subsection **C** shall notify the Zoning Officer of his or her intention, stating the location and approximate acreage to be affected, the intended use for such land and the methods to be employed. The Zoning Officer shall be satisfied that the intended use is permitted. Any question of compliance or interpretation shall be submitted to the Zoning Board of Appeals for determination in accordance with § **300-115** of this chapter.

§ 300-26. Performance standards.

All land uses and activities in all zoning districts in the Town of Seneca Falls shall comply with the following:

A. Noise.

- (1) No use shall emit a measurable noise which shall be unreasonably loud or disturbing to surrounding property owners and/or users. The standards for determining whether a noise is unreasonably loud or disturbing shall be as follows:
 - (a) No noise measured at a property line of an industrially zoned property shall exceed 70 decibels during the period between 6:00 a.m. and 10:00 p.m. or 60 decibels during the period between 10:00 p.m. and 6:00 a.m. The decibel limits shall be decreased by five decibels for any industrially zoned property adjacent to a residentially zoned property.
 - (b) Sound-pressure levels in decibels shall be measured on the A-weighted response scale with the meter set to the slow response mode. Sound-level meters used shall have the characteristics defined in the American National Standards Institute (ANSI) Publication 1.4 1971 (R. 1983), and measurements shall be conducted in accordance with ANSI-36, 1979, as such standards may be amended from time to time.
 - (c) The sound level may not exceed the established sound levels by more than six decibels for a period of more than six minutes during any sixty-minute continuous period.
 - (d) As measured at the property line, noise shall not be objectionable due to intermittence, beat frequency, high frequency or other disturbing characteristics. For noises that the Zoning Officer determines to be impulsive in character (for example, hammering) or objectionable for any of the other above-noted characteristics, the standards cited in Subsection **A(1)** above shall be reduced by five decibels. Sounds of short duration, such as impact noises, shall be measured with either an impact analyzer or a sound-level meter having a standardized I (impulse) characteristic.
- (2) No person shall make, continue to cause or permit to be made or continued any noise disturbance as defined in § **300-6** of this chapter.
 - (a) Standards to be considered in determining whether a noise disturbance exists shall include but not be limited to the following:
 - [1] The volume of the noise.
 - [2] The intensity of the noise.
 - [3] Whether the nature of the noise is usual or unusual.

- [4] Whether the origin of the noise is usual or unusual.
 - [5] The volume and intensity of the background noise, if any.
 - [6] The proximity of the noise to residential sleeping facilities.
 - [7] The time of day or night the noise occurs.
 - [8] The time of duration of the noise.
 - [9] Whether the noise source is temporary.
 - [10] Whether the noise is continuous or impulsive in character, such as hammer blows, gunshots, etc.
- (b) The following are declared to be noise disturbances:
- [1] Noise reproduction and noise production.
 - [a] Operating, playing, producing or permitting the operating, production or playing of any radio, television, compact disc player, tape player, phonograph, drum, musical instrument, engine, motor or any other device which reproduces or amplifies noise:
 - [i] Between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across a real property lot line.
 - [ii] Any time from a motor vehicle on a public street in such a manner as to be plainly audible at a distance of 50 feet or more from the vehicle or from a motor vehicle on private property in such a manner as to be plainly audible beyond the real property lot line. For the purpose of this subsection, "plainly audible" means any noise which can be heard by a person having unimpaired auditory senses based on a direct line of sight of 50 feet or more, whether or not words or phrases are discernible, and including bass reverberation.
 - [2] Loudspeakers and public address systems.
 - [a] Using or operating for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across a residential real property lot line.
 - [b] Using or operating for any commercial purpose any loudspeaker, public address system or similar device in such a manner as to be audible across any residential real property lot line.
 - [3] Animals and fowl. Noise resulting from the keeping or harboring, or permitting the keeping or harboring of any animal or fowl in such a manner as to be audible across any real property lot line.
 - [4] Street sales. Offering for sale or selling anything by shouting or outcry within any residential or commercial area of the Town except between the hours of 8:00 a.m. and 8:00 p.m. of the same day.
 - [5] Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner as to be audible across a residential real property line.
 - [6] Motor vehicle and engine repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle or engine in such a manner as to be audible across a residential real property lot line.

- [7] Construction. Operating or permitting the operation of any tools, equipment or other similar devices used in construction, drilling or demolition work between the hours of 10:00 p.m. and 7:00 a.m. the following day in such a manner that the noise created thereby is audible across a residential real property lot line.
- [8] Places of entertainment. Operating, playing or permitting the operation or playing of any noise-reproduction system, loudspeaker, public address system or noise-producing device or system in any place of entertainment in such a manner as to be audible across a residential real property line.
- [9] Refuse compacting motor vehicle or equipment. Operating or permitting the operation of any motor vehicle or equipment capable of collecting and/or compacting refuse between the hours of 10:00 p.m. and 6:00 a.m. the following day.
- [10] The operation, including the stationary idling, of any motor vehicle, including any automobile, motorcycle, trail bike, mini-bike, snowmobile, bus, vehicle, truck, all-terrain vehicle, motor-driven equipment or motor-driven vehicle, in such a manner as to create a noise disturbance for more than 15 minutes in any four-hour period.

(3) Exemptions. The following uses and activities shall be exempt from the noise level regulations:

- (a) Noises emanating from temporary construction and maintenance activities between 7:00 a.m. and 6:00 p.m.
 - (b) The noises of safety signals, warning devices, emergency pressure-relief valves, other emergency warning signals or noise otherwise created by emergency work.
 - (c) Noise created by municipalities or public utilities in carrying out their operations or emergency repairs.
 - (d) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads. Uses requiring regular deliveries by truck may be required by the board with appropriate jurisdiction to reduce noise levels to an approved level based on proximity to residential uses.
 - (e) The production of music, the ringing of bells or carillons, sounding of gongs, firing any armament or blowing any whistle, horn or signaling device in connection with any military or civic ceremony, authorized parade, funeral procession or religious ceremony.
 - (f) Any musical performance or special event authorized by the Town Board.
 - (g) The noise created by any police, fire or emergency apparatus or any police, fire or emergency headquarters or station.
 - (h) Noise connected with sporting and educational events of public or private schools, noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way, or noise connected with an event permitted by the Town Board, which permit shall specify the dates and times during which such event is permitted.
- B. Odor. No use within any district shall emit an odor that is unreasonably offensive as measured at the property line of the use.
- C. *Dirt, dust, heat, toxic emissions and radiation interference.* No use within any district shall create or emit dust, heat, dirt or other particulate matter, radiation, toxic emissions or electronic or radio interference which shall adversely affect uses on adjacent or neighboring properties.
- D. Storage. No goods, materials, waste, trash, garbage, or other matter shall be stored outside of a building without being fully enclosed to provide screening, security and containment. Any exception to this type of storage, such as storage of bulk or raw materials, shall be granted by the appropriate board during site plan review. This storage approval may be revoked if a change of ownership or use occurs or if the storage results in an adverse impact on adjacent properties.

E. Vibration.

(1) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

FREQUENCY

The number of oscillations per second of a vibration.

IMPACT VIBRATIONS

Earthborne oscillations occurring in discrete pulses at or less than 100 per minute.

STEADY-STATE VIBRATIONS

Continuous earthborne oscillations; discrete pulses that occur more than 100 times per minute.

(2) A three-component measuring system such as a seismometer or seismograph for recording the intensity of a vibration in three mutually perpendicular directions shall be utilized for recording the intensity of vibration.

(3) Permissible vibration displacement. No person shall operate or cause to be operated any source of vibrations which exceeds the limits set forth below when measured at or beyond the lot line or property line of its source if on private property or at 50 feet from the source if on a public space or public right-of-way.

Maximum Permitted Impact and Steady-State Vibration Displacement
Vibration Displacement
(inches)

Frequency (cycles per second)	Impact	Steady-State
Under 10	0.0010	0.0005
10-19	0.0008	0.0004
20-29	0.0006	0.0003
30-39	0.0004	0.0002
Over 39	0.0002	0.0001

F. Glare. No illumination shall cause direct light rays to cross any property line in any district. All permanent outdoor lights, such as those used for area lighting or building floodlighting, shall be steady, stationary, shielded sources directed to avoid causing a hazard to motorists or pedestrians, or causing direct light rays on other properties. The marginal increase in light as measured at any property line other than a street line shall not exceed one footcandle; only a marginal increase in light of 0.5 footcandle shall be permitted at any property line which is also a residential district line.

G. Toxic or noxious matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business, shall be permitted.

H. Emission of particulate matter. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or so as to produce a public nuisance or hazard beyond lot lines.

I. Smoke. No smoke shall be emitted in such quantity as to become a nuisance.

J. Procedure.

(1) New application.

(a) In the case of any application for the establishment of a new use subject to these performance standards, the appropriate review board may require the applicant, at his or

her own expense, to provide such evidence as it deems necessary to determine whether the proposed use will conform to the above standards.

- (b) If the appropriate review board deems it necessary, expert advice may be obtained, with the cost of such advice paid for in advance by the applicant as a condition of further consideration of its application. The report of any expert consultants shall be promptly furnished to the applicant.
 - (c) During the course of either site plan or special use permit review, the appropriate board shall determine whether the applicant's proposal will conform to the above-noted performance standards, and this determination shall be a necessary, though not exclusive, condition of granting the appropriate board approval.
- (2) Industries which are subject to these performance standards.
- (a) The Zoning Officer shall investigate any purported violation of these performance standards by existing industries which are not exempt from these standards because of a legal, nonconforming status. If there are reasonable grounds for assuming that there is a violation of these performance standards, the Zoning Officer shall notify those responsible for the alleged violation. Such notice shall describe the particulars of the alleged violation and shall require a written response or corrective action to the alleged violation within a reasonable time limit set by the Zoning Officer, but not to exceed 180 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Officer within the time limit set shall constitute an admission of violation. The notice shall state that, upon request of those to whom it is directed, technical determinations can be made by experts mutually agreeable to the Zoning Officer and to those responsible for the alleged violation; in the event of an inability to select a mutually agreeable expert, the Zoning Officer shall select the expert. If the expert determines that the violation alleged is true, then costs of these determinations shall be charged against those responsible, in addition to any penalties as may be appropriate upon terms of this chapter; however, if it is determined that no violation exists, the costs of the determination shall be paid by the Town.
 - (b) If there is no reply to the notice within the time limit set and/or the alleged violation is not corrected to the satisfaction of the Zoning Officer within the time limit set, then the Zoning Officer shall take such actions as may be appropriate under this chapter to enforce the provisions hereof and/or to cause the violation to be remedied.

§ 300-27. Individual mobile homes and modular homes.

- A. A mobile home not located in a mobile home park must meet the following criteria:
- (1) Such mobile home must meet the definition of "residential designed manufactured home." (See § 300-6.)
 - (2) The mobile home owner must comply with all of the area regulations (lot size, setback, building area, etc.) for a conventional single-family residence in the district in which said mobile home is sought to be located.
 - (3) The mobile home must be provided with potable water and a safe and adequate sewage disposal system approved by the Seneca County Health Department.
 - (4) Any construction of storage space, additional rooms or enclosed patios or carports shall have a finished exterior appearance. No exposed building paper, wallboard or other structural material will be permitted.
 - (5) The mobile home, if manufactured after January 15, 1974, shall bear the seal required by the State of New York or an equivalent acceptable to the State of New York.

- B. A modular home must meet the following criteria:
- (1) Such modular home must meet the definition of "residential designed manufactured home."
(See § 300-6.)
 - (2) The modular home owner must comply with all of the area regulations (lot size, setback, building area, etc.) for a conventional single-family residence in the district in which said modular home is sought to be located.
 - (3) The modular home must be provided with potable water and a safe and adequate sewage disposal system approved by the Seneca County Health Department.
 - (4) Any construction of storage space, additional rooms or enclosed patios or carports shall have a finished exterior appearance. No exposed building paper, wallboard or other structural material will be permitted.
 - (5) The modular home, if manufactured after January 15, 1974, shall bear any seal required by the State of New York or an equivalent acceptable to the State of New York.
- C. Such mobile home or modular home will not be occupied until a certificate of zoning compliance has been issued in accordance with § 300-106 of this chapter.

§ 300-28. Lots.

- A. Lot width. The minimum lot width shall be measured along the minimum building setback line as required for the district in which it is located.
- B. Corner lots. At all street intersections, no obstructions to vision (other than an existing building or pole) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines and a line drawn between the points along such street lot lines 30 feet distant from their point of intersection.
- C. Required area or space cannot be reduced. The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter except as provided in this chapter. If already less than the minimum required by this chapter, said area or dimension may be continued but shall not be further reduced.
- D. Lot in two districts. When a lot is divided by a district boundary, the regulations and requirements of either district may be extended, at the lot owner's discretion, for a distance of 100 feet into the other district.
- E. Area measurements. Measurements for minimum lot size and front yards shall be made from the property line.

§ 300-29. Height.

- A. General application. No building or structure shall have a greater number of stories nor have an aggregate height of a greater number of feet than is permitted in the district in which such building or structure is located, except as noted elsewhere in this chapter.
- B. The following structures are exempt from the height regulation and are intended as illustrations, but not limitations, of the types of structures for which exemptions to height regulations may be granted:
- (1) Chimneys, cooling towers, agricultural buildings, flagpoles, elevators, bulkheads, fire towers, gas tanks, grain elevators, steeples, water towers, ornamental towers or spires, electric poles and electric towers, communications, radio or television towers or necessary mechanical

appurtenances may exceed the height regulations of this chapter but shall comply with other applicable existing or hereafter adopted ordinances of the Town of Seneca Falls.

- (2) No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations without the consent of the Town Board.

§ 300-30. Yards.

Every part of a required yard must be open to the sky and unobstructed except for accessory buildings in a rear or side yard and the ordinary projection of open porches, balconies, steps, sills, belt courses and cornices.

A. Side yards.

- (1) Side yard width may be varied. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such cases, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any one point than 1/2 the otherwise required minimum width.
- (2) Side yard of corner lot. The side yard of any corner lot of record at the time of the adoption of this chapter shall have a width equal to not less than 1/2 the required minimum front yard setback of any adjoining lot fronting on the side street. Any corner lot delineated by subdivision after the adoption of this chapter shall have a side yard equal in width to the minimum front yard setback of any adjoining lot fronting on the side street.

B. Transition yard requirements.

- (1) Where a residential district abuts a nonresidential district on a street line, a front yard at least equal in depth to that required in the residential district shall be provided in the nonresidential district for a distance of 300 feet from the district boundary line.
- (2) Where the side or rear yard in a residential district abuts a side or rear yard in a nonresidential district, a side or rear yard at least equal in depth to that required in the residential district shall be provided along such abutting line or lines. In no case, however, shall the abutting side yard be less than 20 feet and the abutting rear yard be less than 20 feet.

- C. Line of setback. The line of setback of all buildings and structures hereafter erected, constructed or built within an existing residential use district shall be not less than the average setback of all buildings for a distance of 300 feet on each side of such building. In case of a building erected or built on a corner lot in an existing residential district, the line of setback of the street on which the narrow frontage of the lot faces, and in case such corner lot has equal frontage on both streets, the line of setback of the street having the greatest line of setback shall govern, but so far as possible the building shall conform to the line of setback of the other street also.

§ 300-31. Maximum lot coverage.

The lot coverage by principal and accessory buildings or structures in each district shall not be greater than is permitted in the district in which such principal and accessory buildings or structures are located, as set forth in Zoning Schedule I or Zoning Schedule II, depending on lot location, **included as an attachment to this chapter.**

§ 300-32. Minimum building area for dwellings.

Except for mobile homes located in mobile home parks, no dwelling shall be constructed or placed in the Town of Seneca Falls unless it meets or exceeds the following criteria:

- A. A minimum width of 20 feet, excluding garages and/or other accessory buildings and/or accessory structures and/or upper story residential units in existing mixed-use buildings.
- B. A minimum square footage of 1,100 feet, excluding garages and/or other accessory buildings and/or accessory structures and/or upper story residential units in existing mixed-use buildings.
- C. A minimum square footage of 600 feet for multiple-family dwelling units in existing mixed-use buildings or new mixed-use developments.
- D. The roof has a type of shingle, metal, rubber or slate commonly used in residential construction.
- E. The exterior siding is of a type of material commonly used in residential construction.
- F. Any/all towing devices, wheels, axles and/or hitches are removed.
- G. The dwelling is installed on a permanent foundation as described in the New York State Uniform Fire Prevention and Building Code, to be a fixed part of the real estate.
- H. The material used to skirt the home must be cement block or brick.

§ 300-33. Accessory structures.

- A. Unattached accessory structures in R-1, R-2, R-3, A-1, A-2, M-R and M-P Districts. Accessory structures which are not attached to a principal structure may be erected in accordance with the following requirements:
 - (1) An accessory building may not exceed 15 feet in height nor occupy more than 30% of a required rear yard.
 - (2) No accessory structure shall be located within five feet of side or rear lot lines or within three feet of side or rear lot lines within the former Village boundary. Accessory structures shall have a minimum side yard of 10 feet if adjacent to a street.
 - (3) No accessory structure shall be located closer to the street than the front yard setback required for a principal structure in the district in which such accessory structure may be located.
 - (4) For corner lots, the setback from the side street shall be the same for accessory buildings as for principal buildings.
 - (5) No more than two accessory structures are permitted on any lot.
- B. Attached accessory structures in R-1, R-2, R-3, A-1, A-2, M-R and M-P Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the yard requirements of this chapter applicable to the principal building.
- C. Accessory structures in other districts. Except for roadside stands and school bus stations, accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer than five feet to any rear property line.
- D. No accessory structure shall be occupied or used for human habitation, including but not limited to sleeping, eating or resting.

§ 300-34. Landscaping; tree maintenance and removal.

- A. Unenclosed uses.

- (1) If an unenclosed use of land is required to be landscaped in accordance with this subsection, a fence, screen or other landscaping must be provided to obscure from view any materials or structures otherwise visible to abutting R Districts or public rights-of-way.
 - (2) Uses not conducted within a completely enclosed building (an auto salvage and wrecking operation, outdoor storage, a junkyard or a lumber and building materials yard) shall be enclosed by a natural hedge or fence at least six feet in height, which is to be kept in good repair. The use should not be located nearer than 100 feet to any residential or commercial district, shall permit no storage outside the fence and shall be no nearer than 50 feet to any public right-of-way. This subsection shall not apply to commercial displays for sales purposes, such as nurseries, new or used cars and trucks, bicycles, motorcycles or farm equipment. Such uses must not be closer than 10 feet to the nearest lot line.
- B. Approval by the Planning Board. Plans and site design for the installation of required fences or landscaping shall be reviewed by the Planning Board prior to issuance of a zoning permit for such uses as are required by this chapter.
- C. Tree maintenance and removal.
- (1) Removal of dangerous trees or limbs.
 - (a) It shall be the duty of every owner or occupant of land to trim or remove any tree, including its stump, or any limb or branch of a tree situated on said land or in front thereof which is likely to fall on or across any public way or place.
 - (b) For failure, upon notice by the Zoning Officer of not less than 48 hours, to trim or remove any tree, including its stump, or any branch or limb of a tree as specified as to place and manner, the Town Board may cause the same to be done and assess the expense thereof upon the adjoining land.
 - (2) Tree removal.
 - (a) The tree trunk, limbs, stump and any roots remaining above grade shall be completely removed.
 - (b) All persons who remove trees or cause trees to be removed shall restore the area by backfilling all holes and by creating an acceptable grade and covering, replanting and/or reseeding.
 - (c) All stumps of street and park trees shall be removed at least below the surface of the ground so that the top of the stump shall not project above the surface of the ground.
- D. Maintenance. Any fencing or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this section. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this chapter. Repairs shall be made within 60 days after official notice.

§ 300-35. Stripping of topsoil; grading and filling.

- A. No person or business shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which taken until the Planning Board has approved a plan for landscaping and proper drainage and issued a permit to implement the same.
- B. Grading and filling.
- (1) No person shall grade or fill land which is greater than 50% of the area of an R-1 residential lot or import 40 or more yards of fill onto any parcel without first obtaining a permit from the Town.
 - (2) Such permit will require:

- (a) A written application to the Zoning Officer.
- (b) Certification of the source of the fill and certification that there are no toxic or hazardous materials in the fill.
- (c) A drainage plan which adequately addresses the drainage in a manner so as to avoid surface water runoff on adjacent lots and which will divert water away from buildings, prevent standing water and soil saturation detrimental to structures and lot use, preserve desirable natural features such as trees, provide grades for access and which conforms to the general storm drainage pattern of the area. Such plan will be in conformance with the Town-wide drainage district law and regulations.

§ 300-36. Covering of excavations.

- A. Within a year after the excavation of a building has begun, the owner shall have it covered or filled to normal grade. Any excavation or cellar hole resulting from the demolition or removal of a building shall be fenced immediately and filled (as above) within one year.
- B. If, after 30 days' notice by the Zoning Officer, the owner fails to cover or fill such excavation, the Town Board may order this work to be done and shall charge the property owner any costs incurred.

§ 300-37. Drainage strips.

In all districts, no permanent structures shall be permitted within 50 feet of the edge of the bank of any streams or existing natural drainage channel.

§ 300-38. ~~Property maintenance:~~ (Reserved)

- ~~Maintenance required; purpose. Every dwelling and every structure shall be kept in good condition and repair by the owner or agent and fit for human habitation if a dwelling and, if some other structure, in such a condition that it will not likely injure or damage persons or property of others. All exterior surfaces shall be protected from the elements and decay by painting or other approved protective finish. The roof and sides, doors and windows of dwellings and structures shall be maintained so as not to leak, and all rainwater shall be collected so as not to cause dampness, decay and deterioration in the walls and ceilings. All grounds and areas around dwellings and structures shall be maintained, and all rubbish and debris shall be removed. Whenever a building is removed or destroyed by fire beyond repair, the rubble and debris shall be removed.~~
- A. ~~Prohibited acts. It shall be a violation of this chapter for any owner or other occupant of real property in the Town of Seneca Falls, or for any person having control of real property in the Town of Seneca Falls charged with the maintenance of the property, to deposit, abandon, maintain, keep or allow the accumulation on his or her real property, outside of any building, of any personal property, junk, trash, rubbish, garbage, refuse, debris, discarded materials, bulk items, and/or any other material which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety and welfare, or creates degradation through unsightliness or noisomeness, or which creates a public or private nuisance.~~
 - (1) ~~Examples of such materials are as follows (Such list of examples is not exclusive and is not in limitation of the prohibition contained in this section.):~~
 - (a) ~~Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, except for composted materials placed inside an enclosure and located at least three feet from a property line, or composted materials located at least 10 feet from a property line if not placed inside an enclosure.~~
 - B.

- (b) ~~Putrescible and nonputrescible solid wastes (except body wastes), such as garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.~~
- (c) ~~Nonputrescible solid wastes consisting of combustible or noncombustible wastes, such as felled or cut trees or limbs stored within three feet of the property line, lumber or construction materials not actively and presently being used to construct or repair a building or make any other improvement on the premises, broken glass, discarded bedding, broken crockery, discarded furniture or toys, accumulation of items (including but not limited to magazines and other paper goods, tools and parts, paints, varnishes and lacquers, containers, boxes and jars), and similar materials or parts thereof, whether mixed together or otherwise, and in any amount.~~
- (d) ~~Any boat, snowmobile, all-terrain vehicle, or other such device which is in a state of disrepair or is otherwise dilapidated, broken, or abandoned.~~
- (e) ~~Abandoned, discarded, broken, or inoperable refrigerators, washing machines or other machinery or parts thereof. Any such items stored on any yard or lot for a period of more than 60 days shall be presumed to be abandoned.~~
- (f) ~~Any automobile, truck, or other vehicle originally intended for use on the public highways which is no longer intended or in condition for legal use on the public highways, including such vehicles which are in a state of disrepair or otherwise dilapidated, broken, or abandoned.~~

[1] ~~For the purpose of this subsection, a vehicle shall be presumed to be no longer intended or in condition for legal use on the public highways if any of the following apply:~~

[a] ~~It does not bear and display upon such vehicle, in a location prescribed by the Commissioner of Motor Vehicles, a current registration from the State of New York or other recognized registering jurisdiction; or~~

[b] ~~It does not bear and display upon such vehicle, in a location prescribed by the Commissioner of Motor Vehicles, an inspection certificate issued within the last 12 months in accordance with the laws of the State of New York or the laws of any other recognized inspecting jurisdiction if required for use on public highways; or~~

[c] ~~Such vehicle is not able to be moved by its own power.~~

[2] ~~Notwithstanding the foregoing, the following vehicles are allowed to be kept outside a building:~~

[a] ~~Farm vehicles that meet criteria [1][a] and/or [c] above, provided they have been registered within the last 12 months; and~~

[b] ~~A private vehicle meeting criteria [1][a], [b] and/or [c] above that is offered for sale for no longer than a ninety day period, provided that no more than one private vehicle meeting criteria [1][a], [b] and/or [c] above may be offered for sale on any parcel within any twelve month period.~~

(2) ~~Except to the extent that a health, safety or fire hazard is found to exist, or if the storage of such items would constitute a nuisance, it shall not be a violation of this chapter to maintain on real property items of the kind and nature set forth in Subsection A above if such items are stored inside a building or if they are stored in such a manner that they are not visible to neighboring properties or from a highway.~~

C. ~~Notice of violation.~~

(1) ~~Whenever a complaint is received or the Zoning Officer otherwise become aware of a potential violation of this section, the Zoning Officer shall investigate the same and take steps deemed~~

~~necessary to provide for compliance with Subsection A, including at least one written warning in which to abate the violation.~~

- ~~(2) As needed, the Zoning Officer may call upon the State Building Code Enforcement Officer or Health Department to assist in performing the duties herein described.~~
- ~~(3) The property directly in front of any lot to the roadway is to be maintained in the same manner as described in Subsection A.~~

D. ~~Correction of condition by Town:~~

- ~~(1) In the event that the property owner does not correct the condition, as ordered, within the time set forth or, if the time is extended, within the extended time, then the Town Board may cause the order to be executed, and the expense of such order being executed shall be assessed against the real property and added to the tax roll next due, the minimum fee of \$400 or the actual cost of cleanup and removal should such be in a higher amount. Five days before executing the order, the Town Board shall cause to be mailed to the property owner and mortgagees, if any can be found after reasonable search, a letter notifying them that the Town is to execute the order and assess the costs of executing said order against the real property. A notice shall also be posted on the premises five days before the order is to be executed.
[Amended 8-7-2018 by L.L. No. 2-2018]~~
- ~~(2) When a structure is unoccupied and there is reasonable likelihood that it may be entered by humans or animals and the owners of said property cannot be promptly located with due diligence for the purpose of their preventing accessibility to said structure, under such exigency the Zoning Officer or his or her designated representative may direct that the structure be secured and access prevented, and the cost of such securing shall be assessed against the real property, all without notice to the owner of the property.~~

§ 300-39. ~~Brush, grass and weeds:~~ (Reserved)

- A. ~~Purpose. The purpose of this section is to control the unattended growth of brush, long grass, noxious weeds and other rank growth on private properties within the Town of Seneca Falls, to prevent the unsightly appearance such growth presents to the public, to prevent the blight such uncared-for properties inflict upon otherwise maintained neighborhoods and to forestall the havens such unattended properties afford for vermin and other undesirable animal and insect life and to reduce the danger of fire associated therewith.~~
- B. ~~Prohibitions. The owner of any property who permits brush, grass, noxious weeds or other rank growth to proliferate on his or her property to a height greater than five inches shall be deemed to be in violation of this chapter.~~
- C. ~~Procedure upon report of violation.~~
 - ~~(1) Upon a report of such a violation to the Zoning Officer, the Zoning Officer, in the cases of a report made for the first time respecting such property, shall issue a notice to such property owner of record, advising him or her that, if such violation is not corrected within five days, the Town will cause such corrections to be made and that the actual costs of making such corrections will be billed to the property owner and that, upon his or her failure to pay such billing, the same shall be added to the next real property tax bill of such property owner.~~
 - ~~(2) The notice provided for in Subsection C(1) above shall be by ordinary, first class mail and, in the case of a property owner having an out-of-Town address, the Zoning Officer shall add three days to the notice's five day period before enforcing the within provisions.~~
 - ~~(3) In the case of a property owner who has once received the notice provided for in Subsection C(1) above, subsequent written notice need not be given by the Zoning Officer for subsequently reported violations of this section.~~

~~(4) Upon the expiration of the notice period provided for in Subsection C(2) and (3) above or upon notification of a subsequent violation, pursuant to Subsection C(3) above, if the property owner has failed to take remedial action and the violation continues, the Zoning Officer shall assign Town workers or contract with private individuals to correct the violation, and, upon the completion of such corrective work, he or she shall promptly bill the property owner at his or her address as shown on the tax rolls. Any charges remaining unpaid at the time Town tax notices are prepared are to be added as charges on such Town tax notices.~~

§ 300-40. Towers and antennas.

In addition to other applicable provisions of this Code, towers and antennas attached thereto that exceed 50 feet in height shall be subject to the following requirements:

- A. A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).
- B. The base of the tower shall be set back from the street right-of-way line and every lot boundary line a distance not less than the height of the tower.
- C. Lighting, if any, shall not exceed the Federal Aviation Administration (FAA) minimum. To the extent permitted by the FAA, strobe lights shall be prohibited. All lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a zoning permit, the applicant shall be required to submit documentation from the FAA that lighting is the minimum required.
- D. Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation of adjoining or nearby properties of radios, televisions, telephones or similar equipment.
- E. Commercial messages may not be displayed on any tower.
- F. The output from the tower may not exceed federally approved levels for exposure for electromagnetic fields (EMF). The applicant shall be required to submit documentation with the application verifying compliance with the standard.
- G. For towers up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least two additional telecommunications users. If the tower exceeds 180 feet in height, it shall be engineered and constructed to accommodate at least three additional telecommunications users.
- H. The base of the tower and each guy anchor, if any, shall be surrounded by a fence or wall at least eight feet in height and constructed of a material that cannot easily be climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building or structure at least eight feet in height.
- I. The base of the tower, and any guy wires, and any associated structures, walls or fences shall be screened from adjacent residential properties and public rights-of-way.
- J. Outdoor storage shall be prohibited at tower sites.
- K. In addition to other information that must be submitted with the application, the tower application must include:
 - (1) Identification of the intended user(s) of the tower.
 - (2) Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate at least the number of users required by Subsection G.
 - (3) Documentation that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, buildings or structures.

- (4) A statement indicating the tower owner's intent to allowed shared use of the tower and how other users can be accommodated.
- (5) Evidence of compliance with all other CFR requirements (Telecommunications Act).
- L. If the tower ceases to be used for a period of six months, then the tower shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.
- M. In any residential zone, no building located on the same lot and owned or used by the applicant or any co-users of the tower shall be used as an employment center for any worker. This subsection does not prohibit periodic maintenance or monitoring of instruments and equipment.
- N. The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lightning.
- O. The proposed addition of another user's antenna to a preexisting tower or any substantial change in the previously approved tower shall constitute modification of any existing permit and shall require approval from the appropriate board.
- P. In addition to the considerations for special use permits found in § 300-46, the Zoning Board of Appeals, in determining whether a tower is in harmony with the area and in determining the impact of the proposed tower on the value of adjoining or abutting properties, may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

§ 300-41. Dish antennas.

- A. Findings and purpose. The Town Board has become concerned about the appearance and impact of dish antennas. The Board finds that, unless regulated, dish antennas can be installed in an aesthetically unpleasant manner with an adverse impact on surrounding property values and the enjoyment and use of surrounding properties. The intent and purpose of this section is to establish a procedure and criteria to avoid the adverse impacts of the installation of dish antennas and to preserve the character, beauty and general welfare of the municipality.
- B. Applicability. Dish antennas shall be accessory uses according to this chapter, with a maximum number of one per lot.
- C. Applications and permits. Application for a permit shall be made to the Zoning Officer. Plans and sketches shall be submitted by the owner only. Said plan shall show the location of all physical improvements on the subject premises and the proposed location of the dish antenna. Proposed new landscaping shall be depicted. The applicant shall present documentation of the possession of any required license by any federal, state or local agency. The Zoning Officer shall be empowered to issue a permit for any dish antenna meeting the criteria established in Subsection D of this section. Any applicant denied a permit shall be afforded an opportunity to be heard on appeal before the Zoning Board of Appeals in accordance with § 300-118 of this chapter.
- D. Factors to be considered. The Zoning Officer, in considering an application, shall find that the proposed dish antennas will have a harmonious relationship with surrounding property uses and shall be located so as not to diminish the value or use of surrounding properties. The Zoning Officer shall consider, among other things, the following criteria:
 - (1) The dish antennas shall be located on the ground whenever and wherever feasible and must be screened from the roadway and adjoining property owners with foliage of such height and

density as to reasonably screen said satellite antenna from the road and adjoining property owners during the entire year.

- (2) The dish antenna shall not be located on any trailer or portable device.
- (3) The dish antenna shall be located in rear yards only and shall be an accessory structure requiring compliance with all minimum yard requirements according to this chapter. When a backyard is not accessible or does not meet building specifications and a side yard meets the requirements of this chapter, a dish antenna may be located in the side yard. If said side yard borders on a street, a screen of foliage shall be provided so as to reasonably shield said satellite antenna from the street and adjoining properties during the entire year.
- (4) All side and rear lot line measurements shall be made from the dish edge or the base, whichever is nearest the lot line.
- (5) Dishes shall be grounded against a strike of lightning and shall not be illuminated or carry any form of advertising, lettering or renderings.
- (6) Dishes shall not exceed 7 1/2 feet in diameter.

E. Roof- and wall-mounted dishes.

- (1) No dish antenna larger than 36 inches' diameter may be mounted on a roof or a wall without a certification from a New York State licensed engineer that the antenna mounts and the roof or wall structure, as required in the New York State Uniform Fire Prevention and Building Code, will be able to withstand wind loads and snow loads and such other stresses as may be reasonably anticipated.
- (2) Dish antennas of 36 inches or less may be mounted on walls, with the exception of front walls on residential buildings. They must be painted a color which blends with the area in which mounted and must be mounted a minimum of 10 feet above ground level if overhanging a driveway or walkway.
- (3) Roof-mounted dish antennas may protrude above the maximum allowable building height, and wall-mounted dish antennas of 36 inches or less may protrude into required yards.

F. Penalties for offenses. Where a violation of this section is determined to exist, the Zoning Officer shall serve, by registered mail or personally, on the owner, agent or contractor of the subject premises or on the lessee or tenant of the subject premises a notice of violation requiring the removal of the violation within 24 hours after service of the notice. If the person or persons notified shall fail to remove the violations within the allotted time period, the Zoning Officer shall proceed pursuant to § 300-110 of this chapter. The municipality may take any appropriate action or proceeding in addition to the aforesaid remedy, including proceeding by any available remedy. Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 300-109.

§ 300-42. Fences.

- A. Lake shore. No fence of any type may exceed 42 inches in height if located within 100 feet of any navigable waterway.
- B. Trees and shrubs. In all districts, trees and shrubs and other plantings are permitted in any portion of the lot.
- C. Farms. A fence of up to four feet in height may be placed around farmland. Barbed wire and electric wire may be used for the purpose of animal control.
- D. Residential property.

- (1) Any fence of any description, as long as it meets the requirements of the New York State Uniform Fire Prevention and Building Code, may be constructed within the boundaries set by the building lines of the principal structure up to and including the property line.
 - (2) A front-yard fence may be erected not to exceed four feet in height and with a maximum closed-to-open ratio of 1:1.
 - (3) A security fence or privacy fence may be erected not to exceed six feet in height. The fence may be erected only within the rear or side yards or on the property lines thereof.
 - (4) All swimming pools must be enclosed as required by § 300-43 of this chapter.
 - (5) The finished side of the fence shall face the neighbors.
 - (6) In residential zones, in no case shall the construction of a barrier more than four feet in height be permitted between the established line of setback for homes and the property line. Fences are not permitted to be constructed between the sidewalk and curb or within rights-of-way of any street.
 - (7) The location of electronic fences shall not threaten or impede persons traveling the sidewalk right-of-way, including access to the entrance door, mailbox, etc. Signs shall clearly indicate the perimeter of invisible fences every 15 feet.
- E. Schools, playgrounds and parks. A security fence not to exceed 10 feet in height may be erected.
- F. Business offices; professional, commercial or service businesses. A fence not to exceed eight feet in height may be erected on property lines except if located within a residential district, where the rules for residential properties shall apply.
- G. Industrial properties. A fence may be erected on property lines, provided that it does not exceed 10 feet in height. Barbed wire may be used at the top of a ten-foot fence.
- H. Design standards.
- (1) Any fence which is an integral part of the historical or architectural nature of any designated historical or architecturally significant property may be maintained or restored to its original design even if that design does not meet the requirements of this chapter.
 - (2) All fences shall be constructed and maintained to withstand a wind load of no less than 15 pounds per square foot.
 - (3) All materials shall be treated against infestation and corrosion.
 - (4) No fence shall be constructed with barbed wire, electrified wire, razor ribbon, broken glass or other similar high-risk injury-causing material on any surface, except as noted above.
 - (5) All fences shall be maintained by the property owner so as to meet the original design specifications.
- I. Height near street intersections. On a corner lot in any residential district, no fence, wall, hedge or other structure or planting more than 30 inches in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining such street line at points which are 30 feet distant from the point of intersection, measured along such street line.
- J. Permit required.
- (1) No fence, wall or any other structure intended as a fence, barrier or wall, including electronic animal control and dense vegetation, shall be installed or maintained in the Town without obtaining a zoning permit and conforming to the provisions of this chapter.
 - (2) It shall be the duty of the Zoning Officer to determine, in his or her discretion, whether or not such fence of the particular type and size desired can be properly constructed in that location

without being detrimental to the public interest. In making such determination, he or she shall consider the following:

- (a) The proper safeguarding of road visibility.
- (b) The safety of pedestrians.
- (c) Whether such a structure will damage property values or the essential character of the neighborhood. In this regard, no barbed wire fences shall be permitted in residential zones. If a picket fence is built, the pickets must be placed on the outside, facing away from the property on which the fence is built; and in other cases where one side of the fence or barrier is considered relatively unattractive, the more decorative side shall face away from the property on which the fence or barrier is built.
- (d) The effect such a barrier may have on the removal of snow and leaves from public passageways.

K. Appeals. If relief from this section is sought, the applicant may appeal to the Board of Appeals. If the Zoning Officer prefers, he or she may refer an application to the Board of Appeals, rather than making the decision himself or herself. In such case, he or she must notify the applicant that he or she has done so. If the Board of Appeals considers that the grounds upon which an application was refused are not sufficient, it may grant the application. Any such appeal must be in writing and the applicant must show cause why the decision should be reversed.

§ 300-43. Swimming pools.

A. Intent. The intent of this section is to establish regulations for the construction, use and maintenance of swimming pools within the Town of Seneca Falls.

B. Zoning permit required.

- (1) No person shall construct a swimming pool within the Town of Seneca Falls until he or she has obtained a zoning permit for the erection thereof in accordance with and pursuant to this chapter, and such swimming pools shall be permitted only in the rear yard of residential lots and shall comply with all the applicable accessory building and use regulations as contained in this chapter.
- (2) A separate zoning permit, unless included in the swimming pool permit, shall be required for any pump house, filter house or any other structure erected in conjunction with said swimming pool.

C. Regulations. No zoning permit for the construction of a swimming pool within the Town of Seneca Falls shall be issued except upon compliance with the following regulations:

- (1) Fences. Every swimming pool shall be enclosed by a fence conforming to the requirements of the New York State Uniform Fire Prevention and Building Code.
- (2) Artificial lighting shall not be directed at neighboring property.
- (3) No swimming pool water shall be discharged into any public sanitary sewer or over, into or upon a public street or highway or over, into or upon the land of another.
- (4) The water of such pool shall be maintained at all times in a sanitary condition.
- (5) There shall be no physical connection between a potable public or private water supply and the contents of a swimming pool which would permit the contents of said pool to be discharged or siphoned into said potable water supply.

D. Variances. The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of this section pursuant to and in accordance with Article XI of this chapter.

E. Certificate of zoning compliance required.

- (1) No swimming pool constructed after the effective date of this chapter shall be used or maintained within the Town of Seneca Falls unless a certificate of zoning compliance shall have been issued by the County Zoning Officer, stating that the swimming pool complies with the provisions of this section.
- (2) No existing swimming pool within the Town of Seneca Falls, New York, shall be used or maintained unless, within 180 days following the effective date of this chapter, a certificate of zoning compliance shall have been issued by the County Zoning Officer, stating that the swimming pool complies with the provisions of this section.

F. Complaints. Whenever a violation of this section occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaints and immediately investigate and report thereon to the governing body.

G. Abatement of violations. In case any swimming pool is constructed, used or maintained in violation of this section, the governing body or, with its approval, the Zoning Officer, in addition to any other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, use or maintenance or to restrain, correct or abate such violation.

§ 300-44. Dumpsters.

All trash dumpsters must be kept in an enclosed, screened area.

§ 300-44.1. Short-term rentals.

[Added 11-1-2022 by L.L. No. 5-2022]

- A. Definitions. For purposes of this § 300-44.1, the following words and phrases shall have the definitions and meanings set forth below. If any words or phrases are defined elsewhere in this Code, the definitions set forth in this § 300-44.1A shall control for purposes of short-term rentals.

APPLICATION

The application for a short-term rental permit.

COMPLETE APPLICATION

An application that has satisfied all of the submittal requirements set forth in this short-term rental ordinance and otherwise complies with all of the criteria required for the issuance of a short-term rental permit.

OWNER

The record titled owner of the residence for which a short-term rental permit is sought or has been issued. The owner may be a person or any form of business entity recognized by the State of New York. If the owner is a form of business entity, the business entity shall maintain current registration with New York State.

PROPERTY MANAGEMENT COMPANY

The owner's agent, including but not limited to rental platform, for renting the property, if any.

PROPERTY or SHORT-TERM RENTAL PROPERTY

All such residences or dwelling units used for short-term rental purposes.

SHORT-TERM RENTAL

Occupancy of a single-family residential premises for a term of no more than 30 days, on two or more occasions during any six-month period. Occupancy shall not exceed two persons for

each bedroom, plus two additional occupants. On-site parking as otherwise required by the Town of Seneca Falls Zoning Law shall be required. All laws and ordinances related to the maintenance of single-family homes shall be complied with including, but not limited to, providing wastewater treatment facilities, fire protection systems, compliance with building maintenance rules and compliance with noise ordinances. Any violation shall be enforced by the Code Enforcement Officer, or other person authorized by law to enforce these laws and ordinances. In the event of three or more violations during any six-month period, any fines provided for in this Zoning Law shall be doubled. Property owners renting their single-family homes on short-term rental basis are responsible to collect any bed or occupancy taxes which may be imposed by state or local municipalities. Short-term rentals are permitted in any district where residential uses are permitted.

SLEEPING AREA

Any room that has a bed, bunk beds, daybed, or other furniture for sleeping, including, and without limitation, a pull-out couch or futon or any area advertised for sleeping. To be a valid sleeping area the sleeping area shall have appropriate requirements as defined by NYS Building Code.

TEMPORARY ACCESS EASEMENT

An easement granted to the owner to cross over the property of another when such access is necessary to provide entry to the property being rented.

TOWN

Town of Seneca Falls, New York.

USE WITH CRITERIA

The land use approval process contained in the Town's Municipal Code; provided, however, if there are any conflicts, contradictions, or differences between the process and requirements set out in the Municipal Code and the process and requirements set out in this short-term rental ordinance, the terms and conditions in the short-term rental ordinance shall control.

- B. Permit. To operate as a short-term rental, the property owner or owner's agent shall file a short-term rental application with the Town of Seneca Falls and be granted a permit to operate a short-term rental.
- C. Requirements for application. Short-term rentals may be allowed in all zones unless otherwise restricted. The following information and documentation shall accompany the application and be provided to the Town of Seneca Falls:
 - (1) Completed application.
 - (2) Street address for each unit.
 - (3) The name, address, and contact information including a twenty-four-hour contact phone number for the person at the property management company managing the property; or, if there is no property management company, the name, address and contact information, including a twenty-four-hour contact phone number for a person who may be the owner or owner's agent, and who may be contacted in the event of an emergency.
 - (4) A signed acknowledgement on the application, that the owner, property management company, and/or owner's agent, if any, have read all of the Town's regulations pertaining to the operation of a short-term rental. The owner shall sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations. If there is a property management company or other agent of the owner managing the short-term rental, the agent or an authorized officer of the property management company, or both, shall also sign the application certifying the accuracy of the information submitted and agreeing to comply with all regulations.
- D. Effective date of permit. The permit shall be issued by the Zoning Inspector or Code Enforcement Officer upon receipt of a completed application as defined in § 300-44.1C, Requirements for

application.

- E. Fees. The application fee and annual renewal fee shall be set by resolution of the Town Board. The fee associated with new applications will be prorated by month based on the current fee set by the Town Board.
- F. Term of permit. The permit shall be valid for up to one year and may be renewed annually by January 1 of each year. The permit may be renewed upon the payment of the annual renewal fee unless there is a substantial change to the information contained in the application.
 - (1) If the permit is not renewed by January 1, it is considered to be suspended until such time the renewal process is complete.
 - (2) The owner shall amend the application at any time there is a change in circumstances that would require an update to the information submitted by the owner or property manager.
- G. Operating a short-term rental without a permit. Any person violating the provisions of this chapter by conducting short-term rental(s) without a valid permit shall be in violation of Town Code Chapter 300, Zoning.
- H. Discovery of an immediate health hazard. Upon the discovery of an immediate health hazard to renters, the Code Enforcement Officer can suspend the short-term rental permit until the hazard is remedied.